

STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

HyAxiom, Inc. petition for a declaratory ruling, pursuant to	:	Petition No. 1595
Connecticut General Statutes §4-176 and §16-50k, for the	:	
proposed construction, maintenance and operation of a	:	
grid-side 4.14-megawatt fuel cell facility and associated	:	
equipment to be located at 35 North Main Street, Ansonia,	:	
Connecticut, and associated electrical interconnection	:	October 23, 2025

RESPONSE OF HYAXIOM, INC. TO CITY OF ANSONIA  
MOTION TO REOPEN AND REVERSE DECLARATORY RULING

On October 8, 2025 – almost two years to the day after HyAxiom, Inc. (‘HyAxiom’) filed its petition with the Connecticut Siting Council (“Council”) and 20 months after the Council granted HyAxiom’s request for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need (“Certificate”) is necessary for the construction, maintenance and operation of a 4.14 megawatt fuel cell to be located at 35 North Main Street in Ansonia – the City of Ansonia (the “City”) requests the Council reopen Petition 1595 based on changed conditions and reverse its decision. However, the City fails to state a valid legal reason to reopen the proceeding and the City’s request is nothing more than a legal maneuver designed benefit a fuel cell project developer other than HyAxiom.<sup>1</sup> Therefore, HyAxiom respectfully requests the Council deny the City’s request.

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<sup>1</sup> On March 13, 2025, Johnson Controls Inc. (“JCI”) filed a petition for a declaratory ruling for a 3.9 megawatt fuel cell and associated equipment at the exact location as HyAxiom’s proposed project. HyAxiom filed a Motion to Dismiss the JCI petition “on the grounds that the Petition contains factually inaccurate information and it is incomplete” and that “JCI is precluded from constructing the proposed Project” since the Council already approved the construction of a difference fuel cell facility at the Site. Motion to Dismiss and/or Deny of HyAxiom, Inc. dated July 16, 2025 filed in Petition No. 1668 at 1. The Council granted HyAxiom’s motion and rejected the JCI petition. August 22, 2025 Letter from the Council in Petition No. 1668.

The City argues that the proceeding should be reopened because of a changed condition. Specifically, the City argues that because HyAxiom does not possess “site control or any rights in connection with the Property” (Motion at 3) HyAxiom is “unequivocally incapable of complying with the Council’s conditions” – specifically Condition 13 that requires that the facility be “constructed within three years from the date of the mailing of the Council’s decision.” See Motion at 3 and the February 16, 2024 Letter from the Council to John Prinssen approving the request for declaratory ruling (the “Decision Letter”). While HyAxiom disputes the City’s contentions regarding site control, that does not need to be addressed here because the City cannot reference any legal precedent to support its assertion that this type of change (even if true) is a sufficient reason to reserve the Declaratory Ruling.

The Council has given HyAxiom three years to construct the project. *Id.* However, the construction deadline can be extended by the Council upon the filing of a request by HyAxiom. *Id.* It is only upon the expiration of the construction deadline and any extensions of the deadline that HyAxiom’s right to develop a fuel cell project at 35 North Main Street in Ansonia ceases to exist and no amount of additional exhibits, testimony or hearings can change that fact. If there is a particular condition precedent that must be satisfied before construction of the project can commence, HyAxiom has three years to satisfy the condition precedent and to then complete construction of the project. On-going review and evaluation of the state of the conditions by the Council is not necessary.

Accordingly, there is no legal grounds to support the City's request to reopen and the City's request to reopen and reverse the declaratory ruling should be denied.

Respectfully submitted,

HYAXIOM, INC.



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Bruce L. McDermott  
Harris Beach Murtha Cullina PLLC  
265 Church Street  
New Haven, CT 06510  
203.772.7787  
*Its Attorney*  
[bmcdermott@harrisbeachmurtha.com](mailto:bmcdermott@harrisbeachmurtha.com)