

June 12, 2023

Melanie A. Bachman, Esq.
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: Petition No. 1533 - ReNew Developers, 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 customer-side 4.99-megawatt fuel cell facility and associated equipment to be located at 42 Old Amston Road, Colchester, Connecticut.

Dear Ms. Bachman:

Enclosed for filing with the Connecticut Siting Council (the "Council") are the original and fifteen (15) copies of the Motion of ReNew Developers, LLC to Reopen and Modify the Council's Decision in Petition No. 1533.

An original and fifteen (15) copies of this filing will be hand delivered to the Council.

Should you have any questions regarding this filing, please do not hesitate to contact me.

Very truly yours,



Bruce L. McDermott

Enclosures

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STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

ReNew Developers, LLC petition for a declaratory ruling, : Petition 1533
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Road, Colchester, Connecticut. : June 12, 2023

MOTION OF RENEW DEVELOPERS, LLC
TO REOPEN AND MODIFY PETITION 1533

I. Introduction

Pursuant to Conn. Gen. Stat. § 4-181a(b), ReNew Developers, LLC (“ReNew” or the “Company”), a Connecticut limited liability company, respectfully moves the Connecticut Siting Council (“Council”) to reopen Petition 1533 and modify, based on changed conditions described herein, its October 14, 2022 decision on the petition (the “2022 Decision”). The 2022 Decision approved the construction, maintenance and operation of a customer-side 4.99-megawatt (“MW”) fuel cell facility and associated equipment to be located at 42 Old Amston Road in Colchester, Connecticut (the “Project”). Support for the Council’s reopening on the basis of changed conditions is discussed in this motion and further described in the supporting documentation attached hereto as an addendum (“Petition Addendum - 18 MW Facility”). ReNew respectfully requests that the Council reopen Petition 1533, modify the decision, and issue a declaratory ruling that no Certificate of Environmental Compatibility and Public Need (“Certificate”) is required for the construction, operation, and maintenance of the 4.99 MW

and the 18.0 MW fuel cell facilities, electrical interconnection, and associated equipment (together, the "Modified Project").

Additionally, because the modification at hand requests the Council's approval of a larger fuel cell project and the 2022 Decision provides that construction of the project must be completed within three years from the date of mailing of the 2022 Decision; the Company respectfully requests that any determination made by the Council concerning the Modified Project include a condition that the start date of the three-year construction period is to begin on the date of the mailing of the Council's decision on the modified petition.

II. Procedural Background

On July 28, 2022, ReNew filed a petition for declaratory ruling that a Certificate is not required for the construction, operation and maintenance of the Project. The Project would be constructed within one of the two parcels located at 42 Old Amston Road, Colchester, Connecticut. In a decision dated October 14, 2022, the Council ruled that the Project meets air and water quality standards and would not have a substantial adverse environmental effect, and thus, pursuant to Conn. Gen. Stat. § 16-50k would not require a Certificate.

III. Statutory Authority to Reopen and Modify

In accordance with Conn. Gen. Stat. § 4-181a(b), which in pertinent part provides 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;" the Council has the authority to reopen Petition 1533 and modify the 2022 Decision due to

changed conditions. The Council will find changed conditions when there is “new information or facts, identification or any unknown or unforeseen events or evidence... that were not available at the time of the final decision.” See Docket No. 190B, Conclusions of Law dated September 19, 2012, p. 4.

Consistent with its authority under Conn. Gen. Stat. §4-181a(b), the Council has reopened several dockets and petitions and revised final decisions based on new facts or when circumstances not previously contemplated by the Council have arisen. See Petition No. 1090A, Bloom Energy Corporation, Council Decision and Staff Report, January 31, 2020 (the Council approved the amended petition, which consisted of the construction and operation of an additional 250-kW fuel cell unit, to the three 250-kW fuel cell units previously installed at the facility). See *also*, Docket No. 3B, The United Illuminating Company, Opinion, October 27, 2022 (the Council reopened the evidentiary record to consider the rebuild, relocation and extension of existing electric transmission lines); Docket No. 495A, Cellco Partnership d/b/a Verizon Wireless, Decision on Motion to Reopen, February 25, 2022 (the Council granted the motion to consider the relocation of the approved facility); and Petition No. 1350A, Staff Report, December 16, 2021 (finding that changes in the equipment make and model, and layout of the building housing the equipment constituted changed conditions that warranted reopening the petition).

As set forth in this motion, the Company satisfies the applicable standards of Conn. Gen. Stat. § 4-181a(b) for the Council to reopen the petition and modify the 2022 Decision.

IV. Proposed Changes

As discussed more fully in the addendum to this motion, the Modified Project is expected to meet the applicable air and water quality standards of the Connecticut Department of Energy and Environmental Protection (“CT DEEP”), as well as the applicable local and state noise regulatory ordinances, and will not have a substantial adverse environmental effect. Furthermore, the Modified Project is expected to deliver the same and, in some instances, more of the energy, environmental and economic benefits identified in Petition 1533.

The Modified Project consists of the construction of two fuel cell facilities, instead of one. Specifically, the construction of an 18 MW facility in addition to the 4.99 MW facility originally proposed and approved by the Council in Petition 1533. The facilities will be located at 42 Old Amston Road in Colchester, Connecticut. 42 Old Amston Road has been subdivided into two parcels, where each parcel will house one of the fuel cell facilities. Both fuel cell facilities will be natural gas behind-the-meter fuel cell facilities that will be used to power two on-site data centers. Further, the 18 MW fuel cell facility will be configured as a microgrid and will be equipped with carbon capture technology, in the event the owner of the data center chooses to activate such functionalities. The Company expects to construct the fuel cell facilities and the data centers concurrently, after obtaining approval from the Council and the appropriate local and state agencies.

V. Justification for the Proposed Changes

Over the past few months, the Company has been negotiating the sale of the proposed data center, to be built with the 4.99 MW fuel cell facility. Due to their minimal

footprint and ability to be constructed nearby data centers, thereby, reducing transmission related costs, fuel cell facilities have become an attractive option for data centers to meet energy demand and sustainability goals. However, because of recent increases in electricity costs, there is a greater demand for on-site renewable energy from prospective data center buyers. For this reason, ReNew needs to build a second fuel cell facility that will allow the Company to generate sufficient renewable electricity to meet their prospective buyers' energy demand needs, and thus, be able to sell the Modified Project.

VI. Conclusion

For all the foregoing reasons, ReNew respectfully requests that the Council reopen Petition 1533 to consider the new information provided herein and any other information the Council may deem relevant or appropriate, modify the 2022 Decision, issue a declaratory ruling that no Certificate is needed pursuant to Conn. Gen. Stat. §16-50k for the Modified Project, and re-establish the three-year construction period as previously requested.

Respectfully submitted,

RENEW DEVELOPERS, LLC



By: _____

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