



## STATE OF CONNECTICUT

### CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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E-Mail: [siting.council@ct.gov](mailto:siting.council@ct.gov)

Web Site: [portal.ct.gov/csc](http://portal.ct.gov/csc)

#### VIA ELECTRONIC MAIL

October 30, 2023

Robert M. DeCrescenzo, Esq.  
Updike, Kelly & Spellacy, P.C.  
Goodwin Square  
225 Asylum Street, 20<sup>th</sup> Floor  
Hartford, CT 06103  
[rdecrescenzo@uks.com](mailto:rdecrescenzo@uks.com)

RE: **PETITION NO. 1572** – East Windsor Solar Two, LLC Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 4.0-megawatt AC solar photovoltaic electric generating facility located at 31 Thrall Road, East Windsor, Connecticut, and associated electrical interconnection.

Dear Attorney DeCrescenzo:

The Connecticut Siting Council (Council) is in receipt of your October 27, 2023 correspondence to Fiscal Administrative Officer Lisa Fontaine regarding the Council's October 12, 2023 final decision for above-referenced Petition No. 1572.

The correspondence requests the Council to amend its October 12, 2023 Decision and Order (D&O) to include mandatory soil testing as a condition of approval. The request appears to be submitted pursuant to Connecticut General Statutes §4-181a(c), which states, “The agency may, without further proceeding, modify a final decision to correct any clerical error.”

Please be advised that the Council's October 12, 2023 D&O accurately reflects the intentional omission of a mandatory soil testing condition.

After the Council took up Item No. 14 on the agenda (Tower Share Request Consent Calendar) during its October 12, 2023 regular meeting, the Council returned to Item No. 7 on the agenda (Petition No. 1572). Following discussion about the mandatory soil testing condition being unsupported by the evidentiary record, including, but not limited to, in relation to Draft Finding of Fact No. 44 (Final Finding of Fact No. 45), Presiding Officer Morissette polled the Council members to remove the condition from the D&O.

The discussion during the October 12, 2023 regular Council meeting may be viewed on the video recording between 1:03:00 hours and 1:06:40 hours. Here is the link to the video recording for your convenience: [\*\*Zoom Remote October 12, 2023 Recording\*\*](#) (Passcode: **6V^sz2\$R** )

Please contact me if you require any further information regarding the Council's Declaratory Ruling.

Sincerely,

A handwritten signature in black ink, appearing to read "Melanie Bachman".

Melanie Bachman  
Executive Director

MAB/MP/dll

c: Service List, dated May 25, 2023



Robert M. DeCrescenzo  
(t) 860.548.2625  
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[bdecrescenzo@uks.com](mailto:bdecrescenzo@uks.com)

October 27, 2023

**VIA ELECTRONIC MAIL**

*Lisa.Fontaine@ct.gov*  
*Siting.council@ct.gov*

Ms. Lisa Fontaine, Fiscal Administrative Officer  
Connecticut Siting Council  
Ten Franklin Square  
New Britain, CT 06501

**Re: PETITION NO. 1572 – East Windsor Solar Two, 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 4.0-megawatt AC solar photovoltaic electric generating facility located at 31 Thrall Road, East Windsor, Connecticut, and associated electrical interconnection.**

Dear Ms. Fontaine:

This office represents the Town of East Windsor (“Town”). We are in receipt of the Connecticut Siting Council’s Decision and Order dated October 12, 2023 (the “Decision and Order”) concerning the above referenced petition. The Decision and Order does not contain any reference to the mandated soil testing as discussed and voted on during the Energy/Telecommunications meeting of the Connecticut Siting Council held via Zoom Remote Conferencing on Thursday, October 12, 2023, at 1:00 p.m.

During the meeting, Mr. Robert Hannon referenced several conditions of approval that were not mentioned in the initial draft Decision and Order presented to the council, one of which being mandatory soil testing. Mr. John Morissette polled the council to revise the draft Decision and Order to reflect the conditions of approval stated by Mr. Robert Hannon. Mr. Quat Nguyen, Mr. Brian Golembiewski and Mr. Robert Hannon all voted to include the conditions of approval in the Decision and Order, which contained mandatory soil testing. After the vote Mr. John Morissette stated that we have a majority, and the three conditions would be added to the final order.

On behalf of the Town, we formally request that the Connecticut Siting Council amend its Decision and Order dated October 12, 2023, to accurately reflect the requirements set forth during the Energy/Telecommunications meeting of the Connecticut Siting Council via Zoom

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Ms. Lisa Fontaine, Fiscal Administrative Officer  
Connecticut Siting Council  
October 27, 2023  
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Remote Conferencing held on Thursday, October 12, 2023, at 1:00 p.m. to include mandatory soil testing as a condition of approval.

Please do not hesitate to contact me with any questions.

Very truly yours,



Robert M. DeCrescenzo, Esq.  
Town Attorney

cc/Jason Bowsza

Updike, Kelly & Spellacy, P.C.

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