

**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 25, 2020

**SOUTHINGTON SOLAR ONE, LLC'S OBJECTION TO MICHAEL AND DIANE KARABIN'S
REQUEST FOR AN ORDER OF DISCOVERY COMPLIANCE**

The petitioner, Southington Solar One, LLC ("Southington Solar One" or "the Petitioner"), respectfully submits this Objection to the November 11, 2020 Request for an Order of Discovery Compliance submitted by Michael and Diane Karabin ("the Karabins" or "the Intervenors") to the Council in this matter. As is discussed in greater detail below, Southington Solar One should not be forced to provide the information sought by the Intervenors in response to their Interrogatory 4(d), however, a more detailed response to Interrogatory 4(g) is provided below.

As an initial matter, Southington Solar One was surprised to learn of the Intervenors' concerns with its discovery responses through a Request for an Order of Discovery Compliance formally submitted to the Council. As the Council is well aware, Connecticut Practice Book section 13-8(c), Objections to Interrogatories, states in pertinent part that "No objections to interrogatories shall be placed on the short calendar list until an affidavit by either counsel is filed certifying that bona fide attempts have been made to resolve the differences concerning the subject matter of the objection and that counsel have been unable to reach an agreement." Although the rules for Siting Council proceedings differ slightly from those found in the Practice Book, had counsel for the Intervenors contacted the undersigned, at least one of the two issues would have been resolved immediately, without Siting Council intervention.

The issue that could have been resolved immediately involves Southington Solar One's response to Interrogatory 4(g), which asks for information regarding the anticipated cost of restoration of the 26.6 acres of Prime Farmland Soils on the site, and provide information regarding how that cost estimate was

arrived at, along with any “documents, models, studies etc. which have been used or relied on in connection with such future Prime Farmland Soils restoration and the cost.”

Southington Solar One’s answer provided the cost estimate of \$244,000, and that answer further noted that the majority of those 26.6 acres would not need to be restored because they would be undisturbed. The restoration estimate was “based on restoring 3.7 acres of disturbed Prime Farmland Soils,” which consisted of “5.3 acres of disturbed area less the access road area.” Southington Solar One went on to describe the variables that it considered when developing this estimate and noted that these estimates were provided by a third-party civil contractor, BluRoc, who had experience with such civil work.

However, the Intervenor is correct that Southington Solar One only provided them with a description of the variables considered and did not provide the Intervenor with the calculations themselves nor BluRoc’s verification of those calculations though BluRoc’s submittal of information that formed the basis of the estimates. Those calculations and verifications are included with this Objection in the attached Exhibit A, and Southington Solar One regrets failing to provide them to the Intervenor when it originally filed its interrogatory responses. The first page of Exhibit A is BluRoc’s quote for necessary removal work, and the second page of Exhibit A is the full itemized list of relevant costs and a reconciliation of those costs over time. For the sake of a complete response, Southington Solar One notes that it did not rely on any documents, models or studies other than the materials provided as Exhibit A to this Objection in developing those cost estimates. As such, Southington Solar One has now fully responded to Interrogatory 4(g).

Candidly, Southington Solar One has also fully responded to Interrogatory 4(d) as written, although Southington Solar One acknowledges that it likely did not respond to the interrogatory the Intervenor *wanted* to issue. Interrogatory 4(d) consists of the following question: “Have there been other solar projects in Connecticut where Prime Farmland Soils have been excavated and stockpiled or reused?” After objecting to the Interrogatory on several grounds, Southington Solar One answered that “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.”

In their Request for an Order for Discovery Compliance, the Intervenors state at the bottom of page two that “the answer is inadequate (yes-there have been other project [sic] in Connecticut where Prime Farmland soils [sic] have been excavated and stockpiled or 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.” There are two problems with Intervenors’ assertion with respect to this matter.

The first problem is that the Intervenors never requested the specifics regarding such stockpiling of soils that the Intervenors now seek. The Intervenors asked a simple yes-or-no question – *have there been other projects where there has been the stockpiling of soils?* Southington Solar One answered that question in the affirmative. It was not required to provide specifics because that interrogatory never requested such specifics.

Obviously, however, Southington Solar One anticipated that the Intervenors wanted such specific information, therefore Southington Solar One did more than simply answer “yes” and move on. Southington Solar One noted that the information was as available to the Intervenors as it was to Southington Solar One. That is because while Southington Solar One is generally aware that such stockpiling has occurred, Southington Solar One has not engaged in such stockpiling, nor has any project undertaken by Southington Solar One’s parent company, Verogy, engaged in such stockpiling.

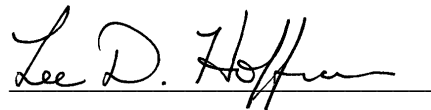
In order to provide the Intervenors with the level of detail that they wanted (but did not ask for), Southington Solar One would have to comb through the records of all of the Siting Council’s approvals of solar PV projects to ascertain, first, which project sites contained Prime Farmland Soils. After that, Southington Solar One would have to search the records to determine which sites claimed that they would stockpile such soils either in their petitions, their interrogatory responses or their Development and Management Plans. Then, Southington Solar One would have to contact each developer to ascertain if those developers undertook the stockpiling of soils as contemplated in their Siting Council submittals.

Such research will likely take tens, if not hundreds, of hours to do correctly. Southington Solar One does not bear the burden of conducting that research when it has no special documentation or knowledge of other developers' activities. The Siting Council's records are well-organized and available online. Therefore, Southington Solar One stands by its original objection to this Interrogatory because the information is as available to the Intervenors as it is to Southington Solar One.

Given that Southington Solar One has now produced all documentation in its possession that is responsive to Interrogatory 4(g), and cannot provide any further information that is responsive to Interrogatory 4(d) without undertaking extensive research that the Intervenors' own counsel is capable of performing, Southington Solar One respectfully requests that the Siting Council deny the Intervenors' Request for an order of Discovery Compliance.

Respectfully Submitted,

Southington Solar One, LLC

A handwritten signature in black ink, reading "Lee D. Hoffman", is written over a horizontal line.

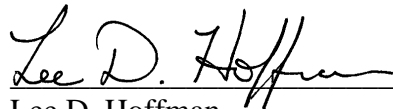
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CERTIFICATION

I hereby certify that on this 25th 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 and intervenors of record:

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