



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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Hearing Program
Petition No. 1558
Thursday, May 18, 2023
2:00 p.m./6:30 p.m.
Zoom Remote Public Hearing

I. Opening by Council

A. Statement read by Presiding Officer.

B. Administrative Notice taken by Council

FEDERAL

1. NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES, NATIONAL INSTITUTES OF HEALTH, *EMF, Electric and Magnetic Fields Associated with the Use of Electric Power*, June 2002, available at http://www.niehs.nih.gov/health/materials/electric_and_magnetic_fields_associated_with_the_use_of_electric_power_questions_and_answers_english_508.pdf
2. NATIONAL RESEARCH COUNCIL, *Research on Power-Frequency Fields Completed Under the Energy Policy Act of 1992*, National Academy of Sciences, 1999, available at <http://books.nap.edu/openbook.php?isbn=0309065437>
3. Presidential Proclamation No. 8460, Critical Infrastructure Month, 74 Fed. Reg. 234, December 8, 2009, available at <http://www.presidency.ucsb.edu/ws/index.php?pid=86954>
4. Presidential Executive Order No. 13636, Improving Critical Infrastructure Cybersecurity, 78 Fed. Reg. 11739, February 19, 2013, available at <http://www.archives.gov/federal-register/executive-orders/2013.html>
5. UNITED STATES DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, *National Register of Historic Places*, last updated December 28, 2022, available at <https://www.nps.gov/subjects/nationalregister/index.htm>
6. UNITED STATES DEPARTMENT OF ENERGY, FEDERAL ENERGY REGULATORY COMMISSION AND THE NORTH AMERICAN ELECTRIC RELIABILITY CORPORATION, *Report on Transmission Facility Outages During the Northeast Snowstorm of October 29-30, 2011 – Causes and Recommendations*, available at <http://ferc.gov/legal/staff-reports/05-31-2012-ne-outage-report.pdf>
7. UNITED STATES QUADRENNIAL ENERGY REVIEW TASK FORCE, *Quadrennial Energy Review Second Installment: Transforming the Nation's Electricity System*, January 2017, available at <https://www.energy.gov/policy/downloads/quadrennial-energy-review-second-installment>
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10. UNITED STATES FISH AND WILDLIFE SERVICE, New England Field Office, Addressing Northern Long-eared Bat, available at <https://www.fws.gov/office/new-england-ecological-services/endangered-species-project-review#Step4>
11. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, Office of Solid Waste and Emergency Response, *Handbook on Siting Renewable Energy Projects While Addressing Environmental Issues*, available at https://www.epa.gov/sites/production/files/2015-04/documents/handbook_siting_repowering_projects.pdf
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13. UNITED STATES DEPARTMENT OF AGRICULTURE, *Solar Energy Use in U.S. Agriculture Overview and Policy Issues*, April 2011, available at <https://www.ourenergypolicy.org/wp-content/uploads/2013/08/Solar.pdf>
14. UNITED STATES DEPARTMENT OF AGRICULTURE, Soil Survey Manual, Handbook No. 18, March 2017 (Amended 2018), available at <https://www.nrcs.usda.gov/sites/default/files/2022-09/The-Soil-Survey-Manual.pdf>
15. UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION, *Obstruction Marking and Lighting, Advisory Circular AC 70/7460-1L*, December 4, 2015, as amended, available at https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_70_7460-1L_.pdf
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19. *Allco Fin. Ltd. v. Klee*, 2014 U.S. Dist. LEXIS 170674 (D. Conn. 2014), affirmed by *Allco Fin. Ltd. v. Klee*, 805 F.3d 89 (2nd Cir. 2015)

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31. ISO-NEW ENGLAND, INC., *New England's Capacity Auction Closes with Adequate Power System Resources for 2025-2026*, March 9, 2022, available at https://www.iso-ne.com/static-assets/documents/2022/03/20220309_pr_fca16_initial_results.pdf
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Connecticut Siting Council

35. CONNECTICUT SITING COUNCIL, PETITION 754 - *Electric and Magnetic Field Best Management Practices for the Construction of Electric Transmission Lines in Connecticut*, December 14, 2007, revised December 30, 2022, available at https://portal.ct.gov/-/media/CSC/Publications/EMF-BMP-12-30--2022-update_final_s.pdf
36. CONNECTICUT SITING COUNCIL, *2020 Review of the Ten-Year Forecast of Connecticut Electric Loads and Resources*, January 5, 2023, available at https://portal.ct.gov/-/media/CSC/1_Dockets-medialibrary/Forecast2022/F2022-finalreportwithattachments_s.pdf
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39. **DOCKET NO. 492** – Gravel Pit Solar a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 120-megawatt-AC solar photovoltaic electric generating facility on eight parcels generally located to the east and west of the Amtrak and Connecticut Rail Line, south of Apothecaries Hall Road and north of the South Windsor town boundary in East Windsor, Connecticut and associated electrical interconnection. Record and Final Decision, available at https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-492-Gravel-Pit-Solar_East-Windsor
40. **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. Record and Final Decision, available at https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-497---Burlington-Solar-One

41. **DOCKET NO. 505** – Haddam Quarter Solar, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 2.8-megawatt-AC solar photovoltaic electric generating facility located south of Haddam Quarter Road and north of Johnson Lane, Durham, Connecticut and associated electrical interconnection. Record and Final Decision, *available at* https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/4_DocketNos500s/Docket-No-505

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Department of Public Health

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Other State Agencies

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MAPS

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 97. MAIL-A-MAP STREET MAP, Ellington, available at http://mailamap.com/street_maps
 98. UNITED STATES GEOLOGICAL SURVEY, National Map Viewer, available at <https://apps.nationalmap.gov/viewer/>
 99. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *State Park and Forests Interactive Map*, available at <https://ctdeep.maps.arcgis.com/apps/webappviewer/index.html?id=950da678b13b458ba4cbe5687e902c19&deepNav=%7C>
- C. CGS §16-50k Core Forest and Prime Farmland Determinations
1. Department of Energy and Environment Protection C.G.S. §16-50k No Material Impact to Core Forest Determination Letter, dated January 29, 2021
 2. Department of Agriculture C.G.S. §16-50k No Material Impact to Prime Farmland Determination Letter, dated May 18, 2022
- D. State Agency comments
1. Department of Energy and Environment Protection Comments, dated March 3, 2023
 2. Connecticut Airport Authority Comments, dated April 4, 2023
- E. Municipal comments
1. Town of Ellington Planning Department Comments, dated March 1, 2023
 2. Town of Ellington Request for a Public Hearing, received March 21, 2023
 3. Town of Ellington Town Planner Comments, dated May 11, 2023
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II. Appearance by Petitioner: Community Power Group, LLC (CPG)

Representatives: Bruce L. McDermott, Esq.
Raquel Herrera-Soto, Esq.
Murtha Cullina LLP

A. Administrative Notice.

B. Exhibits for Identification.

1. Petition for a Declaratory filed by Community Power Group, LLC, received January 30, 2023, and attachments.
2. Petitioner's Community Outreach Efforts Submission, dated March 9, 2023
3. Petitioner's Responses to Council Interrogatories, Set One, dated March 22, 2023
4. Petitioner's Response to Council Interrogatory No. 36, dated April 7, 2023
5. Petitioner's Responses to Council Interrogatories, Set Two, dated April 25, 2023
6. Petitioner's Sign Posting Affidavit, dated May 4, 2023

C. Swear Witnesses

1. Michael Borkowski, Founder, Community Power Group, LLC
2. Amberli Young, Senior Project Manager, Community Power Group, LLC
3. Eric LaBatte, All-Points Technology Corporation

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council

III. Closing or Continuation by Connecticut Siting Council.