



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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Web Site: portal.ct.gov/csc

VIA ELECTRONIC MAIL

January 26, 2022

Bruce L. McDermott, Esq.
Murtha Cullina LLP
265 Church Street
New Haven, CT 06510
bmcdermott@murthalaw.com

RE: **PETITION NO. 1372** – Derby Fuel Cell, LLC declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 14.0-megawatt fuel cell facility, associated equipment and related site improvements to be located at 200 Roosevelt Drive, Derby, Connecticut.

Dear Attorney McDermott:

The Connecticut Siting Council (Council) is in receipt of the request for an extension of construction time for this declaratory ruling, dated January 26, 2022. Pursuant to Condition No. 8 of the Council's decision letter dated July 19, 2019, I have considered your request for an extension of construction time for this project and grant an extension of time until July 19, 2024, to complete the construction of this project.

This extension is granted with the understanding that the Council will be notified should Derby Fuel Cell, LLC decide not to proceed with construction.

Sincerely,

A handwritten signature in black ink, appearing to read "Melanie A. Bachman".

Melanie A. Bachman
Executive Director

c: The Honorable Richard Dziekan, Mayor, City of Derby (rdziekan@derbyct.gov)

MAB/MP/laf

BRUCE L. MCDERMOTT
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January 26, 2022

VIA ELECTRONIC MAIL

Ms. Melanie Bachman
Executive Director/Staff Attorney
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: Petition No. 1372 – Derby Fuel Cell, LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 14.0-megawatt fuel cell facility, associated equipment and related site improvements to be located at 200 Roosevelt Drive, Derby, Connecticut

Dear Ms. Bachman:

As you are aware, on July 18, 2019, the Connecticut Siting Council (the “Council”) considered and ruled that Derby Fuel Cell’s proposal meets air and water quality standards and would not have a substantial adverse environmental effect and accordingly no Certificate of Environmental Compatibility and Public Need is required. In so ruling, the Council imposed a condition that the Council’s approval will be void if the facility is not constructed within three years of the date of the Council’s decision but that a request to extend the time period to construct the facility may be filed not later than 60 days prior to the expiration date of the decision. See Conditions 8 and 9.


By this letter, Derby Fuel Cell notifies the Council that while construction of the project is approximately fifty percent (50%) complete, discussions with The United Illuminating Company (“UI”) concerning the design of the interconnection of the project to the UI distribution system are on-going. As a result of the interconnection design discussions, as well as various force majeure events, the Company will not be able to complete construction (including delivery of the fuel cell modules) in accordance with Condition 8 of the Council’s approval. As such, Derby Fuel Cell respectfully requests a two year extension until July 19, 2024 in order to complete construction of the project.

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Ms. Melanie Bachman
January 26, 2022
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Please feel free to contact me with any questions concerning this submittal at (203) 772-7787.

Very truly yours,



Bruce L. McDermott

cc: The Honorable Richard Dziekan, Mayor, City of Derby
Joseph Ballaro, Building Official, City of Derby