



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

January 20, 2022

Lee D. Hoffman, Esq.
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103-3702
lhoffman@pullcom.com

Mr. Tim Garcia
NextEra Energy DG Business Management
700 Universe Boulevard
Juno Beach, FL 33408
DL-DG-NEER-BUS-MGT@nexteraenergy.com

RE: **DOCKET NO. 497**– Burlington Solar One, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a 3.5-megawatt AC solar photovoltaic electric generating facility located at Lot 33, Prospect Street, Burlington, Connecticut and associated electrical interconnection.

DOCKET NO. 497– DG Connecticut Solar III, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a 3.5-megawatt AC solar photovoltaic electric generating facility located at Lot 33, Prospect Street, Burlington, Connecticut and associated electrical interconnection.

Dear Attorney Hoffman and Mr. Garcia:

On January 22, 2021, the Connecticut Siting Council (Council) received an application from Burlington Solar One, LLC (BSO) for a Certificate of Environmental Compatibility and Public Need (Certificate) to construct, maintain and operate a solar electric generating facility in the Town of Burlington (Town). In accordance with Connecticut General Statutes (CGS) §16-50bb (Fund Statute), the applicant, BSO, submitted a Municipal Participation Fund (Fund) payment of \$25,000 on January 28, 2021.

Also on January 28, 2021, in compliance with the statute, the Council issued correspondence to the Office of the State Treasurer (OST) indicating receipt and deposit of the Fund from BSO into the appropriate OST account.

The Council issued a Certificate to BSO for this solar facility on July 16, 2021. The Town did not become a party or intervenor to the proceeding. Therefore, on July 16, 2021, the Council issued correspondence to OST indicating the Fund for this proceeding was to be returned to William Herchel of BSO (Herchel), upon

expiration of the 60-day post-decision period specified in the Fund Statute. The 60-day post-decision period expired on September 14, 2021.

On September 8, 2021, pursuant to Condition No. 12 of the Certificate and prior to the expiration of the 60-day post-decision period specified in the Fund Statute, the Council received correspondence from Attorney Lee Hoffman (Hoffman) on behalf of BSO notifying the Council that ownership of BSO was transferred to DG Connecticut Solar III, LLC (DGIII) on or about August 13, 2021. The correspondence clearly indicated BSO remains the owner of the facility, the BSO principals should remain on the service list for the facility and the individual responsible for management and operation of the facility is Mr. Tim Garcia of NextEra Energy DG Business Management, who should be added to the service list for the facility.¹ The Council acknowledged the transfer of ownership on September 10, 2021.

On December 22, 2021, OST received correspondence from Herchel seeking return of the Fund. On the same date, OST contacted the Council to confirm the final decision in Docket No. 497 was rendered. On January 6, 2022, OST forwarded correspondence from Steven Gianotti (Gianotti) regarding completion of the required forms to authorize the refund. Gianotti indicated BSO ownership was transferred to another party and inquired as to which company should be identified in the authorization forms. On the same date, OST contacted the Council respectfully seeking written authorization to release the Fund to the other company.

On January 7, 2022, the Council provided OST with a copy of Hoffman's September 8, 2021 correspondence notifying the Council that ownership of BSO was transferred to DGIII. OST noted the last sentence of the Hoffman correspondence states "Southington Solar One" was the facility that was transferred and sought clarification as to who should receive the refund.

On January 10, 2022, pursuant to Condition No. 12 of the Certificate, the Council received unsigned correspondence from Stephe Maragh of DGIII notifying the Council that ownership of BSO was transferred to DGIII on or about December 3, 2021. The correspondence indicates the individual responsible for management and operation of the facility is Mr. Tim Garcia of NextEra Energy DG Business Management. The Council has not acknowledged this transfer of ownership correspondence to date.

At this time, it is unclear to the Council as to who at what company is requesting the refund and who at what company is authorized to make the request. It is also unclear what company actually owns the facility. Furthermore, BSO submitted the Development and Management Plan (D&M Plan) for this facility on July 21, 2021 and the Council approved the D&M Plan with conditions on September 24, 2021.

The D&M Plan indicated the intent to commence construction on September 27, 2021. However, conditions of the Council's September 24, 2021 D&M Plan approval require compliance prior to the commencement of construction. Those conditions remain outstanding to date.

Please submit written correspondence to the Council by close of business on January 27, 2022 that acknowledges and addresses all of the above-referenced concerns, as well as provides written confirmation of facility ownership and the status of compliance with the outstanding conditions in the Council's September 24, 2021 D&M Plan approval.

¹ https://portal.ct.gov/-/media/CSC/1_Dockets-medialibrary/DO497/ApplicantSubmissions/DO497-20210908-Burlington-Solar-One-Transfer-Notice.pdf

Thank you for your attention to this very important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Melanie A. Bachman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Melanie A. Bachman
Executive Director

cc: Linda McAllister, Cash Management, Office of the State Treasurer (Linda.McAllister@ct.gov)
Robert Scalise, Assistant Treasurer, Office of the State Treasurer (Robert.Scalise@ct.gov)
Service List, dated September 10, 2021
Council Members