

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

PETITION NO. 1422 – CF Mulnite LLC Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 4.99-megawatt AC solar photovoltaic electric generating facility to be located at Mulnite Farms, Inc. off Barber Hill Road west of the intersection with Rockville Road, East Windsor, Connecticut and associated electrical interconnection. Petition No. 1422

PETITION NO. 1463 – CF Mulnite LLC declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 1.0-megawatt (MW) AC solar photovoltaic electric generating facility located at a Mulnite Farms, Inc. parcel off Wapping Road, and a 4.0 MW AC solar photovoltaic electric generating facility located at a Mulnite Farms, Inc. parcel off Miller Road, East Windsor, Connecticut, and associated electrical interconnection. Petition No. 1463

February 5, 2024

**MOTION OF CF MULNITE LLC TO REOPEN AND MODIFY THE DECISIONS IN
PETITION NO. 1422 AND PETITION NO. 1463 DUE TO CHANGED CONDITIONS**

I. Introduction

Pursuant to Conn. Gen. Stat. §4-181a(b), CF Mulnite LLC, a subsidiary of Greenskies Clean Energy, LLC (“Greenskies” or the “Petitioner”) respectfully moves the Connecticut Siting Council (the “Council”) to reopen Petition No. 1422 and Petition No. 1463 in order to modify, based on changed conditions and new facts its: (1) *Council Decision Package* dated April 26, 2021 for Petition No. 1422; and (2) *Council Decision and Staff Report* dated January 14, 2022 for Petition No. 1463 (the “Decisions”). The Decisions approved two solar photovoltaic (“PV”) electric generating facilities (the “Projects”) located at the Mulnite Farms, Inc. parcel off Miller Road and Barber Hill Road in East Windsor, Connecticut (the “Project Site”) and depicted on

Exhibit A, attached hereto. Based on changed conditions and new facts discussed in this Motion, and as further supported by the Affidavit of Jean-Paul La Marche, attached hereto as **Exhibit B**, Greenskies respectfully requests that the Council reopen the proceedings for Petition No. 1422 and Petition No. 1463 and modify the Decisions in accordance with the request herein.

II. Background

On July 20, 2020, Greenskies submitted a petition to the Council for a Declaratory Ruling pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance, and operation of a 4.99 megawatt alternating current (“MW AC”) solar photovoltaic electric generating facility located at Mulnite Farms, Inc. off Barber Hill Road west of the intersection with Rockville Road, East Windsor, Connecticut and shown on Exhibit A as parcel “B” (the “1422 Project”). On August 25, 2021, Greenskies, through a subsidiary, submitted another petition to the Council for a Declaratory Ruling pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance, and operation of a 1.0 MW AC solar photovoltaic electric generating facility located at a parcel off of Wapping Road and a 4.0 MW AC solar photovoltaic electric generating facility located at a parcel off of Miller Road, with both parcels located at Mulnite Farms in East Windsor, Connecticut. These parcels are shown on Exhibit A as parcels “A” and “C” (the “1463 Project”). As the Council is aware, the Decisions approved both Projects.

Subsequent to these approvals, Greenskies has caused the approved petitions site on the three parcels, A, B, and C shown on Exhibit A to be owned by the same entity, CF Mulnite LLC. In order to facilitate the construction of these Projects, Greenskies respectfully requests that the Council reopen these proceedings to allow for the 1422 Project to be constructed on contiguous parcels A and B and for the 1463 Project to be constructed on parcel C. No other changes are

requested, and both Projects will be constructed in full compliance with the Siting Council's decisions in these Petitions.

III. The Council has the Statutory Authority to Reopen and Modify its Decisions

Pursuant to Conn. Gen. Stat. §4-181a(b), the Council has the authority to reopen and modify its Decisions due to new facts and changed conditions that have occurred since the Council's approval of the Projects. Conn. Gen. Stat. §4-181a(b) provides, in relevant part that, "[o]n a showing of changed conditions, the agency may reverse or modify the final decision, at any time, at the request of any person or on the agency's own motion." Changed conditions exist when there is "new information or facts, identification of any unknown or unforeseen events or evidence...that were not available at the time of the final decision." *See*, Council Administrative Notice Item No. 34, *Town of Fairfield, et al v. Connecticut Siting Council*, 238 Conn. 361, 372 (1996). Consistent with its authority under §4-181a(b), the Council has reopened a number of electric generating facilities dockets and modified its final decisions based on changed conditions and new facts¹. As the discussion of changed conditions below demonstrates, Greenskies satisfies the applicable standards with respect to reopening these proceedings and modifying the Decisions.

¹ *See, e.g.*, Docket No. 187, *PDC-El Paso Milford LLC (a.k.a. Milford Power, LLC) Certificate of Environmental Compatibility and Public Need: Reopening pursuant to Connecticut General Statutes (CGS) §4-181a (b), that permits an agency to consider whether changed conditions exist, and then consider whether such changes, if any, justify reversing or modifying the Council's original decision dated January 8, 1999*, Council Opinion, April 7, 2009, p.2, where the Council reopened the docket to allow for the continued use of potable water because "at the time of certification, the record did not speak to sources of cooling water for contingency events."; Docket No. 265A, *Dominion Nuclear Connecticut, Inc. Application to Amend and Modify the Certificate of Environmental Compatibility and Public Need for the existing independent spent fuel storage installation at Millstone Power Station, Rope Ferry Road, Waterford, Connecticut pursuant to Connecticut General Statutes §4-181a(b) for the limited purpose of determining if changed conditions related to the existing independent spent fuel storage installation justify a modification of the Decision and Order*, Council Findings of Fact, May 2, 2013, p.5, where the Council found, *inter alia*, that changes in Dominion's planned plant operations and changes in its original Independent Spent Fuel Storage Installation pad design that would improve the spent fuel loading process, constituted changed conditions.

IV. Changed Conditions– The Project Sites Are Now Under Common Ownership

At the time the Council issued the Decisions approving the Projects, the parcels were owned by separate entities. The 1422 Project was approved first, and is depicted as parcel B. A different entity brought Petition 1463 before the Council, and the Council approved the 1463 Project across parcels A and C. The 1422 Project is currently situated in between those two parcels.

Now, however, the three parcels are under common ownership. Greenskies avers in the La Marche Affidavit that if construction on contiguous parcels A and B is conducted pursuant to one petition – Petition 1422, this will vastly improve the efficiency and expediency with which these Projects can be built. This will avoid any delays that would be incurred if the 1463 Project, as currently designed, is undergoing construction simultaneously with the 1422 Project but must conduct this construction with parcel B situated in between its parcels.

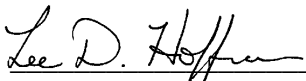
In addition, Greenskies is considering selling one or both of these projects. Should it choose to do so, having the two contiguous parcels considered as one project will be far more convenient for such transfer of project ownership than the current configuration of the two projects.

V. Conclusion

For the foregoing reasons, Greenskies respectfully requests that the Council reopen the Petition No. 1422 and Petition No. 1463 proceedings and modify the Decisions to reflect that the

1422 Project shall be constructed on contiguous parcels A and B and the 1463 Project shall be constructed on parcel C.

Respectfully Submitted,
CF MULNITE LLC

By: 

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Exhibit A



Exhibit B

AFFIDAVIT OF STANLEY CHIN

I, Stanley Chin, being duly sworn on this 24th day of January 2024, state under penalty of perjury as follows:

1. I am over the age of eighteen (18) and understand the obligations of making statements under oath.
2. I have personal knowledge of the facts set forth herein unless otherwise stated, in which case, I understand those facts to be true based on information and belief.
3. I am the CEO of Greenskies Clean Energy LLC ("Greenskies"; or the "Company"). I am authorized to submit this Affidavit on the Company's behalf.
4. On July 20, 2020, Greenskies submitted a petition to the Council for a Declaratory Ruling pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance, and operation of a 4.99 megawatt alternating current (MW AC) solar photovoltaic electric generating facility located at Mulnite Farms, Inc. off Barber Hill Road west of the intersection with Rockville Road, East Windsor, Connecticut on parcel B.
5. On August 25, 2021, Greenskies, through its subsidiary, submitted a second petition to the Council for a Declaratory Ruling pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance, and operation of a 1.0 MW AC and a 4.0 MW AC solar photovoltaic electric generating facility located at Mulnite Farms, Inc. parcel off Miller Road, East Windsor, Connecticut on parcels A and C.
6. Subsequent to these approvals, Greenskies has caused all three approved petitions site on the parcels, A, B, and C on Exhibit A to be owned by the same entity, CF Mulnite LLC.
7. If construction on contiguous parcels A and B is conducted pursuant to one petition – Petition 1422, this will vastly improve the efficiency and expediency with which these Projects can be built.
8. This will avoid any delays that would be incurred if the 1463 Project, as currently designed, is undergoing construction simultaneously with the 1422 Project but must conduct this construction with parcel B situated in between its parcels.

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IN WITNESS WHEREOF, the undersigned has executed and delivered this Affidavit as of the date set forth above.



By: Stanley Chin

Stanley Chin
CEO
Greenskies Clean Energy
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North Haven, CT 06473
Email: stanley.chin@greenskies.com

Subscribed and sworn to before
me, the undersigned,
this 24th day of January, 2024

Noy F. Eng

Notary Public NOY F. Eng
My Commission Expires: April 30, 2026

