



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

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February 19, 2020

Justin Adams  
Bloom Energy Corporation  
4353 North First Street  
San Jose, CA 95134

Re: **PETITION NO. 1391** - Bloom Energy Corporation Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a customer-side 550-kilowatt fuel cell facility and associated equipment to be located at the Altice USA (formerly Cablevision) building, 28 Cross Street, Norwalk, Connecticut.

Dear Mr. Adams:

I am following up on our conversation earlier this morning with regard to the above-referenced declaratory ruling for the construction, maintenance and operation of a 550-kilowatt fuel cell facility and associated equipment to be located at 28 Cross Street in Norwalk that was issued by the Connecticut Siting Council (Council) on January 16, 2020. During our conversation, you referenced that the City of Norwalk is requiring Bloom Energy to comply with City zoning, including, but not limited to, variances and modifications to the approved site plan. **This is not legally required.**

Pursuant to its authority under the Uniform Administrative Procedure Act and the Public Utility Environmental Standards Act, the Council issued a Declaratory Ruling to Bloom Energy for the construction, maintenance and operation of this 550-kilowatt fuel cell facility on January 16, 2020. **This facility is under the exclusive jurisdiction of the Council.**

Please be advised that the Council has exclusive jurisdiction over the construction, maintenance, operation and modification of electric generating facilities throughout the state of Connecticut. Under Connecticut General Statutes (CGS) §16-50i (a)(3), the Council has jurisdiction over “*any electric generating facility... using any fuel..., including associated equipment for furnishing electricity...*” (Emphasis added). The above-referenced 550-kilowatt fuel cell is an electric generating facility over which the Council has exclusive jurisdiction and for which the Council is required by statute to approve by declaratory ruling.

Additionally, CGS §16-50x(a) states in pertinent part: “Notwithstanding any other provision of the general statutes to the contrary, ... *the council shall have exclusive jurisdiction over the location and type of facilities* and over the location and type of modifications of facilities subject to the provisions of subsection (d) of this section... *Whenever the council certifies a facility pursuant to this chapter, such certification shall satisfy and be in lieu of all certifications, approvals and other requirements of state and municipal agencies...*” (Emphasis added).

The above-referenced petition for a declaratory ruling was properly submitted to the Council on December 13, 2019 indicating that on or about December 13, 2019, written notice of the petition for a declaratory ruling was provided to the chief elected official of the City of Norwalk. This is compliant with the notice requirements for a petition for a declaratory ruling under Regulations of Connecticut State



Agencies §16-50j-40. On December 16, 2019, the Council sent correspondence to the Mayor and City of Norwalk representatives notifying them that the petition for a declaratory ruling had been filed with the Council and requesting any comments on the petition for a declaratory ruling to be filed by January 12, 2020. A copy of the Council's December 16, 2019 correspondence is attached for your convenience. The Council did not receive any comments or concerns about the proposed fuel cell facility from the City of Norwalk.

According to the statutory and regulatory authority cited above, the Council has exclusive jurisdiction over the fuel cell facility and the Council's review and approval of a jurisdictional facility, such as the subject fuel cell facility, "shall satisfy and be in lieu of all certifications, approvals and other requirements of state and municipal agencies."

If you have any further concerns or questions, please feel free to contact me at 860-827-2951.

Thank you.

Sincerely,



Melanie A. Bachman  
Executive Director

Enc. December 16, 2019 correspondence to the City of Norwalk

cc: Aline Rochefort, Zoning Inspector, City of Norwalk  
Bryan Baker, Land Use Planner, City of Norwalk  
Steven Kleppin, Director of Planning & Zoning, City of Norwalk  
Mario F. Coppola, Esq., Corporation Counsel, City of Norwalk