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April 25, 2024

VIA ELECTRONIC MAIL

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

**RE: SITING COUNCIL TRITEC AMERICAS, LLC, NOTICE OF : PETITION NO. 1609
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 250 : CARTER STREET, MANCHESTER,
CONNECTICUT: AND ASSOCIATED ELECTRICAL : INTERCONNECTION :**

**Raymond Welnicki's Response to Tritec Americas, LLC's Objection to My Request of
Party Status**

Dear Executive Director Bachman:

I am in receipt of the Tritec Americas' objection to my filing for Party Status with respect to PE 1609. My responses to those objections are as follows:

1. The objection claims that my filing did not state "facts that demonstrate that the petitioner's legal rights, duties or privileges shall be specifically affected by the agency's decision in the contested case." This statement by the Petitioner is false. Two facts that I stated in my filing are not in dispute:
 - a. I stated that "my property abuts the proposed location for a solar electrical generation facility at 250 Carter St." No reasonable person would fail to recognize the clear implications to my legal rights, duties and privileges from the very fact of having an industrial facility built next to my property in the middle of a rural residence zone.

- b. I stated that “Overflows from the proposed infiltration basin will be directed towards our property.” How is this speculative? This is clearly shown in Exhibit C of the Petition. When a neighboring property owner or tenant proposes to divert stormwater overflows towards my property (a fact) does anyone doubt that this affects my legal rights, duties and privileges?
 - c. My filing was made via a fillable PDF from the Siting Council website. Does the Petitioner expect that I would include in the limited space of the form a legal treatise on property rights related to diversion of stormwater from its natural course towards a neighboring property? The spaces on the form clearly call for summary statements, not legal briefs.
 2. Secondly, the “legal rights, duties or privileges” test that the Petitioner claims I violated does not apply to me. The Petitioner ignores the Siting Council regulations with respect to filings for Party status. Consider Section 16-50j-14(c) which states: “(c) Designation as party. The Council shall consider all such petitions and shall name or admit as a party any **person who is required by law to be a party** and any other person whose legal rights, duties, or privileges shall be specifically affected by the Council's decision in the proceeding.” Note the distinction between the phrase in bold and the other category of party filer. Clarification of that distinction is found in part in Sec. 16-50j-13. Designation of parties which states: “In issuing the notice of hearing, the Council **shall** name as parties those persons enumerated in and qualifying under Section 16-50n(a), subdivisions inclusive, of the Connecticut General Statutes.” (Emphasis added.)

I clearly fall into CGS 277a, Sec. 16-n(a) which states in part: “(a) The parties to a certification or amendment proceeding or to a declaratory ruling proceeding **shall** include: (1) The applicant, certificate holder, or petitioner; (2) each person entitled to receive a copy of the application or resolution under section 16-50l, if such person has filed with the council a notice of intent to be a party;” (my emphasis). I presume that the Council and the Petitioner do not need me to quote Section 16-50l referenced in Sec. 16-n(a) since by sending me the notices required by that section the Petitioner acknowledge my status under that provision. It should be clear from the specific laws and regulations applicable to declaratory ruling proceedings of the Siting Council specifically that an abutting property owner is legally required to be a Party if they have filed notice with the Council, which I did.

The distinction for other filers for party status who must show how their legal fights, duties or privileges would be specifically affected are those who may not fit into the category of a legal right via CGS 277a, Sec. 16-n(a) but rather “(4) such other persons as the council may at any time deem appropriate” in the continuation of that Sec. 16-n(a).

Quite simply, any analysis of the governing regulations must give meaning to the distinction between party filers who are required to be named as such per CGS 277a, Section 16n(a) and such filers who must satisfy an additional criteria.

3. The Petitioner's objection further states that my input would be repetitive if the Town is permitted to intervene. I trust that the Siting Council sees the absurdity of this argument. The Petitioner's reasoning would lead to exclusion of all abutters and other residents of a town whenever that town files for party or intervenor status. That has certainly not been the practice of the Siting Council and with good reason. Further, the law and regulations contemplate both abutting property owners and towns becoming parties by virtue of identifying them separately in the governing statutes and regulations. Additionally, the interests of a town in the general welfare of all of its residents do not always align 100% with any given resident even on an issue where both may have the same or similar goals. I am not an attorney and am unfamiliar with legal protocols and courtesies but with all due respect as a layperson, I am shocked that the Petitioner's attorneys would even consider raising such a frivolous question.
4. The Petitioner indicates that my reference to CGS Section 16-50l does not apply here. I point out in response that Section 16-50n(a) references 16-50l and that is why I cited it.

Finally, I must also point out that my request for Party status was filed on April 4, 2024. The Petitioner has had ample time to file an objection to that filing yet it chose to wait until the afternoon before the Hearing to file it. I believe that experienced attorneys who have familiarity with the rules should be held to a standard of timely notice of any objections with respect to a party who is inexperienced in these matters and is not represented by counsel. They should not be rewarded for attempting to run out the clock on procedural and technical matters when they had the clear opportunity to provide notice on a time sensitive issue. I believe that I have provided sufficient reason for the Council to grant my filing notwithstanding the lack of timely notice of the Petitioner's objection but I would hope that the Siting Council will add that factor in to their decision.

Respectfully,



Raymond Welnicki