



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

Web Site: portal.ct.gov/csc

Hearing Program

Petition No. 1637

Tuesday, December 10, 2024

2:00 p.m.

I. Opening by Council

A. Statement read by Presiding Officer

B. Motions

1. Town of Granby Objection to Petitioner's submission of Late Filed Exhibit Nos. 2 and 8 under the November 19, 2024 Protective Order, dated December 9, 2024
2. Petitioner's Motion for Protective Order – Late Filed Exhibit Nos. 2 and 8, dated December 10, 2024

C. Administrative Notice taken by Council

FEDERAL

1. National Institute of Environmental Health Sciences, National Institutes of Health, *EMF, Electric and Magnetic Fields Associated with the Use of Electric Power*, June 2002, available at http://www.niehs.nih.gov/health/materials/electric_and_magnetic_fields_associated_with_the_use_of_electric_power_questions_and_answers_english_508.pdf
2. National Research Council, *Research on Power-Frequency Fields Completed Under the Energy Policy Act of 1992*, National Academy of Sciences, 1999, available at <http://books.nap.edu/openbook.php?isbn=0309065437>
3. Presidential Proclamation No. 8460, Critical Infrastructure Month, 74 Fed. Reg. 234, December 8, 2009, available at <http://www.presidency.ucsb.edu/ws/index.php?pid=86954>
4. Presidential Executive Order No. 13636, Improving Critical Infrastructure Cybersecurity, 78 Fed. Reg. 11739, February 19, 2013, available at <http://www.archives.gov/federal-register/executive-orders/2013.html>
5. United States Department of the Interior, National Park Service, *National Register of Historic Places*, available at <https://www.nps.gov/subjects/nationalregister/index.htm>
6. United States Department of Energy, Federal Energy Regulatory Commission and the North American Electric Reliability Corporation, *Report on Transmission Facility Outages During the Northeast Snowstorm of October 29-30, 2011 – Causes and Recommendations*, available at https://www.nerc.com/pa/rm/ea/October%202011%20Northeast%20Snow%20Storm%20Event/NE_Outage_Report-05-31-12.pdf
7. United States Quadrennial Energy Review Task Force, *Quadrennial Energy Review Second Installment: Transforming the Nation's Electricity System*, January 2017, available at <https://www.energy.gov/policy/downloads/quadrennial-energy-review-second-installment>

8. United States Energy Information Administration, *Annual Energy Outlook 2023*, March 16, 2023, available at <https://www.eia.gov/outlooks/aeo/>
9. United States Fish and Wildlife Service, New England Field Office, Addressing Northern Long-eared Bat, available at <https://www.fws.gov/office/new-england-ecological-services/endangered-species-project-review#Step4>
10. United States Department of Agriculture, Soil Survey Manual, Handbook No. 18, March 2017 (Amended 2018), available at <https://www.nrcs.usda.gov/sites/default/files/2022-09/The-Soil-Survey-Manual.pdf>
11. United States Federal Aviation Administration, *Obstruction Marking and Lighting, Advisory Circular AC No. 70/7460-1M*, November 16, 2020, available at https://www.faa.gov/documentLibrary/media/Advisory_Circular/Advisory_Circular_70_7460_1M.pdf
12. United States Federal Aviation Administration, *Obstruction Evaluation Version 2023-Sep.3, Notice Criteria Tool*, available at <https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm>
13. *Allco Fin. Ltd. v. Klee*, 2014 U.S. Dist. LEXIS 170674 (D. Conn. 2014), affirmed by *Allco Fin. Ltd. v. Klee*, 805 F.3d 89 (2nd Cir. 2015)

REGIONAL

14. ISO-New England, Inc., *Operational Fuel-Security Analysis*, January 17, 2018, available at https://www.iso-ne.com/static-assets/documents/2018/01/20180117_operational_fuel-security_analysis.pdf
15. ISO-New England, Inc., *2023 Regional System Plan*, November 1, 2023, https://www.iso-ne.com/static-assets/documents/100005/20231114_rsp_final.pdf
16. ISO-New England, Inc., *Regional System Plan Project List*, June 2024, available at <http://www.iso-ne.com/system-planning/system-plans-studies/rsp>
17. ISO-New England, Inc., *2024-2033 Forecast Report of Capacity, Energy, Loads & Transmission (CELT)*, revised May 17, 2024, available at <https://www.iso-ne.com/system-planning/system-plans-studies/celt>
18. ISO-New England, Inc., *ISO New England's Internal Market Monitor 2023 Annual Markets Report*, May 24, 2024, available at <https://www.iso-ne.com/static-assets/documents/100011/2023-annual-markets-report.pdf>
19. ISO-New England, Inc., *Interconnection Request Queue*, available at <https://www.iso-ne.com/system-planning/transmission-planning/interconnection-request-queue>
20. ISO-New England, Inc., *New England's Forward Capacity Auction Closes with Adequate Power System Resources for 2027/2028*, February 9, 2024, available at https://www.iso-ne.com/static-assets/documents/100008/20240209_pr_fca18_initial_results.pdf

21. ISO-New England, Inc., *FCA Results Filing in FERC Docket No. ER24-____-000*, February 21, 2024, available at https://www.iso-ne.com/static-assets/documents/100008/er24-____-000_fca_18_results_filing.pdf
22. ISO-New England, Inc., *Connecticut 2034 Final Needs Assessment Scope of Work*, August 20, 2024, available at https://www.iso-ne.com/static-assets/documents/100014/final_connecticut_2034_na_sow.pdf

STATE

Connecticut Siting Council

23. Connecticut Siting Council, *Petition No. 754 - Electric and Magnetic Field Best Management Practices for the Construction of Electric Transmission Lines in Connecticut*, December 14, 2007, revised December 30, 2022, available at https://portal.ct.gov/-/media/CSC/Publications/EMF-BMP-12-30--2022-update_final_s.pdf
24. Connecticut Siting Council, *2022 Review of the Ten-Year Forecast of Connecticut Electric Loads and Resources*, January 5, 2023, available at https://portal.ct.gov/-/media/CSC/1_Dockets-medialibrary/Forecast2022/F2022-finalreportwithattachments_s.pdf
25. Connecticut Siting Council, *White Paper on the Security of Siting Energy Facilities*, October 8, 2009, available at https://portal.ct.gov/-/media/CSC/Dockets-and-Other-Pending-Proceedings/Dockets300-400/docket_346/whiteprFINAL.pdf.pdf
26. Connecticut Siting Council, *2022 Analysis of Life-Cycle Costs of Electric Transmission Lines*, January 5, 2023, available at https://portal.ct.gov/-/media/CSC/1_Dockets-medialibrary/LifeCycle/2022LifeCycle/Lifecycle2022finalmemoandreport_s.pdf
27. Connecticut Siting Council, *Petition No. 1579 – KCE CT 9, LLC Declaratory Ruling*, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 5.0-megawatt AC battery energy storage facility located at 2 Ella T. Grasso Turnpike, Windsor Locks, Connecticut and associated electrical interconnection. Record and Final Decision, available at https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1501-1600/PE1579
28. Connecticut Siting Council, *Petition No. 1581 - KCE CT 8, LLC Declaratory Ruling*, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 4.9-megawatt AC battery energy storage facility located at 44 Skinner Street, East Hampton, Connecticut, and associated electrical interconnection. Record and Final Decision, available at https://portal.ct.gov/csc/3_petitions/petition-nos-1501-1600/pe1581
29. Connecticut Siting Council, *Petition No. 1591 - KCE CT 5, LLC Declaratory Ruling*, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 5.0-megawatt AC battery energy storage facility located at Village Hill Road, Stafford (Parcel No. 71-6) and Willington (Parcel No. 52-001-00), Connecticut, and associated electrical interconnection. Record and Final Decision, available at https://portal.ct.gov/csc/3_petitions/petition-nos-1501-1600/pe1591

30. Connecticut Siting Council, Petition No. 1604 - Endurant Energy Declaratory Ruling pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of an 18.0-megawatt AC battery energy storage facility located at 50 Ucar Street (Parcel No. 70H-55-97), Suffield, Connecticut, and associated electrical interconnection. Record and Final Decision, available at https://portal.ct.gov/csc/3_petitions/petition-nos-1601-1700/pe1604
31. Connecticut Siting Council, Petition No. 1606 - Endurant Energy Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 4.9-megawatt AC battery energy storage facility located at 65 and 105 Vine Street, Middletown, Connecticut, and associated electrical interconnection. Record and Final Decision, available at https://portal.ct.gov/csc/3_petitions/petition-nos-1601-1700/pe1606
32. Connecticut Siting Council, Petition No. 1589 - USS Somers Solar, LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the 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. July 30, 2021 State Historic Preservation Office correspondence related to Area of Potential Effect, available at https://portal.ct.gov/-/media/CSC/3_Petitions-MediaLibrary/Petitions_MediaLibrary/MediaPetitionNos1501-1600/PE1589/PetitionerSubmissions/Appendix-B---Environmental-Assessment.pdf

Department of Energy and Environmental Protection

33. Department of Energy and Environmental Protection, Connecticut Council on Soil and Water Conservation, *Connecticut Guidelines for Soil Erosion and Sediment Control*, effective date March 30, 2024, available at <https://portal.ct.gov/DEEP/Water/Soil-Erosion-and-Sediment-Control-Guidelines/Guidelines-for-Soil-Erosion-and-Sediment-Control> https://portal.ct.gov/-/media/DEEP/water/water_quality_management/Guidance/SESCG_CleanFinal.pdf
34. Department of Energy and Environmental Protection, *Connecticut Stormwater Quality Manual*, effective date March 30, 2024, available at https://portal.ct.gov/-/media/DEEP/water/water_quality_management/Guidance/SWM_Feb_2024.pdf
35. Department of Energy and Environmental Protection, Bureau of Water Management, Planning and Standards Division, *Water Quality Standards, (Surface Water Quality Standards and Ground Water Quality Standards* Effective October 10, 2013, available at https://portal.ct.gov/-/media/deep/water/water_quality_standards/wqsfinaladopted22511.pdf.pdf
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37. Department of Energy and Environmental Protection, *Connecticut Noise Control Regulations*, Effective June 15, 1978, Regulations of Connecticut State Agencies §§22a-69-1, et seq., available at <https://eregulations.ct.gov/eRegsPortal/Browse/getDocument?guid=%7b60A3E155-0600-CEB3-8088-B39D9CA5974D%7d>
38. Department of Energy and Environmental Protection, Bureau of Energy and Technology Policy, *2018 Comprehensive Energy Strategy for Connecticut*, February 8, 2018, available at <https://portal.ct.gov/-/media/DEEP/energy/CES/2018ComprehensiveEnergyStrategy.pdf.pdf>

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40. Department of Energy and Environmental Protection, Bureau of Natural Resources, *Connecticut's Endangered, Threatened and Special Concern Species 2015*, August 2015, available at https://portal.ct.gov/-/media/DEEP/wildlife/pdf_files/nongame/ETS15pdf.pdf
41. Department of Energy and Environmental Protection, Bureau of Natural Resources, *Connecticut's Wildlife Action Plan*, 2015 Revision, available at <https://portal.ct.gov/deep/wildlife/ct-wildlife-action-plan/ct-2015-wildlife-action-plan#Review>
42. Department of Energy and Environmental Protection, Inland Fisheries Division, *Habitat Conservation and Enhancement Program, Stream Crossing Guidelines*, February 26, 2008, available at <https://portal.ct.gov/-/media/DOT/finalcrossingguidelinesFeb262008highrespdf.pdf>
43. Department of Energy and Environmental Protection, *Watershed Management Plans and Documents*, available at: <https://portal.ct.gov/DEEP/Water/Watershed-Management/Watershed-Management-Plans-and-Documents>
44. Department of Energy and Environmental Protection, Stormwater Program, Stormwater Construction Filings, available at <https://filings.deep.ct.gov/DEEPPortal/PublicSearch/SWC>
45. Department of Energy and Environmental Protection, Stormwater Program, *General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities*, available at https://portal.ct.gov/-/media/DEEP/Permits_and_Licenses/Water_Discharge_General_Permits/stormconstgppdf.pdf
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Department of Public Health

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48. Department of Public Health, *General Construction Best Management Practices for Sites within a Public Drinking Water Supply Area*, July 2014, available at, https://portal.ct.gov/-/media/departments-and-agencies/dph/dph/drinking_water/pdf/bmpfactsheetpdf.pdf

Department of Transportation

49. Department of Transportation, *ConnDOT Drainage Manual*, 2000, last revised July 2016, available at <https://portal.ct.gov/dot/hydraulics-and-drainage/drainage-manual>
50. Department of Transportation, *Utility Accommodation Manual*, February 2009, available at <https://portal.ct.gov/-/media/DOT/documents/dutilities/ACCOMODATIONpdf.pdf>

51. Department of Transportation, Bureau of Engineering and Highway Operations, *Public Service Facility Policy and Procedures for Highways in Connecticut*, November 2008, available at <https://portal.ct.gov/-/media/DOT/documents/dutilities/UtilityPolicyProcedures.pdf>

Other State Agencies

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55. Connecticut Green Bank, Energy Storage Solutions Program Manual, dated January 20, 2023, available at [https://www.dpuc.state.ct.us/dockcurr.nsf/8e6fc37a54110e3e852576190052b64d/a3ee00544b1b1fc285258940006564b7/\\$FILE/ESS%20Program%20Manual_Updated%201.20.2023_CLEAN.pdf](https://www.dpuc.state.ct.us/dockcurr.nsf/8e6fc37a54110e3e852576190052b64d/a3ee00544b1b1fc285258940006564b7/$FILE/ESS%20Program%20Manual_Updated%201.20.2023_CLEAN.pdf)
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65. *Manor Development Corp. v. Conservation Comm. of Simsbury*, 180 Conn. 692, 701 (1980).
66. *Grimes v. Conservation Comm. of Litchfield*, 243 Conn. 266, 278 (1997).
67. *FairwindCT, Inc. v. Connecticut Siting Council*, 313 Conn. 669 (2014).
68. *Connecticut Energy Marketers Association v. Dept. of Energy and Environmental Protection*, 324 Conn. 362 (2016).
69. *Corcoran v. Connecticut Siting Council*, 284 Conn. 455 (2007).

TECHNICAL

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ENVIRONMENTAL

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82. Lower Farmington River and Salmon Brook Wild & Scenic Committee, available at <https://lowerfarmingtonriver.org/>

MAPS

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84. Connecticut Department of Energy and Environmental Protection, *Natural Diversity Database Maps*, available at <http://www.depdata.ct.gov/naturalresources/endangeredspecies/nddbpdfs.asp>
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86. Connecticut Department of Energy and Environmental Protection, *Connecticut Northern Long-eared bat Observations by Town*, last updated July 24, 2023, available at <https://portal.ct.gov/-/media/deep/nddb/nolongearedbat-map.pdf>
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91. Mail-A-Map Street Map, Granby/Hartland, available at http://mailamap.com/street_maps
92. United States Geological Survey, National Map Viewer, available at <https://apps.nationalmap.gov/viewer/>
93. Connecticut Department of Energy and Environmental Protection, State Park and Forests Interactive Map, available at <https://ctdeep.maps.arcgis.com/apps/webappviewer/index.html?id=950da678b13b458ba4cbe5687e902c19&deepNav=%7C>
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D. State Agency comments

1. Council on Environmental Quality Comments, dated August 29, 2024

II. Appearance by Petitioner: KCE CT 11, LLC (**KCE**)

Representative: Lee D. Hoffman, Esq.
Pullman & Comley, LLC

A. Administrative Notice.

B. Exhibits for Identification.

1. Petition for a Declaratory Ruling filed by KCE CT 11, LLC, received August 1, 2024, and attachments.
2. Petitioner Responses to Council Interrogatories, Set One, dated November 12, 2024
3. Petitioner Responses to Town of Granby Interrogatories, dated November 12, 2024
4. Petitioner Sign Posting Affidavit, dated November 12, 2024
5. Petitioner Signed Protective Order – Cost Information and Agreement Terms, dated November 19, 2024
6. Petitioner Responses to Council Interrogatories, Set Two, dated December 3, 2024
7. Petitioner Late-Filed Exhibits, dated December 3, 2024
 - a. Plume Study
 - b. Canadian Solar’s Emergency Response Plan (Subject to Protective Order)

- c. EPRI Study, Lessons Learned from Air Plume Modeling of Battery Energy Storage System Failure Incidents
 - d. System Operational Benefits of the Proposed Facility and its Location
 - e. Fire Fighting Operations with Lithium-Ion Batteries
 - f. November 21, 2024 DEEP Natural Diversity Data Base Determination Letter
 - g. Connecticut Department of Public Health Map of Service Areas of Community Public Water Systems
 - h. Standard SolBank Fire Safety Design (Subject to Protective Order)
 - i. Safety Data Sheets for Battery Energy Storage System, submitted December 10, 2024
8. Petitioner Signed Protective Order – Late Filed Exhibit Nos. 2 and 8, dated December 10, 2024

C. Swear Witnesses

1. Paul Williamson, Senior Manager, Key Capture Energy
2. Joel Vyduna, Executive Vice President, Key Capture Energy
3. Steve Kochis, P.E., Vanasse Hangen Brustlin, Inc.
4. Andy Blum, Principal Fire Protection Engineer, Director of Battery Energy Storage Systems, Fire & Risk Alliance
5. Clint Cyr, P.E. Lead Engineer, Epsilon Associates
6. Katelin Nickerson, Wetland Scientist and Project Manager, Flycatcher, LLC

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
2. Town of Granby

III. Appearance by Party: Town of Granby (**TOWN**)

Representative: Robert M. DeCrescenzo, Esq.
Updike, Kelly & Spellacy, P.C

A. Administrative Notice.

1. International Fire Chiefs Association, IAFC Bulletin, Recommended Fire Department Response to Energy Storage Systems (ESS) Part 1, August 1, 2022, *available at* <https://www.iafc.org/docs/default-source/1fire-prev/iafcresponseessfires.pdf>
2. Connecticut Siting Council, Petition No. 1607 – Hanwha Q Cells America, Inc. 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 battery energy storage facility located at Parcel No. 95-F10-247-5 and 95-F10-247-5A, 163 State Pier Road, New London, Connecticut, and associated electrical interconnection. Record and Final Decision, *available at* https://portal.ct.gov/csc/3_petitions/petition-nos-1601-1700/pe1607

3. Connecticut Siting Council, Petition No. 1623 – HQCA Energy Solutions, 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 battery energy storage facility and associated equipment located at 40 Norwich Road, Waterford, Connecticut, and associated electrical interconnection. Record and Final Decision, available at https://portal.ct.gov/csc/3_petitions/petition-nos-1601-1700/pe1623

B. Exhibits for Identification.

1. Town of Granby Request for Party Status, dated August 12, 2024
2. Town of Granby Request for Public Hearing, dated August 12, 2024
3. Town of Granby Pre-filed Testimony, dated November 12, 2024
 - a. Pre-Filed Testimony of Mark Fiorentino
 - b. Pre-Filed Testimony of Kate Bednaz
 - c. Pre-Filed Testimony and Resume of Mark Gottlieb
 - d. Pre-Filed Testimony and Resume of John Oates
4. Town of Granby Responses to Council Interrogatories, dated December 3, 2024

C. Swear Witnesses

1. Mark Fiorentino, First Selectperson, Town of Granby
2. Kate Bednaz, Wetlands Agent, Town of Granby/President, Freshwater Wetland Services
3. Mark Gottlieb, LEP, Senior Environmental Consultant, GeoQuest, Inc.
4. John Oates, MS, EFO, President, CEO, International Public Safety Data Institute

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
2. Petitioner

IV. Closing by Connecticut Siting Council.