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November 28, 2023

**VIA ELECTRONIC MAIL AND US MAIL**

Melanie Bachman  
Executive Director/Staff Attorney  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

**Re: PETITION NO. 1589 – USS Somers Solar, 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 3.0-megawatt AC solar photovoltaic electric generating facility located at 360 Somers Road, Ellington, Connecticut, and associated electrical interconnection. Council Interrogatories to Petitioner**

Dear Ms. Bachman:

I am writing on behalf of my client, USS Somers Solar, LLC, in connection with the above-referenced Petition. With this letter, I am enclosing the original and fifteen copies of the pre-filed testimony of Larry Durocher of JLM Associates, LLC. USS Somers Solar, LLC anticipates that the following witnesses will be available for cross examination by the Council during the hearing scheduled for December 5, 2023: Dan Csaplar (USS Somers Solar, LLC); Mitchell Ott, PE (Westwood); and Larry Durocher, JLM Associates, LLC.

USS Somers Solar, LLC's only exhibits are the Petition, the appendices thereto, its responses to the Council's interrogatories, and the pre-filed testimony of Mr. Durocher. For purposes of the public information session, USS Somers Solar, LLC requests that the Council use Exhibit 3 of Appendix B of the Petition, entitled "Proposed Conditions," which can be found on page 26 of Appendix B as the figure depicting the proposed project.

Should you have any questions concerning this submittal, please contact me at your convenience.

Sincerely,

Lee D. Hoffman  
Enclosures

**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

<b>PETITION NO. 1589 – USS Somers Solar, 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 3.0-megawatt AC solar photovoltaic electric generating facility located at 360 Somers Road, Ellington, Connecticut, and associated electrical interconnection. Council Interrogatories to Petitioner.</b>	<b>Petition No. 1589</b>
	<b>November 28, 2023</b>

**PRE-FILED TESIMONY OF LARRY DUROCHER**

**Q. Please state your name, relation to the Petitioner (USS Somers Solar, LLC), and business address.**

A. My name is Larry Durocher, and I am a member of JLM Associates, LLC (“JLM”) which has owned the Ellington Airport (“Airport”) since 1985 and the property upon which it sits, located at 360 Somers Road, Ellington, Connecticut (“Property”). JLM intends to enter into a 20-year lease agreement with Petitioner, USS Somers Solar, LLC (“USS”), for the proposed Project, assuming the project receives regulatory approval. JLM’s business address is P.O. Box 13, Southwick, Massachusetts 01077.

**Q. Please provide a brief description of your education, work experience, and any licenses or certifications you hold.**

A. I hold a Commercial Pilot Certificate, originally issued in 1972, with Flight Instructor Ratings. I have flown over 16,000 accident-free flight hours and managed the Airport for over thirty (30) years from 1985 to 2017. I have been flying airplanes and helicopters for fifty-five (55) years. I

have also observed the skydiving operations conducted on the Property for over thirty (30) years on an almost daily basis.

**Q. What is the purpose of your testimony in this proceeding?**

A. The purpose of my testimony in this proceeding is to explain why, as the Airport owner with over half a century's worth of airport and aircraft safety knowledge and experience, I believe the objections to the Project raised by Connecticut Parachutists, Inc. ("CPI") are unwarranted.

**Q. Could you explain why you believe CPI has raised objections in this proceeding?**

A. In November of 2017, JLM entered into a long-term lease agreement with CPI Associates, LLC. CPI Associates, LLC was organized by members of CPI for the sole purpose of entering into a lease with JLM. The lease contained an option to purchase, which CPI Associates, LLC has recently sought to exercise. CPI had originally agreed to the Project proposal with USS as a viable alternative to other possibilities at the north end of the Airport, but now has a conflict of interest with this Project due to CPI Associates, LLC's intent to purchase its leased premises.

**Q. In your opinion, is the safety concern raised by CPI regarding skydivers' landings valid?**

A. In my opinion, CPI's concern is not an accurate depiction of possible scenarios at the Airport. The Federal Aviation Administration ("FAA") has approved a specific "jump zone" area in which the skydivers may land. In an emergency or unforeseen situation, the skydivers have many alternate landing sites. A typical jump is made from at least 10,000 feet above the Airport's elevation. From those altitudes, a jumper has dozens of alternate choices for landing without encountering wires or other electrical hazards. The Project's proposed solar site is merely one of

several convenient alternate landing areas to be used in unforeseen situations. Unlike in the past, modern parachutes are designed to give the jumper a high degree of flexibility and maneuverability and thus, the ability to make a calculated decision about the best emergency landing site.

**Q. In the unlikely event that a skydiver could not make an alternative choice, what would likely happen if they needed to land within the Project site?**

A. In such an event, even if a skydiver happened to drift into the solar array, both their forward and vertical speeds at touchdown would be at or near zero which would be unlikely to result in injuries.

**Q. Could you please speak to CPI's concern regarding the recent plane malfunction and emergency landing?**

A. Concerning the incident with the CPI airplane, please review the National Transportation Safety Board ("NTSB") report (Aviation Investigation Final Report) dated June 4, 2022 and attached hereto as **Exhibit A**. The cause of the accident was not a "fuel malfunction" as indicated in CPI's September 15<sup>th</sup> letter. The accident resulted from fuel starvation. According to the NTSB, the pilot ran out of gas due to poor preflight planning and judgment putting persons and property on the ground at risk. This was at least the third similar incident with a CPI jump airplane. Several years ago, a similar incident occurred with a CPI-owned Cessna 182, which resulted in the total loss of the airplane when the pilot ran out of fuel and missed the runway entirely. Fortunately, the pilot was not injured. All of these fuel starvation incidents are very preventable. To allow for emergency overruns, an extension has also been added to the runway touchdown zone at the north end of the runway that meets FAA requirements for safety.

**Q. Then, are you in favor of the proposed solar Project at its current location on the Property?**

A. Yes, I am in favor of this Project, and I believe CPI's objections are unwarranted.

**Q. Does that complete your testimony?**

A. Yes.

## **EXHIBIT A**

### **Aviation Investigation Final Report**

Location: Ellington, Connecticut Accident Number: ERA22LA264

Date & Time: June 4, 2022, 11:22 Local Registration: N90JF

Aircraft: Cessna 208 Aircraft Damage: Substantial

Defining Event: Fuel exhaustion Injuries: 1 None

Flight Conducted Under: Part 91: General aviation - Skydiving

#### **Analysis**

The pilot reported that he planned to refuel the skydiving jump airplane after his third flight of skydivers and experienced about 10 minutes of loading delays with the third flight of skydivers. Then, while climbing, he was “delayed a few minutes” because of traffic in the area. He stated that he was not sure when the low fuel light illuminated, but that on his descent back toward the airport after releasing the third load of skydivers, the red “Reservoir Fuel Low” annunciator illuminated. About 8,000 ft mean sea level, the engine lost all power due to fuel exhaustion. Subsequently, the pilot made an emergency landing at the airport; however, the airplane was “fast and floated.” The airplane touched down midfield, departed the end of the runway, and encountered a tree line, substantially damaging the left wing.

The pilot reported that there were no preaccident mechanical failures or malfunctions with the airplane that would have precluded normal operation. After the accident, the pilot stated he “believe[d] the aircraft ran out of fuel due to several unforeseen and unplanned delays.”

#### **Probable Cause and Findings**

The National Transportation Safety Board determines the probable cause(s) of this accident to be:

The pilot's improper fuel planning, which resulted in a total loss of engine power due to fuel exhaustion, an emergency landing, and runway excursion.

CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing was electronically mailed and/or deposited in the United States mail, first-class, postage pre-paid this 28th day of November, 2023 to the individuals on the Service List for this Docket, dated August 24, 2023.

A handwritten signature in cursive script, reading "Lee D. Hoffman". The signature is written in black ink and is positioned above a horizontal line.

Lee D. Hoffman, Esq.