



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

January 25, 2022

Ms. Stephie-Jo Maragh
DG Connecticut Solar III, LLC
700 Universe Boulevard
Juno Beach, FL 33408
Stephie-jo.Maragh@nexteraenergy.com

Mr. Tim Garcia
NextEra Energy DG Business Management
700 Universe Boulevard
Juno Beach, FL 33408
DL-DG-NEER-BUS-MGT@nexteraenergy.com

RE: Notification of Change of Ownership

Dear Ms. Maragh and Mr. Garcia:

On January 10, 2022, the Connecticut Siting Council (Council) received 6 unsigned letters via electronic mail intended to serve as notice that “on or about December 3, 2021, after merger of certain entities, DG Connecticut Solar III, LLC (DGIII), an affiliate of NextEra Energy Resources, LLC, is now the owner and operator” of certain facilities approved by the Council. Mr. Tim Garcia (Garcia) is identified as the individual responsible for management and operation of each facility. The Council requests additional information pertaining to each of these facilities, as follows:

1. **DOCKET NO. 497**– Burlington Solar One, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a 3.5-megawatt AC solar photovoltaic electric generating facility located at Lot 33, Prospect Street, Burlington, Connecticut and associated electrical interconnection.

The January 10, 2022 DGIII correspondence references Condition No. 12 of the Council’s Decision and Order. Condition No. 12 states, “If the Certificate Holder is a wholly-owned subsidiary of a corporation or other entity and is sold/transferred to another corporation or other entity, the Council shall be notified of such sale and/or transfer and of any change in contact information for the individual or representative responsible for management and operations of the Certificate Holder within 30 days of the sale and/or transfer.”

The Certificate Holder is Burlington Solar One, LLC (BSO). Under Condition No. 12, regardless of the sale or transfer to DGIII, BSO remains the Certificate Holder for the facility unless a request for transfer of the Certificate is submitted to the Council under Connecticut General Statutes (CGS) §16-50k(b) and Condition No. 10 of the Council’s Decision and Order.

Condition No. 10 of the Council's Decision and Order states, "This Certificate may be transferred in accordance with Conn. Gen. Stat. §16-50k(b), provided both the Certificate Holder/transferor and the transferee are current with payments to the Council for their respective annual assessments and invoices under Conn. Gen. Stat. §16-50v. In addition, both the Certificate Holder/transferor and the transferee shall provide the Council a written agreement as to the entity responsible for any quarterly assessment charges under Conn. Gen. Stat. §16-50v(b)(2) that may be associated with this facility."

On January 20, 2022, the Council issued correspondence directly to Garcia and counsel for BSO seeking written confirmation of facility ownership and status of compliance with the outstanding conditions in the Council's September 24, 2021 Development and Management Plan (D&M Plan) approval, among other matters. A copy of this correspondence was provided to both addressees of this correspondence via electronic mail. The deadline to respond to the Council's request is January 27, 2022.

2. **PETITION NO. 1407** - DG Connecticut Solar II, LLC declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 1.975-megawatt AC solar photovoltaic electric generating facility on an approximately 66.4 acre parcel located generally south of East Pearl Road and east of Torrington Street (Route 183) in Torrington, Connecticut and associated electrical interconnection.

On October 6, 2020, the facility owner/operator, Torrington Solar One, LLC and VCP, LLC d/b/a Verogy (TSO), submitted correspondence pursuant to Condition No. 11 of the Council's Declaratory Ruling that the facility was transferred to DG Solar Connecticut II, LLC (DGII) and Garcia is the individual responsible for management and operations of the facility.

Condition No. 11 states, "If the facility owner/operator is a wholly owned subsidiary of a corporation or other entity and is sold/transferred to another corporation or other entity, the Council shall be notified of such sale and/or transfer and of any change in contact information for the individual or representative responsible for management and operations of the facility within 30 days of the sale and/or transfer."

Condition No. 10 states, "This Declaratory Ruling may be transferred, provided the facility owner/operator/transferor is current with payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v and the transferee provides written confirmation that the transferee agrees to comply with the terms, limitations and conditions contained in the Declaratory Ruling, including timely payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v."

The January 10, 2022 DGIII correspondence also references Condition No. 11 of the Council's Declaratory Ruling. However, rather than reference DGII as the current facility owner/operator consistent with the October 6, 2020 TSO correspondence, DGIII references TSO as the facility owner/operator. This is inconsistent with the Council's records for the facility and needs either clarification or a request to transfer the Declaratory Ruling under Condition No. 10 before acknowledgment of the change of ownership.

Therefore, the Council requests DGIII confirm the status of facility ownership and compliance with the conditions of the Council's Declaratory Ruling by January 27, 2022.

3. **PETITION NO. 1417** – DG Connecticut Solar II, LLC declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 1.975 megawatt AC solar photovoltaic generating facility located at 669 Platt Road, Watertown, Connecticut, and associated electrical connection.

On January 8, 2021, the facility owner/operator, Watertown Solar One, LLC and VCP, LLC d/b/a Verogy (WSO), submitted correspondence pursuant to Condition No. 7 of the Council's Declaratory Ruling that the facility was transferred to DGII and Garcia is the individual responsible for management and operations of the facility.

Condition No. 7 states, "If the facility owner/operator is a wholly owned subsidiary of a corporation or other entity and is sold/transferred to another corporation or other entity, the Council shall be notified of such sale and/or transfer and of any change in contact information for the individual or representative responsible for management and operations of the facility within 30 days of the sale and/or transfer."

Condition No. 6 states, "This Declaratory Ruling may be transferred, provided the facility owner/operator/transferor is current with payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v and the transferee provides written confirmation that the transferee agrees to comply with the terms, limitations and conditions contained in the Declaratory Ruling, including timely payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v."

The January 10, 2022 DGIII correspondence also references Condition No. 7 of the Council's Declaratory Ruling. However, rather than reference DGII as the current facility owner/operator consistent with the January 8, 2021 WSO correspondence, DGIII references WSO as the facility owner/operator. This is inconsistent with the Council's records for the facility and needs either clarification or a request to transfer the Declaratory Ruling under Condition No. 6 before acknowledgment of the change of ownership.

Therefore, the Council requests DGIII confirm the status of facility ownership and compliance with the conditions of the Council's Declaratory Ruling and March 12, 2021 D&M Plan approval, including, but not limited to, notice and reporting requirements pursuant to Regulations of Connecticut State Agencies (RCSA) §16-50j-62 by January 27, 2022.

4. **PETITION NO. 1421** - Bristol Solar One, LLC declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 3.25 megawatt AC solar photovoltaic generating facility located at 399 Hill Street, Bristol, Connecticut, and associated electrical interconnection.

On December 16, 2020, the facility owner/operator, Bristol Solar One, LLC submitted correspondence pursuant to Condition No. 7 of the Council's Declaratory Ruling that the facility was transferred to DGII and Garcia is the individual responsible for management and operations of the facility.

Condition No. 7 states, "If the facility owner/operator is a wholly owned subsidiary of a corporation or other entity and is sold/transferred to another corporation or other entity, the Council shall be

notified of such sale and/or transfer and of any change in contact information for the individual or representative responsible for management and operations of the facility within 30 days of the sale and/or transfer.”

Condition No. 6 states, “This Declaratory Ruling may be transferred, provided the facility owner/operator/transferor is current with payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v and the transferee provides written confirmation that the transferee agrees to comply with the terms, limitations and conditions contained in the Declaratory Ruling, including timely payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v.”

The January 10, 2022 DGIII correspondence also references Condition No. 7 of the Council’s Declaratory Ruling. However, rather than reference DGII as the current facility owner/operator consistent with the December 16, 2020 Bristol Solar One, LLC correspondence, DGIII references Bristol Solar One, LLC as the facility owner/operator. This is inconsistent with the Council’s records for the facility and needs either clarification or a request to transfer the Declaratory Ruling under Condition No. 6 before acknowledgment of the change of ownership.

Therefore, the Council requests DGIII confirm the status of facility ownership and compliance with the conditions of the Council’s Declaratory Ruling by January 27, 2022.

5. **PETITION NO. 1424** – DG Connecticut Solar III, LLC declaratory ruling, pursuant to Connecticut General Statutes §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.

On August 19, 2021, the facility owner/operator, Southington Solar One, LLC submitted correspondence pursuant to Condition No. 16 of the Council’s Declaratory Ruling that the facility was transferred to DGIII and Garcia is the individual responsible for management and operations of the facility.

Condition No. 16 states, “If the facility owner/operator is a wholly owned subsidiary of a corporation or other entity and is sold/transferred to another corporation or other entity, the Council shall be notified of such sale and/or transfer and of any change in contact information for the individual or representative responsible for management and operations of the facility within 30 days of the sale and/or transfer.”

Condition No. 15 states, “This Declaratory Ruling may be transferred, provided the facility owner/operator/transferor is current with payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v and the transferee provides written confirmation that the transferee agrees to comply with the terms, limitations and conditions contained in the Declaratory Ruling, including timely payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v.”

The January 10, 2022 DGIII correspondence also references Condition No. 16 of the Council’s Declaratory Ruling. Therefore, the Council requests either clarification as to the current owner/operator of the facility or a request to transfer the Declaratory Ruling under Condition No. 15 before acknowledgment of the change of ownership by January 27, 2022.

- 6. PETITION NO. 1426** – DG Connecticut Solar III, LLC Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 4.9-megawatt AC solar photovoltaic electric generating facility located west of the Ellington town boundary at 341 East Road, East Windsor, and associated electrical interconnection.

On June 16, 2021, the facility owner/operator, East Windsor Solar One, LLC (EWSO) submitted correspondence pursuant to Condition No. 9 of the Council’s Declaratory Ruling that the facility was transferred to DGIII and Garcia is the individual responsible for management and operations of the facility.

Condition No. 9 states, “If the facility owner/operator is a wholly owned subsidiary of a corporation or other entity and is sold/transferred to another corporation or other entity, the Council shall be notified of such sale and/or transfer and of any change in contact information for the individual or representative responsible for management and operations of the facility within 30 days of the sale and/or transfer.”

Condition No. 8 states, “This Declaratory Ruling may be transferred, provided the facility owner/operator/transferor is current with payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v and the transferee provides written confirmation that the transferee agrees to comply with the terms, limitations and conditions contained in the Declaratory Ruling, including timely payments to the Council for annual assessments and invoices under Conn. Gen. Stat. §16-50v.”

The January 10, 2022 DGIII correspondence also references Condition No. 9 of the Council’s Declaratory Ruling. On January 18, 2022, the Council issued correspondence directly to Garcia and counsel for the original facility owner/operator seeking written confirmation of facility ownership and status of compliance with the outstanding conditions in the Council’s July 30, 2021 D&M Plan approval, among other matters, by January 21, 2022. A copy of this correspondence was provided to both addressees of this correspondence via electronic mail.

Only counsel for the original facility owner/operator provided a response to the Council’s January 18, 2022 correspondence. If DGIII is the current facility owner/operator, the absence of a direct response to the Council by the deadline is troubling. Therefore, the Council requests either direct written confirmation from DGIII as to its current ownership/operation of the facility or a request to transfer the Declaratory Ruling under Condition No. 8 before acknowledgment of the change of ownership.

Please submit written correspondence to the Council by close of business on January 27, 2022 that addresses the inquiries for each of the above-referenced facilities.

Thank you for your attention to this very important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Melanie A. Bachman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Melanie A. Bachman
Executive Director

cc: Lee D. Hoffman, Esq., Pullman & Comley, LLP
Kenneth C. Baldwin, Esq., Robinson & Cole LLP
Council Members