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November 11, 2020

Sent via mail and email to : ([Melanie.bachman@ct.gov](mailto:Melanie.bachman@ct.gov)) and ([Siting.council@ct.gov](mailto:Siting.council@ct.gov))

Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

Attn: Ms. Melanie Bachman, Executive Director

Re: Docket No. 1424, Petition of Southington Solar One, LLC (102 East Street, Southington, Connecticut)

Dear Ms. Bachman,

My clients Michael and Diane Karabin, Intervenors in the above matter give notice of the Petitioner Southington Solar One, LLC's failure to fully respond and/or improperly object to certain (two) of their Interrogatories and Request for Production. The Objection is attached and they are requesting an Order of Discovery Compliance.

Sincerely yours,



Paul E. Zagorsky

PJZ/cd

Enclosure

Cc: Attorney Lee Hoffman ([lhoffman@pullman.com](mailto:lhoffman@pullman.com))

William Herchel ([wherchel@verogy.com](mailto:wherchel@verogy.com))

Bryan Fitzgerald ([bfitzgerald@verogy.com](mailto:bfitzgerald@verogy.com))

**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

**Petition of Southington Solar One, LLC for Declaratory Ruling, Pursuant to Conn. Gen. Stat. §§4-176 and 16-50k, for the Proposed Construction, Maintenance and Operation of a 4.725-megawatt AC solar photovoltaic electric generating facility located at 1012 East Street, Southington, Connecticut, and associated electrical interconnection.**

**Petition No. 1424**

**November 11, 2020**

**OBJECTION TO PETITIONER'S RESPONSES TO INTERVENORS  
INTERROGATORIES AND REQUEST FOR PRODUCTION**

I. Interrogatory number 4(d), and Petitioner's response are as follow:

4. Petition pp. 26-27 states the project will require excavation within areas mapped as Prime Farmland Soils, and that any topsoil removed in connection therewith will be segregated from underlying horizon and either stock piled for reuse or spread elsewhere as top soil for reestablishing vegetation and that the topsoil will not leave the site. Please state:

(d) Have there been other solar projects in Connecticut where Prime Farmland Soils have been excavated and stockpiled or reused?

**RESPONSE:**

**The Petitioner objects to this Interrogatory as the Interrogatory exceeds the scope of a petition for declaratory ruling pursuant to Conn. Gen. Stat. §§ 4-176 and 16-50k. Petitioner also objects to this interrogatory as this information is as equally available to the Intervenors as it is to the Petitioner. Subject to the foregoing objections, the Petitioner states that, to its knowledge, yes-there have been other solar projects in Connecticut where Prime Farmland Soils have been excavated and stockpiled or reused.**

The question does not exceed the scope of a petition for declaratory ruling pursuant to C.G.S §§4-176 and 16-50k, and no support for it is given other than the statutory citations. The Siting Council's first set of Interrogatories (number 18(b)) asked a similar question which was responded to. The Council's Interrogatory and Petitioner's response are as follow:

18. Petition pp. 21-22 states sheep may be allowed to graze at the site-please provide the following:

(b) Have there been other solar project in CT where sheep have been allowed to graze within the array area? Is there a potential of damage to the panels/wiring from grazing?

**RESPONSE:**

**The Petitioner is unaware of any specific projects in Connecticut where sheep are currently actively grazing solar sites; however, the Petitioner is aware that such grazing has been proposed by other projects. In addition, the Petitioner will be working with Agrovoltaic Solutions to handle its solar grazing requirements. Agrovoltaic Solutions is currently actively grazing solar projects of similar size and scale in New York and is aware of active grazing sites in Massachusetts and Rhode Island as well. The potential for damage caused by the grazing is minimized with a 36-inch leading edge of the modules, as sheep are not likely to jump and damage modules. Additionally, string wiring and module connections on the back sides of the modules have been optimized through the racking design to accommodate the bi-facial modules. Therefore, wiring and connections on the backsides of modules are not expected to pose a hazard to sheep or technicians.**

This information is not as Petitioner asserts equally available to the Intervenors (who have no experience with solar while Petitioner has decades of Solar experience). In its petition (p.8), Petitioner states:

**The legal name of the Petitioner is Southington Solar One, LLC (“Southington Solar One”). Southington Solar One is a Connecticut limited liability company with its principal place of business in Hartford, Connecticut. Southington Solar One is in affiliate of Verogy LLC (“Verogy”). Verogy is a professional renewable energy business with decades of experience in the solar industry; the core of its business is developing, financing, constructing, managing, and operating solar projects. The management team at Verogy has constructed over 250 megawatts of solar projects across the United States.**

The answer is inadequate (yes-there have been other project in Connecticut where Prime Farmland soils have been excavated and stockpiled and reused) as it gives no specifics of the existence and details of such other solar projects where Prime Farmland Soils have been excavated and stockpiled or reused.

II. Interrogatory number 4(g) and Petitioner’s Response are as follow:

4. Petition pp. 26-27 states the project will require excavation within areas mapped as Prime Farmland Soils, and that any topsoil removed in connection therewith will be segregated from underlying horizon and either stock piled for reuse or spread elsewhere as top soil for reestablishing vegetation and that the topsoil will not leave the site. Please state:

(g) State the anticipated cost (and how it was arrived at) for the restoration of the 26.6 acres of Prime Farmland Soils, and produce any and all documents, models, studies etc. which have been used or relied on in connection with such future Prime Farmland Soils restoration and the cost.

**RESPONSE:**

**The response to Interrogatory No. 4(e) above, the majority of the 26.6 acres of Prime Farmland Soils will not need to be restored because they will remain undisturbed throughout the life of the Facility. Assuming the continued use of the improved access road, which will be used for farming access to the Project Site during operation of the project, as well as farming or other access post project operation, the Petitioner estimates that the cost of restoration will be \$224,000.00 This estimate is based on restoring 3.7 acres of disturbed Prime Farmland Soils (5.3 acres of disturbed area less the access road area).**

**The Petitioner calculated this amount by identifying the cost of restoration of the storm water basins, any electrical conduit runs, equipment pad removal, the cost of any permits and fees, and the necessary reseeded of the restored areas. The Petitioner then took that figures and adjusted if for inflation (increased it) to come to a year 35 estimate. The Petitioner's budget estimates for these costs were validated by a third-party civil contractor who has experience completing work of this type. The calculation of the acreage that would require restoration was provided by the Project's civil engineers and was base off the current design parameters.**

Petitioner failed to produce any evidence in support of its response. It was specifically asked to... Produce any and all documents, models, studies etc., which have been used or relied on in connection with such future Prime Farmland Soils restoration and the cost.

The conclusory response (costs of restoration estimated to be \$224,000.00) is unsupported as no documents, calculations, or budget estimates were provided (as requested). In addition, no documents were produced in connection with its statement "The Petitioner's budget estimates for these costs were validated by a third-party civil contractor who has experience completing work of this type."


**CERTIFICATION**

I hereby certify that on this 11<sup>th</sup> day of November, 2020 the foregoing was delivered by electronic mail, in accordance with §16-50j-12 of the Regulations of Connecticut State Agencies, to the following parties of record.

Attorney Lee Hoffman ([lhoffman@pullman.com](mailto:lhoffman@pullman.com))

William Herchel ([wherchel@verogy.com](mailto:wherchel@verogy.com))

Bryan Fitzgerald ([bfitzgerald@verogy.com](mailto:bfitzgerald@verogy.com))



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Paul E. Zagorsky, Esq.