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August 23, 2023

VIA EMAIL ONLY  
melanie.bachman@ct.gov

Melanie A. Bachman, Esq.  
Executive Director  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06501

**RE: Petition No. 1583 - TRITEC Americas, LLC notice of election to waive exclusion from Connecticut Siting Council jurisdiction, pursuant to Connecticut General Statutes §16-50k(e), and petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 0.999-megawatt AC solar photovoltaic electric generating facility located at Parcel Nos. 113-1 and 113-1-A, 428 Bethmour Road, Bethany, Connecticut, and associated electrical interconnection.**

Dear Attorney Bachman:

**Notice of Appearance**

This firm represents Rural Bethany Association (the "Association"), a nonprofit, voluntary association organized in Bethany, Connecticut, in connection with the above-referenced petition (the "Petition") filed by TRITEC Americas, LLC (the "Applicant") and pending before the Connecticut Siting Council (the "Council"). Please accept this letter as a Notice of Appearance by our firm on behalf of the Association in this proceeding.

Please direct future correspondence to the following counsel for the Association:

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If a more formal Appearance is required by the Siting Council, please notify counsel for the Association.

### **Petition for Intervenor Status**

Pursuant to Conn. Gen. Stat. §§ 16-50n, 4-177a(b) and 22a-19, as well as Conn. State Agency Regs §§ 16-50j-15a and 16-50j-17, the Association hereby requests that the Council grant the Association intervenor status in the Petition, with full rights to participate in the proceeding as an intervenor.

At least eleven (11) members of the Association own real property that abuts the subject property where the Applicant intends to construct, maintain and operate the proposed 0.999-megawatt AC solar photovoltaic electric generating facility (the "Project").

The Project will adversely affect the legal, real property and environmental interests of the Association's members and unreasonably impact the natural resources of the State of Connecticut. Such unreasonable impact includes, but is not limited to, adversely impacting the natural habitat of the endangered Tri-Color bat and Big Brown bat, as well as the Northern Long-eared bat that, according to a DEEP Natural Diversity Database Determination letter dated November 17, 2020, is located in and around the real property subject to the Petition. Additionally, upon information and belief, certain State-listed Special Concern species live within the vicinity of the Project, including the northern box turtle, wood turtle and brown trasher. If granted intervenor status, the Association intends to submit evidence, pre-filed testimony and provide expert testimony addressing the Project's likelihood to cause ecological disturbances to the above-referenced species, as well as additional species.

The Association also requests intervenor status to protect its legal and real property interests relative to the Applicant's decision to authorize the placement of honeybee hives at the subject property. The Association's members intend to testify and introduce evidence concerning honeybee migration onto the members' abutting properties and the honeybee's disruption of the members' right to the peaceful and quiet enjoyment of their properties.

The Association also intends to provide expert testimony and introduce evidence concerning the Project's design and engineering deficiencies, as well as erosion control deficiencies, that will adversely impact surrounding wetlands.

Additionally, upon information and belief, the Project as proposed in the Petition is encroaching on abutting real property that is owned by certain Association members. The Association's involvement in the Petition is necessary to resolve this issue and pursue modifications to the Project.

Given these significant risks, the Association seeks to fully participate in the Council's proceedings regarding the Petition to protect the Association's legal and real property interests in all aspects, including the Association's interest in protecting state resources and the public trust in the environment. The Association can only protect these various interests by participating as an intervenor in the Petition proceedings. The Association's inclusion as an intervenor is in the interests of justice and will not interfere with the orderly conduct of the Council's proceedings.

The Association's participation will entail, but not be limited to, the offering of pre-filed testimony, expert testimony, reports, maps, drawings, plans and exhibits to demonstrate the reasons why the Petition should be modified and/or dismissed to safeguard the Association's legal, real property and environmental interests, as well as the natural resources of the State of Connecticut. The Association's relief sought includes, but is not limited to, a relocation of the Project to alternative properties to avoid unreasonably impacting the natural resources of the State of Connecticut and to prevent adverse, long-term impacts to the Association's members.

The Association reserves the right to amend or raise additional legal, real property and environmental claims, arguments, evidence and testimony during the Council's review of the Petition. If the Council requires additional information relative to this Notice of Appearance and Petition for Intervenor Status, please contact counsel for the Association. Thank you.

Sincerely,

CRAMER & ANDERSON LLP

By:

  
Joseph P. Mortelliti, Esq.

**CERTIFICATE OF SERVICE**

Pursuant to Conn. State Agency Regs § 16-50j-12, I hereby certify that a copy of the foregoing was delivered by electronic mail and regular mail, postage prepaid, to the following service list on August 23, 2023:

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