



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: [siting.council@ct.gov](mailto:siting.council@ct.gov)

[www.ct.gov/csc](http://www.ct.gov/csc)

### VIA ELECTRONIC MAIL

March 10, 2020

Steve Pearson  
Green Energy Financing Executive  
VFS, LLC  
5827 Terex  
Clarkston, MI 48346

RE: **PETITION NO. 1394** – VFS, 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 460-kilowatt customer-side fuel cell facility and associated equipment to be located at the Town of Montville Water Pollution Control Facility, 83 Pink Row, Montville (Uncasville), Connecticut.

Dear Mr. Pearson:

The Connecticut Siting Council (Council) is in receipt of VFS, LLC's responses to the Council's interrogatories on the above-referenced matter, received March 6, 2020. The response to interrogatory 6c states that VFS, LLC has already begun construction of the proposed fuel cell facility under a Town-issued permit.

Please be advised that pursuant to Connecticut General Statutes (CGS) §16-50x, the Council has exclusive jurisdiction over energy facilities in the State of Connecticut, including fuel cell facilities, and **pursuant to CGS §16-50k, "no person shall...commence preparation of the site for... or commence the construction... of any facility..." until the Council approves a petition for a declaratory ruling.** In commencing construction in advance of the Council's approval of this petition for a declaratory ruling, VFS, LLC is in direct violation of the Connecticut General Statutes.

Further information related to the Council's exclusive jurisdiction and the proper submission of jurisdictional requests, including a Petition for a Declaratory Ruling Filing Guide, is readily available on the Council's website at the following link:  
[https://www.ct.gov/csc/lib/csc/guides/2019\\_guides/renewable\\_energy\\_facility\\_petition\\_guide\\_082619.pdf](https://www.ct.gov/csc/lib/csc/guides/2019_guides/renewable_energy_facility_petition_guide_082619.pdf)

Additionally, information pertaining to the Council's exclusive jurisdiction over fuel cell facilities was previously provided to you via e-mail on August 14, 2019 in the matter of Petition No. 996 – UTC Power Corporation petition for a declaratory ruling that no Certificate of Environmental Compatibility and public Need is required for the installation of a 400-kilowatt fuel cell located on High Street, Hartford Connecticut, a copy of which is attached for your convenience.

**The Council hereby requests that all fuel cell-related construction at this site cease immediately** until the Council renders a final decision on this petition for a declaratory ruling consistent with the Connecticut General Statutes. VFS, LLC shall submit written correspondence to the Council, with a copy to the Town of Montville, **on or before March 13, 2020**, affirmatively stating that all construction at this

site has ceased and erosion and sedimentation controls around the work area have been properly established. Failure to cease construction activities at this site and failure to submit the requested written correspondence will result in the Council rendering a final decision in this matter to deny the petition for a declaratory ruling.

Thank you for your anticipated cooperation.

Sincerely,



Melanie A. Bachman, Esq.  
Executive Director

cc: The Honorable Ronald K. McDaniel, Mayor, Town of Montville  
Vernon D. Vesey II, Building Official, Town of Montville  
Marcia A. Vlaun, Town Planner, Town of Montville  
Council Members

Enc. August 15, 2019 correspondence regarding Petition 996

## Walsh, Christina

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**From:** Steve Pearson <spearson@vfsmi.com>  
**Sent:** Thursday, August 15, 2019 10:07 AM  
**To:** Bachman, Melanie; CSC-DL Siting Council  
**Cc:** Patrick Callahan; Gerry Conboy  
**Subject:** RE: Fuel Cell parts mechanical replacement at City of Hartford Public Safety Building

Hi Melanie, and thanks once again. The City of Hartford is the underlying property owner. VFS does have a have the signed "Term Sheet" from Frank Dellaripa, City of Hartford Engineer.

Since we are partnering with Doosan Fuel Cell on the mechanical replacement of CSA's, I will ask that they request to amend Petition Number 996. Thanks for all of the help, Steve

### Steve Pearson

Green Energy Financing Executive

VFS LLC

Mobile: [248-417-0674](tel:248-417-0674)

[spearson@VFSMI.com](mailto:spearson@VFSMI.com)

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**From:** Bachman, Melanie <Melanie.Bachman@ct.gov>  
**Sent:** Wednesday, August 14, 2019 2:55 PM  
**To:** Steve Pearson <spearson@vfsmi.com>; CSC-DL Siting Council <Siting.Council@ct.gov>  
**Subject:** RE: Fuel Cell parts mechanical replacement at City of Hartford Public Safety Building

Good afternoon, Steve.

The request to amend Petition No. 996 would be a formal process.

Here is a link to our petition for a declaratory ruling filing guide for a renewable energy facility that includes, but is not limited to fuel cells:

[https://www.ct.gov/csc/lib/csc/guides/2018\\_guides/20180809renewableenergyfacilitypetitionguide051118.pdf](https://www.ct.gov/csc/lib/csc/guides/2018_guides/20180809renewableenergyfacilitypetitionguide051118.pdf)

Pages 3-4 discuss the contents of a petition for a declaratory ruling, as applicable. However, since this is a request to amend a declaratory ruling, there is no \$625 filing fee (any expenses would be directly invoiced) and most of the information required in the filing guide has likely been submitted with the original Petition No. 996. Attached is a copy of the original Petition No. 996 for your reference.

Please be advised that proof of notice of the requested amendment to the City of Hartford (who is also the underlying property owner, right?) is required.

I could not find a request for amendment directly on point (ex. Change to generating capacity), but here is a link to a request for an amendment related to additional equipment for an approved fuel cell facility:

[https://www.ct.gov/csc/lib/csc/pending\\_petitions/1\\_petitions\\_1144through1200/pe1146\\_20150731\\_amendmentsubmission.pdf](https://www.ct.gov/csc/lib/csc/pending_petitions/1_petitions_1144through1200/pe1146_20150731_amendmentsubmission.pdf)

Here is the link to the Siting Council decision on that request for an amendment:

[https://www.ct.gov/csc/lib/csc/pending\\_petitions/1\\_petitions\\_1144through1200/pe1146-dcltr-energy-revision-newhartford.pdf](https://www.ct.gov/csc/lib/csc/pending_petitions/1_petitions_1144through1200/pe1146-dcltr-energy-revision-newhartford.pdf)

I hope this is helpful. Should you have further questions, please feel free to contact our office. Thanks.

Melanie

Melanie A. Bachman, Esq.  
Executive Director/Staff Attorney  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051  
860-827-2951



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**From:** Steve Pearson <[spearson@vfsmi.com](mailto:spearson@vfsmi.com)>  
**Sent:** Wednesday, August 14, 2019 1:53 PM  
**To:** Bachman, Melanie <[Melanie.Bachman@ct.gov](mailto:Melanie.Bachman@ct.gov)>; CSC-DL Siting Council <[Siting.Council@ct.gov](mailto:Siting.Council@ct.gov)>  
**Subject:** RE: Fuel Cell parts mechanical replacement at City of Hartford Public Safety Building

Hi Melanie, thanks, and this is my first time through the process. Is the request to amend Petition No. 996 a formal or automated process – or do I simply send a document to you for the request with all of my pertinent mechanical replacement information for this good customer? Please let me know. Thanks a lot, Steve

**Steve Pearson**  
Green Energy Financing Executive  
VFS LLC  
Mobile: [248-417-0674](tel:248-417-0674)  
[spearson@VFSMI.com](mailto:spearson@VFSMI.com)

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**From:** Steve Pearson  
**Sent:** Wednesday, August 14, 2019 12:25 PM  
**To:** Bachman, Melanie <[Melanie.Bachman@ct.gov](mailto:Melanie.Bachman@ct.gov)>; CSC-DL Siting Council <[Siting.Council@ct.gov](mailto:Siting.Council@ct.gov)>  
**Subject:** Re: Fuel Cell parts mechanical replacement at City of Hartford Public Safety Building

Thank you for the great reply, Steve

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**From:** Bachman, Melanie <[Melanie.Bachman@ct.gov](mailto:Melanie.Bachman@ct.gov)>  
**Sent:** Wednesday, August 14, 2019 11:59:38 AM  
**To:** Steve Pearson <[spearson@vfsmi.com](mailto:spearson@vfsmi.com)>; CSC-DL Siting Council <[Siting.Council@ct.gov](mailto:Siting.Council@ct.gov)>  
**Subject:** RE: Fuel Cell parts mechanical replacement at City of Hartford Public Safety Building

Good morning, Steve.

Thanks for your e-mail. This fuel cell is the subject of Petition No. 996. A copy of the Siting Council decision and staff report is attached for your convenience.

Since the generating capacity of the approved fuel cell will increase from 400-kW to 440-kW, a request to amend Petition No. 996 should be submitted to us. This does not require a public hearing, although it may require responses to interrogatories issued by our assigned staff analyst for the project.

Should you have further questions, please feel free to contact our office.

Thanks. Have a great day.

Melanie

Melanie A. Bachman, Esq.  
Executive Director/Staff Attorney  
Connecticut Siting Council  
10 Franklin Square  
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860-827-2951



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**From:** Steve Pearson <[spearson@vfsmi.com](mailto:spearson@vfsmi.com)>  
**Sent:** Wednesday, August 14, 2019 11:38 AM  
**To:** CSC-DL Siting Council <[Siting.Council@ct.gov](mailto:Siting.Council@ct.gov)>  
**Subject:** Fuel Cell parts mechanical replacement at City of Hartford Public Safety Building

Dear CT Siting Council,

VFS owns and manages a 400 kW Doosan fuel cell at the City of Hartford Public Safety Building. Due to enhanced efficiency and greater reliability, VFS has reached agreement with the customer to replace the older installed cell stacks with new Doosan cell stacks (CSAs). The installed/remaining fuel cell system will not change at the building.

The new parts (CSAs) are primarily a maintenance mechanical replacement. In year one, the nameplate power rating on the existing fuel cell will increase from 400 kW to 440 kW. Does the CT Siting Council require public hearing for this CSA part replacement maintenance on the installed fuel cell? Please contact me. Thanks a lot, Steve

**Steve Pearson**  
Green Energy Financing Executive

VFS LLC

Mobile: [248-417-0674](tel:248-417-0674)

[spearson@VFSMI.com](mailto:spearson@VFSMI.com)