

**CERTIFIED COPY**

STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

Petition No. 1637

KCE CT 11, 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 4.99-Megawatt AC Battery Energy  
Storage Facility and Associated Equipment Located at  
100 Salmon Brook Street, Granby, Connecticut, and  
Associated Electrical Interconnection.

Zoom Remote Council Meeting (Teleconference),  
on Tuesday, November 19, 2024, beginning at 2 p.m.

H e l d   B e f o r e :

JOHN MORISSETTE, Member and Presiding Officer

1   **A p p e a r a n c e s :**

2           **Councilmembers:**

3           **JOHN MORISSETTE, (Hearing Officer)**

4  
5           **BRIAN GOLEMBIEWSKI,**

6           **DEEP Designees**

7  
8           **QUAT NGUYEN,**

9           **PURA Designee**

10  
11          **CHANCE CARTER**

12          **KHRISTINE HALL**

13          **BILL SYME**

14          **ELIN KATZ**

15  
16   **Council Staff:**

17          **MELANIE BACHMAN, ESQ.,**

18          **Executive Director and Staff Attorney**

19  
20          **IFEANYI NWANKWO,**

21          **Siting Analyst**

22  
23          **DAKOTA LaFOUNTAIN**

24          **Administrative Support**

25

1   **A p p e a r a n c e s:(cont'd)**

2   **For KCE CT 11, LLC:**

3           **PULLMAN & COMLEY, LLC**

4           **90 State House Square**

5           **Hartford, Connecticut 06103-3702**

6           **By:   LEE D. HOFFMAN, ESQ.**

7                   **LHoffman@pullcom.com**

8                   **860.424.4315**

9  
10   **For THE TOWN OF GRANBY:**

11           **UPDIKE, KELLY & SPELLACY, P.C**

12           **225 Asylum Street, 20th Floor**

13           **Hartford, Connecticut 06103**

14           **By:   ROBERT M. DeCRESCENZO, ESQ.**

15                   **RDecrescenzo@uks.com**

16                   **860.548.2625**

1 (Begin: 2:00 p.m.)

2  
3 THE HEARING OFFICER: Good afternoon, ladies and  
4 gentlemen. Can everybody hear me okay?

5 ATTORNEY HOFFMAN: Yes.

6 THE HEARING OFFICER: Very good. Thank you.

7 This public hearing is called to order this  
8 Tuesday, November 19, 2024, at 2 p.m. My name is  
9 John Morissette, member and Presiding Officer of  
10 the Council.

11 Other members of the Council are Brian  
12 Golembiewski, designee for Commissioner Katie  
13 Dykes of the Department of Energy and  
14 Environmental Protection; Quat Nguyen, designee  
15 for Chairman Marissa Paslick Gillett of the Public  
16 Utilities Regulatory Authority; Chance Carter,  
17 Khristine Hall, Bill Syme, and Elin Katz.

18 Members of the staff are Executive Director  
19 Melanie Bachman, Siting Analyst Ifeanyi Nwankwo,  
20 and Administrative Support Dakota LaFountain.

21 If you haven't done so already, I ask that  
22 everyone please mute their computer audio and/or  
23 telephones now. Thank you.

24 This hearing is held pursuant to the  
25 provisions of Title 16 of the Connecticut General

1 Statutes and the Uniform Administrative Procedure  
2 Act upon a petition from KCE Connecticut 11, LLC,  
3 for a declaratory ruling pursuant to Connecticut  
4 General Statutes, Section 4-176 and Section  
5 1650-K, for the proposed construction,  
6 maintenance, and operation of a 4.99-megawatt AC  
7 battery energy storage facility and the associated  
8 equipment located at 100 Salmon Brook Street in  
9 Granby, Connecticut, and the associated electrical  
10 interconnection.

11 This petition was received by the Council on  
12 August 1, 2024. The Council's legal notice of  
13 date and time of this public hearing was published  
14 in the Hartford Courant on September 17, 2024.

15 Upon this Council's request, the Petitioner  
16 erected a sign at the proposed electrical  
17 interconnection point for the facility site along  
18 Salmon Brook Street so as to inform the public of  
19 the name of the Petitioner, the type of the  
20 facility, the public hearing date, and contact  
21 information for the Council, including its website  
22 and phone number.

23 As a reminder to all, off-the-record  
24 communication with a member of the Council or a  
25 member of the Council's staff upon the merits of

1 this petition is prohibited by law.

2 The parties and interveners of this  
3 proceeding are as follows. The Petitioner, KCE  
4 Connecticut 11, LLC, represented by Lee Hoffman,  
5 Esquire, of Pullman & Comley, LLC.

6 We have a party, the Town of Granby, its  
7 representative, Robert M. DeCrescenzo, Esquire, of  
8 Updike, Kelly & Spellacy, P.C.

9 We have grouped business parties of David  
10 Bostic, Susan Okie, and James Larwood.

11 We will proceed in accordance with the  
12 prepared agenda, the copy of which is available on  
13 the Council's Petition Number 1637 webpage along  
14 with the record of this matter, the public hearing  
15 notice, instructions for public access to this  
16 public hearing, and the Council's Citizens' Guide  
17 to Siting Council Procedures.

18 Interested persons may join any session of  
19 this public hearing to listen, but no public  
20 comments will be received during the 2 p.m.  
21 Evidentiary session. At the end of the  
22 evidentiary session, we will recess until  
23 6:30 p.m. for the public comment session. Please  
24 be advised that any person may be removed from the  
25 evidentiary session or the public comment session

1 at the discretion of the Council.

2 At 6:30 p.m. the public comment session will  
3 be reserved for members of the public who have  
4 signed up in advance to make brief statements into  
5 the record. I wish to note that the Petitioner,  
6 the parties, and interveners, including their  
7 representatives and witnesses, are not allowed to  
8 participate in the public comment session.

9 I also wish to note for those who are  
10 listening, and for the benefit of your friends and  
11 neighbors who are unable to join us for the public  
12 comment session, that you or they may send written  
13 statements to the Council within 30 days of the  
14 date hereof either by mail or by e-mail, and such  
15 written statements will be given the same weight  
16 as if spoken during the public comment session.

17 A verbatim transcript of the public hearing  
18 will be posted on the Council's Petition Number  
19 1637 webpage and deposited with the Granby Town  
20 Clerk's office for the convenience of the public.

21 The Council will take a 10 to 15-minute break  
22 at a convenient juncture around 3:30 p.m.

23 We have one motion to take care of this  
24 afternoon, the Petitioner's motion for protective  
25 order relating to the cost information, dated

1 November 12, 2024. Attorney Bachman may wish to  
2 comment.

3 Attorney Bachman, good afternoon.

4 ATTORNEY BACHMAN: Good afternoon. Thank you,  
5 Mr. Morissette.

6 The Petitioner filed a motion for protective  
7 order pursuant to General Statutes Section 1-210,  
8 Subsection B, related to disclosure of project  
9 costs, cost recovery mechanisms, and energy  
10 pricing, and staff recommends the protective order  
11 be issued. Thank you.

12 THE HEARING OFFICER: Thank you, Attorney Bachman.

13 With that, I'll entertain a motion.

14 Is there a motion?

15 MS. HALL: I'll make a motion to grant the protective  
16 order.

17 THE HEARING OFFICER: Thank you, Ms. Hall.

18 Is there a second?

19 MR. CARTER: I'll second.

20 THE HEARING OFFICER: Thank you, Mr. Carter.

21 We have a motion by Ms. Hall to approve the  
22 motion for protective order, and we have a second  
23 by Mr. Carter. We'll now move to discussion.

24 Mr. Nguyen, any discussion?

25 MR. NGUYEN: No discussion. Thank you.



1 THE HEARING OFFICER: Thank you.

2 Mr. Golembiewski, any discussion?

3 MR. GOLEMBIEWSKI: I have no discussion. Thank you.

4 THE HEARING OFFICER: Thank you.

5 Mr. Carter, any discussion?

6 MR. CARTER: Good afternoon, and no discussion.

7 THE HEARING OFFICER: Thank you.

8 Ms. Hall, any discussion?

9 MS. HALL: No discussion. Thank you.

10 THE HEARING OFFICER: Thank you.

11 Mr. Syme, any discussion?

12 MR. SYME: I have none.

13 THE HEARING OFFICER: Thank you.

14 Ms. Katz, any discussion?

15 MS. KATZ: No discussion.

16 THE HEARING OFFICER: Thank you. And I have no  
17 discussion.

18 We'll now move to the vote. Mr. Nguyen, how  
19 do you vote?

20 MR. NGUYEN: I vote to approve. Thank you.

21 THE HEARING OFFICER: Thank You.

22 Mr. Golembiewski?

23 MR. GOLEMBIEWSKI: I vote to approve. Thank you.

24 THE HEARING OFFICER: Thank you.

25 Mr. Carter?

1 MR. CARTER: Vote to approve. Thank you.

2 THE HEARING OFFICER: Thank you. Mr. Hall -- Ms. Hall,  
3 I'm sorry.

4 MS. HALL: That's all right. I'm still the same  
5 person. I vote to approve. Thank you.

6 THE HEARING OFFICER: Thank you. Mr. Syme?

7 MR. SYME: I vote for approval.

8 THE HEARING OFFICER: Thank you. Ms. Katz?

9 MS. KATZ: I vote to approve.

10 THE HEARING OFFICER: Thank you. And I vote for  
11 approval. We have a unanimous decision. The  
12 motion for protective order is approved.

13 We'll now move on to administrative notices  
14 taken by the Council. I wish to call your  
15 attention to those items on the hearing program  
16 marked as Roman numerals 1C, items 1 through 94,  
17 noting the addition of items number 76 and 82  
18 since the Council's October 23, 2024, pre-hearing  
19 conference.

20 Does the Petitioner or any party have an  
21 objection to the items that the Council has  
22 administratively noticed?

23 Attorney Hoffman, good afternoon.

24 ATTORNEY HOFFMAN: Good afternoon, Mr. Morissette.

25 I am not familiar with item number 82 as it

1 was a late addition, but I have no objections  
2 other than that. And I'd just like an opportunity  
3 to quickly look it up on the Internet.

4 THE HEARING OFFICER: Very good. Thank you,  
5 Mr. Hoffman.

6 Attorney DeCrescenzo, do you have any  
7 objection?

8 ATTORNEY DeCRESCENZO: No objection.

9 THE HEARING OFFICER: Thank you. Does the grouped  
10 business party's representatives have any  
11 objection? I believe Susan Okie is representing  
12 the parties. Is that correct?

13 Susan, are you with us here this afternoon?

14  
15 (No response.)

16  
17 THE HEARING OFFICER: Anybody else from the business  
18 party's representatives available?

19  
20 (No response.)

21  
22 THE HEARING OFFICER: Hearing none, we'll move on.

23 ATTORNEY HOFFMAN: Mr. Morissette, if I may?

24 THE HEARING OFFICER: Yes, Attorney Hoffman. Please?

25 ATTORNEY HOFFMAN: So item number 82 says it's the

1 Lower Farmington River and Salmon Brook Wild and  
2 Scenic Committee, but the website is something  
3 slightly different. The website that's been given  
4 is something slightly different. It's the Lower  
5 Farmington River and Salmon Brook Wild and Scenic.

6 If you click on the "About Us," the first  
7 subsection is the Scenic Committee. So is that  
8 what the Council is taking administrative notice  
9 of?

10 THE HEARING OFFICER: Thank you, Attorney Hoffman.

11 I'll ask Attorney Bachman if she understands  
12 the difference here. Attorney Bachman?

13 ATTORNEY BACHMAN: Thank you, Mr. Morissette.

14 I'm certain that the website, the link to the  
15 website is correct. Perhaps there may be a  
16 typographical error in the title of the  
17 document --

18 ATTORNEY HOFFMAN: (Unintelligible) -- I'm sorry, Ms.  
19 Bachman, I cut you off. I apologize.

20 ATTORNEY BACHMAN: The website is correct. It should  
21 lead you to the scenic committee and any of their  
22 responsibilities as it relates to wild and scenic  
23 rivers, such as the Farmington and Salmon Brook.

24 ATTORNEY HOFFMAN: Okay. So --

25 ATTORNEY BACHMAN: Certainly, we wouldn't entertain any

1 cross-examination on these items since everyone is  
2 just first laying eyes on them. And certainly,  
3 they would be fair game for the next continued  
4 evidentiary session. And you could probably ask  
5 more thorough questions about this particular item  
6 at that time.

7 **ATTORNEY HOFFMAN:** That would be perfect. I think the  
8 confusion stems from the document on the website,  
9 that on the website, as labeled, Wild and Scenic  
10 Committee is different from the website that you  
11 gave. The website that you gave is just for the  
12 Lower Farmington River and Salmon Brook Wild and  
13 Scenic.

14 So I suppose what I can do is put further  
15 questions in writing and perhaps we can get some  
16 clarification before the next hearing so that we  
17 can move this along.

18 **ATTORNEY BACHMAN:** Thank you, Attorney Hoffman.

19 **THE HEARING OFFICER:** Thank you, Attorney Bachman and  
20 thank you, Attorney Hoffman.

21 With that, accordingly, the Council hereby  
22 administratively notices these documents.

23 I'll move on to the appearance of the  
24 Petitioner. Will the Petitioner present its  
25 witness panel for purposes of taking the oath?

1 Attorney Bachman will administer the oath.

2 Attorney Hoffman?

3 ATTORNEY HOFFMAN: Thank you, Mr. Morissette. I'd ask  
4 the witnesses to turn on their cameras so that  
5 everyone can meet them.

6 So here today we have Paul Williamson, who is  
7 the Senior Manager for Key Capture Energy; Joel  
8 Vyduna, the Executive Vice President for Key  
9 Capture Energy; Steve Kochis from VHB, a  
10 consultant for Key Capture; Andy Blum, the  
11 principal fire protection engineer and Director of  
12 Battery Energy Storage Systems for Fire and Risk  
13 Alliance; Clint Cyr, the lead engineer at Epsilon  
14 Associates; and Katelin Nickerson, a wetland  
15 scientist and project manager with Flycatcher,  
16 LLC.

17 That is our witness panel for today, Mr.  
18 Morissette.

19 THE HEARING OFFICER: Thank you, Attorney Hoffman.

20 You have a camera on the witness panel in the  
21 room. Are those all the folks that you just  
22 identified?

23 ATTORNEY HOFFMAN: No. No, Mr. Morissette, I believe  
24 those are the Town's witnesses.

25 THE HEARING OFFICER: Oh, yes. Okay. I see now.

1 ATTORNEY HOFFMAN: Our witnesses are on individual  
2 cameras, each labeled KCE.

3 THE HEARING OFFICER: Very good. Thank you.

4 Okay. With that, Attorney Bachman, please  
5 administer the oath.

6 ATTORNEY BACHMAN: Thank you, Mr. Morissette.

7 Could all the witnesses please just raise  
8 your right hand?

9 P A U L W I L L I A M S O N,

10 J O E L V Y D U N A,

11 S T E V E N K O C H I S,

12 A N D Y B L U M,

13 C L I N T C Y R,

14 K A T E L I N N I C K E R S O N,

15 called as witnesses, being sworn by

16 THE EXECUTIVE DIRECTOR, were examined and

17 testified under oath as follows:

18  
19 THE HEARING OFFICER: Very good. Thank you.

20 Attorney Hoffman, please begin by verifying  
21 all the exhibits by the appropriate sworn  
22 witnesses.

23 ATTORNEY HOFFMAN: Thank you, Mr. Morissette.

24 So I will take the witnesses slightly out of  
25 order. We will be reviewing the exhibits that

1 have been marked for identification as Roman  
2 numeral two, letter B, items one through four.

3 And Mr. Kochis, I'm going to start with you.  
4 Are you familiar with the exhibits listed in Roman  
5 numeral two, letter B, items one through four,  
6 which are the petition for declaratory ruling; the  
7 Petitioner's responses to the Siting Council  
8 interrogatories dated November 12, 2024; the  
9 Petitioner's responses to the Town of Granby's  
10 interrogatories also dated November 12, 2024; and  
11 the Petitioner's signposting affidavit dated  
12 November 12, 2024?

13 THE WITNESS (Kochis): Yes, I am.

14 ATTORNEY HOFFMAN: And did you prepare or cause to be  
15 prepared those exhibits?

16 THE WITNESS (Kochis): Yes, I did.

17 ATTORNEY HOFFMAN: And are they accurate to the best of  
18 your knowledge and belief?

19 THE WITNESS (Kochis): Yes, they are.

20 ATTORNEY HOFFMAN: And do you have any changes to them  
21 today?

22 THE WITNESS (Kochis): No, I do not.

23 ATTORNEY HOFFMAN: And do you adopt them as your sworn  
24 testimony here today?

25 THE WITNESS (Kochis): Yes, I do.



1 ATTORNEY HOFFMAN: Mr. Williamson, similar questions  
2 for you. Are you familiar with the exhibits that  
3 have been listed Roman numeral two, letter B,  
4 items one through three?

5 THE WITNESS (Williamson): Yes, I am.

6 ATTORNEY HOFFMAN: Thank you, sir. And did you prepare  
7 or cause those exhibits to be prepared?

8 THE WITNESS (Williamson): Yes, I did.

9 ATTORNEY HOFFMAN: And are they accurate to the best of  
10 your knowledge and belief?

11 THE WITNESS (Williamson): Yes, they are.

12 ATTORNEY HOFFMAN: And do you have any changes to them  
13 as you testify here today?

14 THE WITNESS (Williamson): No, I do not.

15 ATTORNEY HOFFMAN: And do you adopt them as your sworn  
16 testimony here today?

17 THE WITNESS (Williamson): Yes, I do.

18 ATTORNEY HOFFMAN: Thank you.

19 Mr. Vyduna, I'm going to ask you the same  
20 questions I asked Mr. Williamson. Are you  
21 familiar with the items that have been marked as  
22 Roman numeral 2B, one through three?

23 THE WITNESS (Vyduna): I am.

24 ATTORNEY HOFFMAN: And did you prepare those exhibits  
25 or cause them to be prepared?

1 THE WITNESS (Vyduna): I did.

2 ATTORNEY HOFFMAN: And are they accurate to the best of  
3 your knowledge and belief?

4 THE WITNESS (Vyduna): They are.

5 ATTORNEY HOFFMAN: And do you have any changes to them  
6 here today?

7 THE WITNESS (Vyduna): I do not.

8 ATTORNEY HOFFMAN: And do you adopt them as your sworn  
9 testimony here today?

10 THE WITNESS (Vyduna): I do.

11 ATTORNEY HOFFMAN: Thank you.

12 Mr. Blum, are you familiar with the items  
13 that are marked as Exhibits 2B, two and three,  
14 which are the responses to the interrogatories?

15 THE WITNESS (Blum): I am.

16 ATTORNEY HOFFMAN: And did you prepare or assist in the  
17 preparation of those responses?

18 THE WITNESS (Blum): I did.

19 ATTORNEY HOFFMAN: And are they accurate to the best of  
20 your knowledge and belief?

21 THE WITNESS (Blum): Yes.

22 ATTORNEY HOFFMAN: And do you have any changes to them  
23 today?

24 THE WITNESS (Blum): No, I do not.

25 ATTORNEY HOFFMAN: And do you adopt them as your sworn

1 testimony here today?

2 THE WITNESS (Blum): I do.

3 ATTORNEY HOFFMAN: Thank you.

4 Mr. Cyr, are you familiar with the items that  
5 have been listed as Exhibits 2B, one through  
6 three?

7 THE WITNESS (Cyr): Yes, I am.

8 ATTORNEY HOFFMAN: And did you prepare or assist in the  
9 preparation of those exhibits?

10 THE WITNESS (Cyr): I did.

11 ATTORNEY HOFFMAN: And are they accurate to the best of  
12 your knowledge and belief?

13 THE WITNESS (Cyr): Yes.

14 ATTORNEY HOFFMAN: And do you have any changes to those  
15 exhibits today?

16 THE WITNESS (Cyr): I do not.

17 ATTORNEY HOFFMAN: And do you adopt them as your sworn  
18 testimony?

19 THE WITNESS (Cyr): Yes.

20 ATTORNEY HOFFMAN: Ms. Nickerson, I think you can see  
21 where we're going with this. Are you familiar  
22 with the exhibits that are labeled Roman numeral  
23 2, letter B, items one through three?

24 THE WITNESS (Nickerson): I am.

25 ATTORNEY HOFFMAN: And did you prepare those exhibits

1           or assist in their preparation?

2   THE WITNESS (Nickerson):  Yes, I did.

3   ATTORNEY HOFFMAN:  And are they accurate to the best of  
4           your knowledge and belief?

5   THE WITNESS (Nickerson):  Yes, they are.

6   ATTORNEY HOFFMAN:  And do you have any changes to them  
7           here today?

8   THE WITNESS (Nickerson):  I do not.

9   ATTORNEY HOFFMAN:  And do you adopt them as your sworn  
10           testimony in this matter?

11   THE WITNESS (Nickerson):  Yes, I do.

12   ATTORNEY HOFFMAN:  Mr. Morissette, with that, I would  
13           offer up Roman numeral two, letter B, items one  
14           through four as full exhibits in this proceeding.

15   THE HEARING OFFICER:  Thank you, Attorney Hoffman.

16           Does any party object to the admission of the  
17           petitioner's exhibit?

18           Attorney DeCrescenzo, good afternoon.

19   ATTORNEY DeCRESCENZO:  Good afternoon, Mr. Chairman.

20           No objection from the Town of Granby.

21   THE HEARING OFFICER:  Thank you.

22           The grouped business parties, I see Susan  
23           Okie has joined us.  Susan, are you there?

24   SUSAN OKIE:  Yes, I am.

25   THE HEARING OFFICER:  Thank you, Susan.  Do you know if

1 any other party members are going to be here?

2 David Bostic or James Larwood?

3 SUSAN OKIE: I don't believe so.

4 THE HEARING OFFICER: Okay. So therefore you are  
5 representing the grouped business parties?

6 SUSAN OKIE: Correct.

7 THE HEARING OFFICER: Thank you. Does the grouped  
8 business parties object to the admission of the  
9 Petitioner's exhibits?

10 SUSAN OKIE: No.

11 THE HEARING OFFICER: Thank you. The exhibits are  
12 hereby admitted.

13 We will now begin with cross-examination of  
14 the Petitioner by the Council starting with  
15 Mr. Nwankwo followed by Mr. Nguyen.

16 Mr. Nwankwo, good afternoon.

17 MR. NWANKWO: Good afternoon, Mr. Morissette.

18 Thank you.

19 My first question to the Petitioner will be,  
20 why was the site selected for the proposed battery  
21 energy storage facility?

22 THE WITNESS (Williamson): Good afternoon. I'll  
23 provide a response to that question.

24 Key Capture Energy started with an analysis  
25 on the electrical distribution grid in this area.

1 After doing an analysis on the distribution grid  
2 we identified that the power line traveling along  
3 Salmon Brook Street could appropriately host a  
4 project of this size, and was properly located  
5 within the grid to provide the benefits sought by  
6 the State of Connecticut, PURA. And those  
7 benefits include the increased absorption of  
8 renewable energy power, the decrease of -- of  
9 congestion in the area, and the ability to provide  
10 load and -- and resilience to the grid.

11 Upon finding that, we looked at properties in  
12 the area and we identified that there was a  
13 commercial property. The commercial property that  
14 is now subject to this petition was available by  
15 the landowner for sale. It's in a commercially  
16 zoned area.

17 After further analysis, including conducting  
18 a critical initial -- critical issue analysis and  
19 a phase-one ESA, we identified that the property  
20 was appropriate for hosting the project and would  
21 provide very limited impact to the town; number  
22 one, being in a commercial area; number two, being  
23 somewhat isolated.

24 Once the project is built the sound from the  
25 project will not have any impact on surrounding

1 residences or businesses. The project will not be  
2 highly visible.

3 And so it will be able to provide the  
4 benefits; injects the power at the proper size  
5 onto this line, and -- and be there without having  
6 a large impact to the Town or the community, a  
7 large negative impact to the Town or community.

8 MR. NWANKWO: Thank you, Mr. Williamson.

9 THE HEARING OFFICER: Excuse me for one second. Before  
10 we continue, just a reminder to all and for the  
11 benefit of the Court Reporter, before answering  
12 any questions please state your name so the Court  
13 Reporter can properly record who is responding.

14 Thank you.

15 THE WITNESS (Williamson): I'll finish my response by  
16 saying I am Paul Williamson from Key Capture  
17 Energy.

18 THE HEARING OFFICER: Thank you for that.

19 MR. NWANKWO: Thank you, Mr. Williamson.

20 My next question, I would like to refer to  
21 the Petitioner's response to Council Interrogatory  
22 Number 10 and the response to Town Interrogatory  
23 Number 1. My question would be, what were the  
24 results of the November 13, 2024, meeting?

25 THE WITNESS (Williamson): I'm sorry. Can you repeat

1           which question number that was for the Siting  
2           Council?

3   MR. NWANKWO:   That was number ten, interrogatory number  
4           10.

5   THE WITNESS (Williamson):   Interrogatory number 10 from  
6           the Connecticut siting Council?   Oh, I'm sorry,  
7           I'm looking at the wrong -- I was looking at the  
8           Town's document.

9           Give me a second to catch up there.

10   MR. NWANKWO:   I can help.   The reference was to the  
11           construction vehicles and easy passage by the  
12           existing easement.   I think the Town Interrogatory  
13           1 referred to a meeting for the upgrade of the  
14           traffic light.

15   THE WITNESS (Williamson):   Correct.   So, we've -- we've  
16           met with the -- the easement itself is subject to  
17           three parties.   Three parties have the right to  
18           that easement area, and we met with the other two  
19           parties, which include the ACRE group and Larwood,  
20           LTD.   And we've met with them twice, and the most  
21           recent meeting was on November 13th.

22           We've discussed the use of the easement.   Per  
23           the easement language, the parties are required to  
24           enter into a shared-use agreement.   And so we've  
25           outlined the main issues for the shared-use



1 agreement and agreed upon it upon -- with all  
2 three parties of that, the key issues. All of  
3 those issues have been provided to Key Capture  
4 Energy's legal counsel, who will then be drafting  
5 the first draft of the shared-use agreement for  
6 the parties to review.

7 Upon the meeting on the 13th, all parties  
8 also agreed that we would prefer to remove the  
9 existing island that is at the entrance of the  
10 access area that's coming into both that mall area  
11 as well as the access that will be used by the --  
12 by the project itself. And the other two parties  
13 instructed me to research with the Town whether or  
14 not there are any existing issues that would  
15 prevent us from removing that, that island.

16 We have not conducted that research yet.

17 MR. NWANKWO: Thank you.

18 For my next question, I would like to refer  
19 to attachment I, sheet C2.0, which is the revised  
20 site plan. This is part of the response to  
21 Council Interrogatory Number 63.

22 The question is, what is the distance between  
23 the battery containers?

24 THE WITNESS (Williamson): I'm going to pass that  
25 question on to Steve Kochis.

1 THE WITNESS (Kochis): I'm -- I'm pulling up the file.

2 And if you want to move to the next question, I'll  
3 be able to get you that response in a couple of  
4 minutes.

5 MR. NWANKWO: Thank you.

6 My next question would be, could the number  
7 of utility poles associated with the  
8 interconnection be reduced by the use of  
9 pad-mounted equipment or other alternative design?

10 THE WITNESS (Williamson): The project has consulted  
11 with Eversource, the utility, on the number of  
12 poles required and the approach to the poles.  
13 Eversource prefers for us to approach the -- the  
14 interconnection with an overhead power line.

15 Additionally, the project prefers to approach  
16 the POI with an overhead power line on the subject  
17 property itself. That allows us to span an  
18 existing stream without making any additional  
19 disruption to the stream or the wetland that  
20 surrounds the stream. I'll let Katelin Nickerson  
21 add some additional context on that.

22 In regards to the number of poles, we prefer  
23 to reduce the number of poles as much as possible.  
24 However, Eversource has standards and requirements  
25 to meet in order for the number of poles that --

1 that would be required to go to the POI.

2 And we'll request to them to limit the poles  
3 to the smallest number possible, but we are  
4 subject to their requirements. And they will  
5 determine, upon the final design of the  
6 interconnection, they will determine how many  
7 poles are necessary.

8 MR. NWANKWO: Thank you.

9 Referencing the Petitioner's response to  
10 Council Interrogatory Number 20, is there  
11 potential for any conflict between ISO New England  
12 dispatch of the facility and any potential PURA  
13 programs?

14 THE WITNESS (Williamson): We are not aware of any  
15 conflict between ISO New England dispatch and PURA  
16 programs. The PURA program has not been fully  
17 released at this time, but based on the knowledge  
18 that we have that has already been provided by  
19 PURA, we understand that we can participate in the  
20 PURA -- the PURA program and provide the -- the  
21 energy at specific call-up times and -- and also,  
22 at the same time, respond appropriately to the  
23 capacity requirements that we have as a capacity  
24 supplier or capacity supply obligations to the ISO  
25 New England starting in 2027.

1 MR. NWANKWO: Thank you. What is the optimal --

2 THE WITNESS (Kochis): I've got some -- some  
3 measurements for you to address one of the  
4 previous questions.

5 As shown on the site plans currently,  
6 specifically on C2.0 on the revised set, the  
7 distance between the two close battery pads is  
8 approximately six inches, and the clear distance  
9 between each of the pairs of battery pads, that  
10 the larger distance is 11.5 feet.

11 MR. NWANKWO: Thank you.

12 THE WITNESS (Kochis): And this was Steve Kochis at  
13 VHB.

14 MR. NWANKWO: Yes. Thank you, Mr. Kochis.

15 What is the optimal charge rate for the  
16 proposed battery cells?

17 THE WITNESS (Williamson): I'm sorry.

18 Can you repeat the question, please?

19 MR. NWANKWO: Yes, my question was, what is the optimal  
20 charge rate for the proposed battery cells?

21 THE WITNESS (Williamson): This is Paul Williamson from  
22 Key Capture Energy. I will direct that question  
23 to Joel Vyduna.

24 THE WITNESS (Vyduna): The batteries are capable of  
25 charging or discharging in as little as four

1 hours. However, they can be slowed down nearly  
2 infinitely. So if we wanted to charge or  
3 discharge them over a much longer period, we could  
4 as well.

5 MR. NWANKWO: Thank you.

6 I would like to refer to the charge schedule.  
7 I think that is in response to interrogatory  
8 number 24. So I believe you referenced a charge  
9 rate of 4.99 megawatts. My question is, would you  
10 say --

11 THE WITNESS (Vyduna): Yes, that is correct.

12 MR. NWANKWO: Yeah, would you say that that is a  
13 hundred percent charge rate?

14 THE WITNESS (Vyduna): Yes, that is correct. The  
15 facility is capable of charging and discharging at  
16 4.99 megawatts for up to four hours of time for  
17 discharge.

18 MR. NWANKWO: So would a hundred percent charge affect  
19 the battery life of the facility or increase the  
20 temperature of the battery cells?

21 THE WITNESS (Vyduna): The facility is designed to  
22 discharge at its maximum rate or charge at its  
23 maximum rate of 4.99 megawatts for up to 20 years  
24 for each individual set of batteries, or up to 30  
25 years, and in many cases exceeding 30 years for

1 total facility life.

2 So we take that into account when we design  
3 the cooling systems and the useful life of the  
4 facility.

5 MR. NWANKWO: Thank you.

6 Also referencing the Petitioner's response to  
7 Council Interrogatory Number 71, the average, I  
8 quote, the average annual battery storage capacity  
9 degradation rate is 1.48 percent. Is that based  
10 on using the hundred percent charge rate?

11 THE WITNESS (Vyduna): It is. We designed for the  
12 worst-case scenario, and degradation is generally  
13 a function of how quickly you charge or discharge  
14 the batteries as well as their operating  
15 temperature. And all that is taken into account  
16 when we consider the degradation rate of the  
17 facility.

18 MR. NWANKWO: Thank you.

19 I'd like to refer to response to Council  
20 Interrogatory Number 24. My question is, how will  
21 outages caused by storms and other natural events  
22 impact facility operations such as charge and  
23 schedule energy arbitrage?

24 THE WITNESS (Vyduna): If the facility is unable to  
25 commune -- communicate with our scheduling

1 coordinator who itself communicates with ISO New  
2 England, then the facility is designed to fail  
3 safe and not operate.

4 So examples of that might be if we lose our  
5 primary and our secondary interconnection -- or  
6 sorry, internet connection, but that's also why we  
7 have both primary and secondary. Another example  
8 might be if our path to the electrical grid,  
9 either our gen-tie line or the distribution line  
10 that we're connected to were to be affected by a  
11 storm, we would also be unable to operate just  
12 because we would not have electrical connection.

13 MR. NWANKWO: Thank you for that.

14 I'd like to refer to petition page 3 and  
15 response to Council Interrogatories Number 34 and  
16 38. My question is, when did KCE inform  
17 Eversource of the change in the choice of battery  
18 systems?

19 THE WITNESS (Vyduna): I will refer that question to  
20 Paul Williamson.

21 THE WITNESS (Williamson): This is Paul Williamson from  
22 Key Capture Energy.

23 We first initiated the discussion with  
24 Eversource that we would like to make the change  
25 of the equipment in July 27th of 2024.

1           Subsequently, we began to prepare the technical  
2           data that was required to submit to Eversource  
3           working with our engineers. We provided that  
4           technical data in the first week of October to  
5           Eversource.

6           We're currently working with them to revise  
7           and update and provide a thorough review from  
8           their technical team to make sure that the  
9           revisions do not have a negative impact on the  
10          interconnection. Once that -- once that review is  
11          complete and it's approved, we expect the  
12          Eversource will be issuing an interconnection  
13          agreement with the revised equipment included in  
14          that.

15          We expect that interconnection agreement to  
16          be issued to us sometime within the next two to  
17          three weeks.

18   MR. NWANKWO: Thank you, Mr. Williamson.

19          What is the anticipated height of the utility  
20          poles, the utility poles above ground level after  
21          installation?

22   THE WITNESS (Williamson): Typically the utility pole  
23          height will be approximately 35 feet, but again,  
24          the final height will be determined based on the  
25          design that is provided to us by Eversource.



1 MR. NWANKWO: And the approximate distance apart of  
2 each pole, would you have an idea for that?

3 THE WITNESS (Williamson): I'm going to turn that  
4 question over to Steve Kochis.

5 MR. NWANKWO: Yeah?

6 THE WITNESS (Kochis): This is Steve Kochis at VHB.

7 On that current, using the -- the revised  
8 C2.0 drawing as -- as a reference, where we're  
9 showing that the first three poles that would  
10 primarily be for installing the utility company's  
11 infrastructure on are spaced about 15 feet on  
12 center from each other.

13 And then from the third pole from the street  
14 to the fourth pole we're showing about 20 feet  
15 distance. And then from the fourth pole to the  
16 fifth pole we have about a hundred-foot span that  
17 goes across the wetland.

18 THE WITNESS (Williamson): And I'll make one additional  
19 comment on that. Steve mentioned the fourth pole.  
20 As noted, we've -- we've communicated with  
21 Eversource that we prefer to reduce the number of  
22 poles. That fourth pole is -- is one that we  
23 believe we might be able to remove and span  
24 directly from pole number three to pole number  
25 five and reduce the number of poles.

1           But again, we -- we need to confirm that with  
2           the engineering team at Eversource, and that will  
3           happen after the interconnection agreement is  
4           signed and they begin the design for the project.

5   MR. NWANKWO: Thank you.

6           I'd like to refer to Petitioner's response to  
7           Council Interrogatory Numbers 13 and 14, and also  
8           comments the Petitioner made on the public health  
9           and safety titled, risk comparison with other  
10          community risks -- also put in the ten-foot  
11          separation referenced in Council Interrogatory  
12          Number 52.

13          The question is, from what point is the  
14          recommended fire safety spacing from the  
15          structure's measure? Is it from the fence, or  
16          from the nearest corner of the battery storage  
17          units?

18   THE WITNESS (Williamson): I'm going to ask you to  
19          say -- ask that question one more time to make  
20          sure I thoroughly understand the question?

21   MR. NWANKWO: Okay. I believe KCE quoted ten-foot  
22          separation for fire safety on the comments and  
23          interrogatory -- sorry, on the section of public  
24          health and safety in the response to council  
25          interrogatories.

1           The question is, what is the recommended fire  
2           safety spacing from other structures measured?

3       **THE WITNESS (Williamson):** In response to that  
4           question, I'm going to invite Andy Bloom  
5           [phonetic] -- or Andy Blum [phonetic] to provide a  
6           response.

7           As a way of introduction with -- with this  
8           question regarding spacing and appropriate  
9           distances and also issues that are related to fire  
10          issues, Key Capture Energy realizes that the  
11          Council is appropriately concerned about fire  
12          safety and connection with the battery energy  
13          storage systems, as are we. To help with this  
14          endeavor, we have Andy Blum as one of our  
15          witnesses on today's panel.

16          Andy is a principal fire protection engineer  
17          at Fire Risk Alliance and is considered to be one  
18          of the world's foremost expert -- experts in the  
19          fire protection energy engineering and battery  
20          energy storage systems industry. He has worked on  
21          hundreds of projects throughout the country,  
22          authored several paper -- papers and has even  
23          written a book on the topic entitled, Fire Hazard  
24          Assessment of Lithium-Ion Battery Energy Storage  
25          Systems.

1           Perhaps most importantly, Andy is a member of  
2 the technical committee that authored NFPA 855,  
3 which is the primary standard to which energy  
4 storage -- storage systems are held by NFPA. He  
5 also has a specific expertise in fire testing  
6 lithium-ion batteries in both EVs and BESS  
7 systems.

8           Many of these projects were performed in  
9 coordination when -- with NFPA's Fire Protection  
10 Research Foundation, and the data collected from  
11 these projects have helped shape NFPA's best  
12 guidance for first responders. Again, Key Capture  
13 Energy is very concerned about safety issues,  
14 which is why we've consulted with the best in the  
15 field designing our projects.

16           I'd like to turn this over to Andy to address  
17 your question.

18 MR. NWANKWO: Thank you.

19 THE WITNESS (Blum): Thank you, Paul.

20           This is Andy Blum with Fire Risk Alliance.

21           So specific to your ten-foot question, the  
22 Connecticut Fire Code adopts NFPA 855, which Paul  
23 just mentioned is the National Fire Protection  
24 Association's standard on the installation of  
25 energy storage systems. And so within that

1 standard, the minimum separation distance from a  
2 battery energy storage system container like the  
3 ones being proposed here to nearby exposures is  
4 ten feet.

5 MR. NWANKWO: Thank you.

6 Okay. But that will be from the battery  
7 container itself --

8 THE WITNESS (Blum): Yes.

9 MR. NWANKWO: -- not from the perimeter of the fence?

10 THE WITNESS (Blum): That is correct. The distance we  
11 take is from the container itself and not  
12 necessarily the property line.

13 MR. NWANKWO: Excellent. Thank you.

14 For my next question I'd like to refer to the  
15 response to Council Interrogatory Number 41. My  
16 question is, in lieu of the aerosol-based fire  
17 suppression system, would the proposed facility  
18 utilize the dry-pipe sprinkler fire suppression  
19 system that's identified in Exhibit B of the  
20 petition?

21 THE WITNESS (Williamson): This is Paul Williamson from  
22 Key Capture Energy.

23 We will not propose to use the dry sprinkler  
24 system or a suppression system. For further  
25 information on why we've made that choice, I'm

1 going to ask Andy Blum to provide some further  
2 information.

3 THE WITNESS (Blum): Thank you, Paul.

4 Again, Andy Blum with FRA.

5 So the prevailing wisdom and use here in the  
6 industry currently is that incorporating a  
7 suppression system like an aerosol into a battery  
8 container such as this does not provide a  
9 significant benefit in that it has not really been  
10 demonstrated to -- to stop and to prohibit thermal  
11 runaway from propagating throughout the system.

12 And so what we do instead with these systems  
13 is that they -- they then get tested through a  
14 nationally recognized testing laboratory to a UL,  
15 an Underwriters Laboratory test method 9540A. And  
16 essentially what they need to demonstrate and  
17 prove is that they are intrinsically safe in terms  
18 of fire propagation such that we don't need to  
19 actively try to suppress it.

20 They need to engineer systems within the --  
21 or passive systems within the containers  
22 themselves to contain that fire to an individual  
23 unit, and we find this to be a much more  
24 beneficial approach towards an active suppression  
25 system that may not be beneficial to actually

1           stopping that thermal runaway.

2   MR. NWANKWO: Thank you, Mr. Blum.

3           The Petitioner referenced a plume Study in  
4   Council Interrogatory Number 44. The question is,  
5   what is the status of that plume Study?

6   THE WITNESS (Williamson): This is Paul Williamson from  
7   Key Capture Energy.

8           That plume study was actually completed  
9   earlier this morning. And I'll allow Andy Blum  
10   again to -- to respond and provide detailed  
11   information that was determined for performing  
12   that plume study.

13   THE WITNESS (Blum): Thank you, Paul.

14           Andy Blum again with FRA.

15           So I apologize we could not get you the plume  
16   study sooner. It would have been really  
17   beneficial for you all to see this. Essentially,  
18   what we are trying to do here is take into account  
19   the sensitivities that -- that everyone has with  
20   batteries at this point. Right?

21           So one of the main concerns that we have with  
22   the community with these is -- is what type of  
23   toxic gas, what type of plumes, what kind of gases  
24   are going to get off-gassed during a fire event or  
25   during a thermal runaway event that's going to

1 occur?

2 So what we've done is we've followed general  
3 industry practice utilizing a really validated  
4 computer program that essentially will model the  
5 dispersion of the gas once it -- it leaves the  
6 container and then -- and then measures the extent  
7 at which that gas will actually spread out in  
8 the -- in the neighboring area.

9 And so what we've got so far with our results  
10 is that given the way that this site is laid out  
11 and that the property line is -- is around, I  
12 think the -- the closest property line that we  
13 have here is about 113 feet from the nearest BESS  
14 container, is that we found no release scenarios  
15 that would have produced toxic gases or flammable  
16 gases that would extend beyond that property line.

17 And this is taking into account a pretty  
18 conservative thermal runaway event where we --  
19 where we estimated or -- or what we modeled, or  
20 simulated, I should say, essentially the entire  
21 container going into thermal runaway in about 1  
22 hour and 20 minutes, which is a pretty aggressive  
23 thermal runaway scenario. And it demonstrates  
24 that even in that type of runaway scenario, we  
25 don't have gases extending outside of the site.



1 MR. NWANKWO: Thank you.

2 So just to confirm, there will be no impacted  
3 areas beyond the host parcel.

4 THE WITNESS (Blum): That's correct. And -- and again,  
5 too, I'm happy to answer any questions and  
6 obviously every question you have on this. And  
7 it's something that we -- we plan on sharing, and  
8 also something we want to use and coordinate with  
9 the local fire department the first responders are  
10 with.

11 And that's really one of the key things we  
12 try to do with these plume models is take that  
13 data and then do the proactive work on the front  
14 end of coordinating and collaborating with local  
15 first responders so that they've got the  
16 information and knowledge as well.

17 ATTORNEY HOFFMAN: Mr. Morissette?

18 MR. NWANKWO: Thank you.

19 ATTORNEY HOFFMAN: Mr. Morissette, if I may?

20 THE HEARING OFFICER: Yes, Attorney Hoffman.

21 Please continue?

22 ATTORNEY HOFFMAN: Because the plume study was just  
23 completed it might be appropriate, if the Council  
24 were willing, we could submit it as a late-filed  
25 exhibit. We'd be perfectly willing to do that.

1 THE HEARING OFFICER: Yes. I think that is certainly  
2 appropriate in this matter, and then we'll allow  
3 an opportunity to cross-examine on the plume  
4 study, because I believe there's going to be a lot  
5 of interest in the results.

6 Thank you for that.

7 ATTORNEY HOFFMAN: Thank you, sir.

8 MR. NWANKWO: Thank you. I'll move on to the next  
9 question.

10 I'd like to refer to the Town's Interrogatory  
11 Number 54. My question is, has KCE received a  
12 response from e-Storage regarding the release of  
13 information contained in the material safety data  
14 sheets?

15 THE WITNESS (Williamson): We have not received a  
16 response at this time. We sent an additional  
17 request earlier this week, once again asking --  
18 asking for the response. Once we receive that  
19 response we'll be sure to -- to notify the Council  
20 based on the response.

21 If they do allow the use of that information,  
22 we will provide that to the Siting Council most  
23 likely under protective order.

24 MR. NWANKWO: Thank you.

25 Referencing Petitioner Exhibit B, does

1 Canadian Solar have an emergency response guide  
2 specific to the battery storage units?

3 THE WITNESS (Williamson): Canadian Solar does have  
4 specific fire guidance that they provide and a  
5 number of documents that support that. And we  
6 have followed that guidance and -- and many of our  
7 responses made to the interrogatory and  
8 information that we provided in the petition is  
9 based on -- on the guidance that is provided.

10 I will also allow Joel to step in and see if  
11 he has any additional comments on that.

12 THE WITNESS (Vyduna): Yeah. So all of the major  
13 original equipment manufacturers that produce  
14 battery energy storage systems for our industry do  
15 provide general guidance. However, the primary  
16 emergency response document will be prepared  
17 according to NFPA 855. This is the code committee  
18 that Andy sits on.

19 And it's required by code to be specific to  
20 the project where, not only does it consider what  
21 the local fire department has available as far as  
22 resources and some of their preferences, it  
23 considers the OEM guidance, in this case from  
24 Canadian Solar, as well as other code-required  
25 elements.

1           And so that emergency response plan that's  
2           prepared specific for the project will ultimately  
3           be the document that guides how an incident in the  
4           rare case that there is one is responded to.

5   THE WITNESS (Williamson):   And I will add --

6   A VOICE:   Can I ask --

7   THE WITNESS (Williamson):   And I will add to that that  
8           the emergency response document has been drafted.  
9           Right now it -- it's drafted as an initial  
10          template.  It's been sent to the local fire  
11          departments, both the fire marshal and the fire  
12          chief for their review and their comment.  And  
13          we -- we welcome their comment as we continue to  
14          shape that document.

15          One of the things that Key say -- KCE does  
16          with these documents, we consider them to be a  
17          living document, so we continue to work with the  
18          fire departments.  As we go through, we get  
19          their -- their feedback, we shape the document  
20          further.  As we go through trainings any  
21          additional information or lessons that are learned  
22          are then absorbed into the document, and the  
23          document continues to be improved upon through the  
24          life of the project.

25   MR. NWANKWO:   Thank you.

1 Will KCE be able to provide a copy of the  
2 Canadian Solar emergency response guide to the  
3 Council?

4 THE WITNESS (Williamson): We have not requested that  
5 information from -- from Canadian Solar yet. And  
6 I can't recall -- most of their documents are  
7 labeled as confidential. If it is labeled as  
8 confidential, we again will have to ask for their  
9 permission.

10 MR. NWANKWO: Thank you.

11 Also Petitioner Exhibit J, which is the  
12 emergency response plan, was that developed with  
13 input from Canadian Solar?

14 THE WITNESS (Williamson): That was developed with  
15 information that was provided by Canadian Solar  
16 and -- but developed by Key Capture Energy.

17 MR. NWANKWO: Thank you.

18 Was input provided via site plans or guidance  
19 documents, or just direct verbal input?

20 THE WITNESS (Williamson): The input from -- I'm sorry.  
21 Again, this is Paul Williamson from Key Capture  
22 Energy. The question is input from Canadian  
23 Solar? Or the question being input from Key  
24 Capture Energy?

25 MR. NWANKWO: No, input from Canadian Solar.

1 THE WITNESS (Williamson): The inclusion of information  
2 that was provided from Canadian Solar comes from  
3 their written documents that they provide in -- in  
4 fire guidance and -- and site design guidance.

5 MR. NWANKWO: Thank you.

6 THE HEARING OFFICER: Pause here for a moment.

7 Mr. Nwankwo, are we requesting a late-file  
8 exhibit for the emergency response plan under  
9 protective order?

10 MR. NWANKWO: No. We do have an emergency response  
11 plan from KCE, but the question was if there was  
12 input from Canadian Solar to develop that  
13 emergency response plan.

14 THE HEARING OFFICER: Correct. So we do not have an  
15 emergency response plan that has any of the input  
16 that Canadian Solar has provided. So therefore,  
17 we don't -- we have an incomplete emergency  
18 response plan.

19 So is it appropriate that we request for a  
20 late file that includes Canadian Solar's emergency  
21 response plan?

22 MR. NWANKWO: Yes, sir. It is.

23 THE HEARING OFFICER: Attorney Hoffman, is that  
24 required to be filed under protective order? Or  
25 is that something that you can get released from

1 Canadian Solar to have provided?

2 ATTORNEY HOFFMAN: We can request that, Mr. Morissette.

3 I do not know that Canadian Solar will grant  
4 it, but we we'll certainly ask.

5 THE HEARING OFFICER: Certainly. Okay. Why don't  
6 we --

7 ATTORNEY HOFFMAN: But I believe that Mr. Williamson  
8 can add some color on this, if you would,  
9 Mr. Morissette.

10 THE HEARING OFFICER: Very good. Mr. Williamson,  
11 please continue. I'm sorry to interrupt you.

12 THE WITNESS (Williamson): No, no. That's fine. Thank  
13 you for the question.

14 I think we need to just take a minute here  
15 for clarification. There is an emergency response  
16 plan that is provided by the -- within the  
17 petition as one of the exhibits.

18 THE HEARING OFFICER: Uh-huh?

19 THE WITNESS (Williamson): The emergency response plan  
20 does include information that is directly from  
21 Canadian Solar, Canadian Solar information and in  
22 documentation. Canadian Solar does not have an  
23 emergency response plan. Canadian Solar provides  
24 emergency response guidance, which we have  
25 incorporated into our plan.

1           Maybe -- I think maybe the Siting Council  
2 might be requesting that we provide a copy of  
3 their guidance if they are willing to release it.  
4 Is that an appropriate clarification of the  
5 matter?

6 **THE HEARING OFFICER:** Yes. Thank you for that  
7 clarification. I think that would be appropriate.

8 **MR. NWANKWO:** Thank you. I apologize --

9 **THE WITNESS (Vyduna):** At this time -- so I apologize.  
10 Paul, at this time I think it would make sense for  
11 Andy Blum to speak to when emergency response  
12 plans are typically prepared, how they're prepared  
13 under the guidance of the National Fire Protection  
14 Agency, and how information such as the Canadian  
15 Solar guidance feeds into that, but it's only a  
16 part of a larger set of data that goes into that.

17           Andy, is that something you're able to speak  
18 to right now?

19 **THE WITNESS (Blum):** Yeah. This is Andy Blum with FRA.  
20 I certainly can if the Council thinks it would be  
21 helpful for them, helpful information.

22           So typically what we do in -- in developing  
23 emergency response plans for a site like this is  
24 we take the manufacturer fire safety guidance.  
25 Some of them have put together emergency response



1 guides for their product. Some have, call it a  
2 different document, emergency -- they call it a  
3 fire safety manual, you know, a fire safety manual  
4 or what -- or whatnot.

5 And so what we'll do is we'll take that  
6 information and then we'll pull it into a much  
7 larger, much more comprehensive emergency response  
8 plan that's really tailored to this specific site.  
9 It includes, of course, that equipment and what  
10 Canadian Solar would recommend and what safety  
11 features they have, but it really is a much more  
12 holistic approach of looking at the area, looking  
13 at the site itself, discussing capabilities,  
14 resources, staff that the local fire department  
15 has, and then working in collaboration with them  
16 to put that plan together so that we don't have  
17 just a paperweight document that sits in -- in a  
18 drawer somewhere.

19 We actually have a usable emergency response  
20 plan that can be pulled up and -- and trained on  
21 and understood by the first responders and is  
22 really applicable straight to this site. And so I  
23 think there's, you know, there's obviously --  
24 well, I don't want to speak for Paul and Key  
25 Capture, but I'm sure they will be happy to share

1           whichever information it is you find most useful,  
2           whether it's the Canadian Solar guidance, you  
3           know, or a more comprehensive emergency response  
4           plan as -- as that gets developed over time.

5   **MR. NWANKWO:** Thank you. I'll move on to the next  
6           question.

7           I'd like to refer to Petitioner Exhibit G,  
8           which is the noise analysis. My question is, what  
9           is the dominant source of noise from the battery  
10          energy storage facility?

11   **THE WITNESS (Williamson):** This is Paul Williamson from  
12          Key Capture Energy. I'm going to turn that  
13          question over to Clint Cyr from Epsilon.

14   **THE WITNESS (Cyr):** Good afternoon. Clint Cyr with  
15          Epsilon Associates.

16          The site is comprised of several different  
17          components of sound, one being the battery  
18          containers themselves where the sound is primarily  
19          generated from the cooling systems associated with  
20          those containers. Also at the site are a couple  
21          of inverters as well as transformers, and -- and  
22          those pieces of equipment are necessary for the  
23          site.

24          As far as the dominant sources of sound, I  
25          believe the inverters and battery containers

1 themselves both are -- are top contributors as far  
2 as sound goes.

3 MR. NWANKWO: Thank you.

4 Also, looking at that same document, I'd like  
5 to refer to Figure 1, which is at the end of the  
6 report. It appears there are residential  
7 structures on the parcels at receptors five, six,  
8 and seven.

9 My question is, why were these receptors  
10 assigned as commercial use rather than residential  
11 use in table three, which is on page 5 of the  
12 noise analysis?

13 THE WITNESS (Cyr): Sorry. I'm just referencing the --  
14 the report now. Again, Clint Cyr with Epsilon  
15 Associates.

16 I believe that those assignments were based  
17 on a review of the -- the land use of -- of those  
18 parcels. The information, I believe, from the --  
19 the Town's website indicated that they were of  
20 commercial use, not private residences.

21 MR. NWANKWO: Thank you.

22 Will the double-erosion control barrier be an  
23 effective wetland protection measure during  
24 construction, as noted by Ms. Kate Bednaz on page  
25 5 of the pre-filed testimony? This is identified

1 as attachment B of the Town's exhibits.

2 THE WITNESS (Williamson): Would you mind repeating  
3 that question one more time, please?

4 MR. NWANKWO: Yes. With reference to the pre-filed  
5 testimony of Ms. Kate Bednaz, which is attachment  
6 B of the Town's exhibits on page 5. The question  
7 is, would a double-erosion control barrier be an  
8 effective wetland protection measure during  
9 construction?

10 THE WITNESS (Kochis): I -- I can take that one. This  
11 is Steve Kochis with VHB.

12 The project has -- has been designed, and in  
13 our opinion, with erosion control measures that  
14 would be sufficient for -- for the construction of  
15 the facility, and that right now it includes a  
16 single line of silt fence.

17 However, I will note that erosion control is  
18 certainly -- it has to be dynamic by its very  
19 nature as per to keep up with the construction and  
20 the ongoing stuff. So, and we -- that will be  
21 monitored entirely throughout the construction  
22 period. And at which point, in any point during  
23 the construction it could be feasible that  
24 portions or -- or all of the project would require  
25 amendments to the erosion control plan, which

1           could include a double-erosion control barrier.

2           So, I hope that that sort of answers your  
3           question there.

4   MR. NWANKWO:   Thank you.

5   THE WITNESS (Williamson):   I will also -- I will also  
6           add that the information that is sought in that  
7           question can be found in the petition narrative  
8           section three, and also in Exhibit D and Exhibit  
9           I, as well as on the site plan, page C1.0.

10   MR. NWANKWO:   Thank you, Mr. Williamson.

11           I would like to refer to the site plan sheet  
12           C2.0, which shows tree clearings within the  
13           wetland to accommodate the overhead utility line.  
14           My question is, how will the clearing be  
15           accomplished?  Would it involve heavy machinery?

16   THE WITNESS (Williamson):   This is Paul Williamson from  
17           Key Capture Energy.

18           I'm going to ask Katelin Nickerson to discuss  
19           the clearing going through that wetland.

20   THE WITNESS (Nickerson):   Katelin Nickerson, for  
21           Flycatcher.

22           Yeah, typically, with a clearing or sort of  
23           clearing in -- in a wetland of this size,  
24           equipment can be used to come up to the edge of  
25           the wetland and reach in to drop trees.  The

1 nature of the wetland at this crossing has a lot  
2 of shrubs and smaller undergrowth. There actually  
3 aren't a ton of trees directly in the wetland.

4 So, we suspect that heavy equipment will not  
5 need to be within the wetland at all. If there's  
6 a tree within there, that can also be dropped via,  
7 like chainsaw. So, yeah, the crossing over the  
8 wetland and minimizing impacts to that resource  
9 will require a little bit of consideration just  
10 during, during the clearing process, but I don't  
11 expect there to be equipment needed within the  
12 wetland.

13 MR. NWANKWO: Thank you.

14 What sort of measures will be employed to  
15 protect the wetland resources?

16 THE WITNESS (Nickerson): Similar to what Steve was  
17 describing, erosion control barriers and avoiding  
18 tracking equipment in -- into the wetlands or  
19 anything like that.

20 MR. NWANKWO: Thank you.

21 THE WITNESS (Nickerson): Additionally, if -- if I may?  
22 There's no grubbing required for clearing within  
23 the right-of-way, which is also very protective of  
24 the resource downslope.

25 MR. NWANKWO: Thank you.

1 I'd like to refer to attachment H of the  
2 Council, the response to Council's  
3 interrogatories. Could the Petitioner  
4 characterize the visibility of the proposed  
5 battery storage facility from viewpoints one and  
6 three?

7 THE WITNESS (Williamson): This is Paul Williamson from  
8 Key Capture Energy.

9 The viewpoint one is located on the west side  
10 of Salmon Brook Street, looking directly at the --  
11 at the clearing that Katelin just referenced for  
12 the -- the transmission line. And so you're  
13 looking directly down the transmission line path.

14 You can see the clearing within the photo  
15 simulation. You know, we did our best to simulate  
16 the -- the undercover brush, but as Katelin noted  
17 there, there's some existing undercover brush that  
18 we'll be leaving in place and only removing the  
19 larger trees. From that purview you are not  
20 really able to see anything other than the  
21 transmission line itself and the power poles that  
22 are associated with it.

23 Then looking from the view of point three,  
24 that is in the parking lot or actually within the  
25 easement area that provides access to the project.

1 From that point of view you can look up the access  
2 road and you can see -- within the photo  
3 simulation itself you can see a portion of the  
4 project to the left side, the viewer's left side  
5 and -- and then some of the cleared area.

6 One of the things that -- that we noted, if  
7 you look on the map that's in exhibit -- in the  
8 exhibit, we needed to provide a location that was  
9 relatively close to that access road in order to  
10 actually show a simulation where you could see the  
11 project itself. If you go to any of those  
12 additional alternative views that are noted on the  
13 map further back from the access drive or further  
14 to the east, you'll note that you cannot actually  
15 see the project itself through the access drive  
16 from those additional locations.

17 So visibility of the project itself will be  
18 highly limited.

19 MR. NWANKWO: Thank you.

20 Has KCE received a response to the DEEP NDDB  
21 determination request dated July 23, 2024?

22 THE WITNESS (Nickerson): I can take that one, Paul.

23 THE WITNESS (Williamson): I will invite Katelin to  
24 answer that. Thank you.

25 THE WITNESS (Nickerson): Hi. Katelin from Flycatcher.



1 I just checked the EZ-File today and we have  
2 not received a response from NDDB.

3 MR. NWANKWO: Thank you.

4 I would like to refer to response to Town  
5 Interrogatory Number 24. How was the 50-foot  
6 clearance between the battery storage facility and  
7 the vegetation determined?

8 THE WITNESS (Williamson): You said this was question  
9 24, interrogatory question 24?

10 MR. NWANKWO: My apologies, 34. I'm sorry about that.

11 THE WITNESS (Williamson): Okay. That's fine. I just  
12 saw a different subject matter there. So I was  
13 slightly confused.

14 MR. NWANKWO: Sorry.

15 THE WITNESS (Williamson): So in -- in our practice of  
16 developing projects in this, in the state of  
17 Connecticut with three other projects that we've  
18 developed we've consulted with our internal  
19 subject matter experts and safety experts to  
20 determine what was the appropriate distance  
21 between the batteries and final clean -- clearing  
22 area, and determined that 50 feet was appropriate  
23 safeguards for the project. And we instructed  
24 Steve Kochis and the VHB team to utilize that  
25 number as a basis when doing the design.

1           Steve, I don't know if you have anything  
2           additional to add to that?

3   **THE WITNESS (Kochis):** Yeah. I'm actually going to  
4           possibly kick it back to you though, Paul. And  
5           this is Steve Kochis at VHB.

6           I think referencing other -- other battery  
7           projects that we've permitted through the Siting  
8           Council previously, Paul, you and I had discussed  
9           the use of something around 50 feet for the  
10          constructability of the facility to give -- to  
11          give your construction team room to construct the  
12          facility. Do you want to comment on that?

13 **THE WITNESS (Williamson):** Correct. Thank you for that  
14          additional note, Steve.

15          Yes, as Steve -- as Steve mentioned, that  
16          additional clearing allows for trucks/equipment to  
17          move throughout the project area when assembling  
18          the battery and -- and have the appropriate space  
19          to move around the project areas as during the  
20          construction.

21 **MR. NWANKWO:** Thank you.

22          Approximately how many construction vehicles  
23          and what types of vehicles will be expected to  
24          enter the site during construction?

25 **THE WITNESS (Williamson):** I'm not able to answer that

1 question, but I will ask Joel if he's able to  
2 answer that question.

3 THE WITNESS (Vyduna): Sure. So it depends on the  
4 phase of construction. So for example, if we are  
5 moving dirt, typical earth-moving equipment that  
6 you might see like a backhoe would be used. If we  
7 are setting battery containers, small rough  
8 terrain or mobile hydraulic cranes will be used to  
9 put those in place.

10 And then the other more typical types of  
11 equipment would be things like material handlers.  
12 So, telescoping forklifts or other types of  
13 forklifts, as well as just pickup trucks that any  
14 common construction company might use.

15 MR. NWANKWO: Thank you.

16 Would you have any traffic concerns with  
17 equipment deliveries?

18 THE WITNESS (Vyduna): No, there's only eight  
19 containers, one transformer and two inverters.  
20 And so that's a pretty small amount of deliveries  
21 that actually need made -- need to be made to  
22 site, particularly given that these modern systems  
23 are manufactured mostly off site to limit on-site  
24 construction activity. And so the actual period  
25 of time where equipment will be delivered to the

1 site is a very small period of time.

2 By way of example, if you had all the  
3 equipment that are ready to offload this, all of  
4 this work could be done in a week. Now granted,  
5 it will be spread out more than that, but it's  
6 just simply not that many physical boxes that  
7 actually need to be delivered to the site and set  
8 on foundations.

9 MR. NWANKWO: Thank you.

10 Will this require any traffic control?

11 THE WITNESS (Vyduna): There may be temporary traffic  
12 control required.

13 Paul, on this specific project is there any  
14 other -- anything else you want to add there  
15 regarding traffic control plans?

16 THE WITNESS (Williamson): No, we don't currently have  
17 any additional traffic control plans, but we will  
18 do a traffic study before we enter into our  
19 construction. That will be part of our  
20 construction and design.

21 And through that entire process, if our  
22 engineering team determines that a different  
23 additional traffic control is necessary, we'll  
24 approach the local -- local police department and  
25 make arrangements for that traffic control. And

1           that traffic control, if needed, would be for a  
2           very limited specific amount of time.

3   MR. NWANKWO:   Thank you.

4           How frequently will the site be visited for  
5           maintenance purposes post construction?

6   THE WITNESS (Williamson):   Joel?

7   THE WITNESS (Vyduna):   So the site is unmanned and it  
8           will be monitored by a remote operations center.  
9           However, there will be technicians that visit the  
10          project on a semi-regular basis to project -- to  
11          perform routine maintenance activities, as well as  
12          correct -- corrective maintenance activities on  
13          the equipment.

14          And so that will happen periodically, but  
15          it's not going to be an everyday activity on a  
16          project of this size.

17   MR. NWANKWO:   Thank you.

18          That will be all my questions.

19          Mr. Morissette.

20   THE HEARING OFFICER:   Thank you, Mr. Nwankwo.

21          We will now continue with cross-examination  
22          by Mr. Nguyen, followed by Mr. Golembiewski.

23          Mr. Nguyen, good afternoon.

24   MR. NGUYEN:   Good afternoon, Mr. Morissette.

25          Just a couple of followups.   I understand a

1 lot of discussion regarding the fire, but a  
2 follow-up question is, has KCE ever experienced  
3 any fire incident relative to its project, to its  
4 battery project?

5 THE WITNESS (Vyduna): Would you like me to take that,  
6 Paul?

7 THE WITNESS (Williamson): Yes, please.

8 THE WITNESS (Vyduna): So, no, we haven't had any  
9 battery fires like you see in the news occur at  
10 any of our operational facilities. We have had,  
11 very sporadically had, like, electrical fires that  
12 are unrelated to the batteries, just as anybody  
13 that operates electrical infrastructure might  
14 have.

15 So for example, on some of our sites in  
16 Texas, nesting birds might make a nest somewhere  
17 where they're not supposed to or a rattlesnake  
18 might crawl into somewhere where they're not  
19 supposed to. And we deal with those incidents as  
20 they happen. But no, we have not had a, you know,  
21 lithium-ion battery fire like you might see in the  
22 news.

23 MR. NGUYEN: The incident you just talked about, that's  
24 in Texas, not in Connecticut.

25 THE WITNESS (Vyduna): Correct.

1 THE WITNESS (Williamson): We do not currently have  
2 operational facilities in Connecticut.

3 MR. NGUYEN: The other question about the clearing,  
4 it's my understanding that there will be -- 1.6  
5 acres will be clear for the project.

6 Is that correct?

7 THE WITNESS (Williamson): Steve, could you please  
8 provide some -- some nuance on the clearing in the  
9 space required?

10 THE WITNESS (Kochis): Sure. I think we answered that  
11 in one of the interrogatories.

12 I'm just looking through that.

13 MR. NGUYEN: Yeah, number 59.

14 THE WITNESS (Kochis): Yeah, let me just pull that up  
15 real quick.

16 MR. NGUYEN: Your response to Siting Council questions?

17 THE WITNESS (Kochis): Yeah, so this is Steve Kochis,  
18 VHB.

19 So the 1.6 acres is the full sum of -- of the  
20 tree-clearing limits that you see. For example,  
21 on -- on the sheet CC2.0, inclusive of everything  
22 that we would -- we think we would need to build  
23 the facility, including lay-down areas, stormwater  
24 basins, the facility or the interconnection route.

25 MR. NGUYEN: Is this tree clearing within core forest?

1 THE WITNESS (Williamson): Katelin, I think you're best  
2 suited to perhaps answer that question, maybe you  
3 and Steve together?

4 THE WITNESS (Nickerson): I would have to double check.

5 THE WITNESS (Kochis): And I'm pulling it up myself  
6 right now just to double check.

7 This is Steve Kochis, VHB. I can confirm  
8 that per the CT DEEP forestland habitat impact map  
9 viewer, which is traditionally referred to as --  
10 as the estimate of core forest impact, we -- our  
11 entire site is outside of the core forest impact  
12 area.

13 MR. NGUYEN: Okay. Thank you.

14 Mr. Morissette, that's all I have.

15 Thank you.

16 THE HEARING OFFICER: Thank you, Mr. Nguyen.

17 We'll now continue with cross-examination of  
18 the Petitioner by the Council by Mr. Golembiewski,  
19 followed by Mr. Carter.

20 Mr. Golembiewski, good afternoon.

21 MR. GOLEMBIEWSKI: Good afternoon, Mr. Morissette.

22 Mr. Nwankwo asked all my questions -- and  
23 actually the core forest was Mr. Nguyen. So I  
24 have no questions at this point. Thank you.

25 THE HEARING OFFICER: Very good. Thank you,



1 Mr. Golembiewski.

2 We'll now continue the cross examination by  
3 Mr. Carter, followed by Ms. Hall.

4 Mr. Carter, good afternoon.

5 MR. CARTER: Good afternoon, Mr. Morissette. Good  
6 afternoon all. I will not be taking a lot of time  
7 because luckily a lot of the questions that I had  
8 have been addressed. I just have two things.

9 The first is in regards to Council  
10 Interrogatory Number 2, which goes into outreach  
11 with the Town. Has there been any further updates  
12 on communication with the Town since the record of  
13 outreach was distributed?

14 THE WITNESS (Williamson): No, there have not been. As  
15 noted in the record of communication, the last  
16 several attempts that we, or the last several  
17 invitations that we provided to the Town to engage  
18 in further opportunity to discuss and learn about  
19 the project, we were directed to make such  
20 requests to the Town -- the Town's attorney, and  
21 the Town's attorney did not respond to any further  
22 requests.

23 MR. CARTER: Thank you. And the last question that I  
24 have -- or really, it's more of a clarifying  
25 question. In regards to the response from the

1 Council on Environmental Quality, that their  
2 letter had some concerns regarding impact to the  
3 northern long-eared bat, as well as some concerns  
4 around clearing for the spot in question.

5 Is there anything that can be spoken to, to  
6 address those concerns as noted in the letter?

7 THE WITNESS (Williamson): Katelin, are you able to  
8 respond to that?

9 THE WITNESS (Nickerson): Yes. So a sort of  
10 overarching response to that would be that the  
11 project is not triggering federal jurisdiction.  
12 There's no direct fill in wetlands or other  
13 actions that would trigger a federal permit. So  
14 therefore, the federally listed species that are  
15 mentioned in the Council of Environmental  
16 Quality's report are not subject to permitting for  
17 this project.

18 I would say typical protections for northern  
19 long-eared's would be clearing outside of their  
20 breeding season in the spring and summer. There  
21 are specific times that US Fish has for that.

22 MR. CARTER: Thank you.

23 I had something else about the  
24 interconnection, but I don't want to belabor that  
25 anymore. And I'm sure that we'll get back to it.

1           And Mr. Morissette is way more qualified to have  
2           that conversation than I am.

3           So I'm good. Thank you.

4 **THE HEARING OFFICER:** Thank you, Mr. Carter.

5           We'll now continue with cross-examination by  
6           Ms. Hall, followed by Mr. Syme. Ms. Hall, good  
7           afternoon.

8 **MS. HALL:** Good afternoon.

9           I would like to talk a little bit about  
10          volunteer fire departments -- but to put it in  
11          context a bit, how many of these battery projects  
12          has KCE established, and how many do you have in  
13          the pipeline?

14 **THE WITNESS (Williamson):** Joel, would you like to  
15          answer that?

16 **THE WITNESS (Vyduna):** Yeah, we have 14 operational  
17          facilities comprising about 650 megawatts. And we  
18          have a pipeline of roughly 12 gigawatts of over a  
19          hundred projects. The vast majority of these are  
20          located in areas with volunteer fire departments,  
21          both for our existing operational fleet and for  
22          the projects that have been sited for the future.

23 **MS. HALL:** And when you deal with volunteer fire  
24          departments, are there any specific concerns that  
25          you think you need to address, or that the

1 community needs to address?

2 THE WITNESS (Vyduna): So I'm actually going to let  
3 Andy speak to this a little bit. And for  
4 background, I did used to be a firefighter in a  
5 past life. Andy is a fire protection engineer.

6 And what I'll -- I'll do is I'll let Andy  
7 speak to the specifics about how we liaise with  
8 local fire departments, whether they are a  
9 professional, paid department or a volunteer fire  
10 department. But what I'll say more generally is  
11 we engage with these departments early and often;  
12 the code requires that we do. And the code also  
13 dictates that their input is important. And so we  
14 consider the resources that they have available,  
15 the physical implements that they have available.

16 However, given that the prevailing wisdom on  
17 firefighting guidance is to not actually actively  
18 fight the fire, in general, the capabilities of a  
19 local volunteer fire department are good enough  
20 because they can use their standard turnout  
21 equipment. They don't need anything special. You  
22 don't need, like, a bomb squad or a hazmat force  
23 or anything like that. We do find that in general  
24 that that is adequate.

25 Andy, do you want to speak specifically about

1 your engagement with volunteer fire departments  
2 across the nation and some of the concerns that  
3 Ms. Hall is getting at?

4 THE WITNESS (Blum): Yeah, absolutely. Thank you,  
5 Joel. This is Andy Blum with FRA.

6 So part of FRA's team, we actually have an  
7 entirely -- a team dedicated to emergency  
8 response, and it's made up of former firefighters,  
9 former fire officers. And they essentially go  
10 around the country and provide training. And you  
11 know, five, ten years ago, this was mainly focused  
12 on things like the oil and gas industry. And  
13 then, of course, over the last few years, it's  
14 gotten more and more focused on batteries.

15 And so what we try to do at FRA and in  
16 working in -- in collaboration with -- with a  
17 developer like KCE is -- is learn about the -- the  
18 local jurisdiction as much as we can. Of course,  
19 we meet with them, discuss their capabilities,  
20 all -- everything that Joel just mentioned. And  
21 then we put together that emergency response plan,  
22 and we put together a training program for them  
23 that's appropriate for them given there their  
24 resources.

25 And so what we try to do specifically there

1 is, of course, is train and educate as much as we  
2 can so that they are -- they are comfortable  
3 with -- with what -- what is on site and what they  
4 need to do for their actions. And then specific  
5 to volunteer, another aspect that we really focus  
6 on is -- is with those emergency response plans  
7 and with those emergency response procedures, we  
8 try to come up with the most appropriate plan and  
9 the most appropriate approach for them so that we  
10 don't have to tie up critical resources for you  
11 all and your community.

12 And so what I mean by that is, we don't need  
13 three trucks out there standing around, you know,  
14 for a day at the site. KCE with folks like  
15 ourselves put together an emergency response team  
16 as well, a number of subject matter experts that  
17 can be in -- in contact with the first responders  
18 initially. They can also come out to the site,  
19 help provide that guidance, help provide that  
20 information.

21 But essentially, really the key there is to  
22 relieve those resources that you have. And  
23 especially this is, again, really critical for  
24 volunteer versus career -- is that these folks  
25 also have, of course, other jobs to do and have --

1 and other, other emergencies to respond to in your  
2 community.

3 And so, as quickly as we can we try to triage  
4 the situation. We work with you. KCE works  
5 with -- with the first responders. And we -- and  
6 as quickly as we can we try to get them offsite  
7 once we know that the -- the fire or thermal  
8 event, or whatever is occurring, maybe it's a  
9 bird's nest on fire or something that Joel was  
10 talking about before, but let's figure that out as  
11 fast as we can.

12 We work with them, and then we try to release  
13 them and get them back to there their normal  
14 everyday lives.

15 THE WITNESS (Williamson): I will also add to the -- to  
16 that response, too, that Key Capture Energy did  
17 have a meeting with town officers that included  
18 Brian Long, the Fire Marshal, in which we provided  
19 some of the very high level of this information  
20 that Joel and Andy has provided.

21 And since then, we've made an invitation out  
22 to the town fire department, both the fire chief  
23 and the fire marshal, to engage and initiate the  
24 process that Andy has illustrated. And that  
25 invitation remains open and we're eager to start

1           that process with them.

2   **MS. HALL:**   And I appreciate all of the emphasis you've  
3           put on training and your responses.

4           Is there any concern about equipment?  There,  
5           as I understand this site, there are no fire  
6           hydrants close by.  They're probably going to need  
7           to use, if there is a need to keep vegetation or  
8           the surrounding areas somewhat moist, wet,  
9           whatever, they would probably need to use a tanker  
10          truck.

11          Is there any concern about lack of equipment.

12   **THE WITNESS (Williamson):**  Let me start.  This is Paul  
13          Williamson from Key Capture Energy.

14          Let me start that response by noting that  
15          there is a fire hydrant located at approximately 7  
16          Mill Pond Drive, which is the corner of the  
17          entrance point for the project.  It's -- it's  
18          located approximately 200 feet away from the  
19          project.  And so, it is accessible and usable by  
20          the project.

21          With that being noted, I'll also invite both  
22          Joel and Andy to add additional information in  
23          response to your question.

24   **THE WITNESS (Vyduna):**  Sure.  So, as long as the local  
25          fire department has at least one implement, one



1 vehicle capable of spraying water, that's all that  
2 it requires. One thing that's important to  
3 remember is that we do not coat the interior of  
4 the project with anything that's combustible. The  
5 code says that the nearest exposure must be 10  
6 feet away. Our closest tree is 50 feet away.

7 And so, in general, and I would say  
8 unanimately in my experience with the 90 or so  
9 incidents that have happened worldwide, as long as  
10 you have 10 feet and you don't have anything  
11 combustible on site, because we coat it with  
12 gravel, the incident is not going to propagate off  
13 site. And 99.99 percent of the time, the fire  
14 department sits there and watches and they  
15 actually do not need to apply water.

16 And so, in the vast majority of these that  
17 are located in rural areas, access to water is  
18 actually not a concern. And if you do need access  
19 to water, a standard what's called type-six brush  
20 truck, which you might see more in, like, wildland  
21 fires, they're not super common in Connecticut,  
22 but they are in more rural areas. It has, like, a  
23 very minimal amount of water and a very minimal  
24 flow rate. It is enough to contain the incident  
25 because in general, there's nothing to contain.

1           For us to have a fire hydrant 200 feet away,  
2           which is well within the hose lengths that are  
3           carried by the local fire department, is actually  
4           a great thing to have. We have not flow tested  
5           that hydrant, however, in general, these things  
6           are designed for 500 to 1,000 GPM, and you need  
7           far less than that to actually control a secondary  
8           fire that may, you know, occur resultant of a  
9           battery fire.

10           But once again, we -- we space these things  
11           appropriately. We coat the site with  
12           non-combustible materials. And so in general,  
13           what happens is the fire department approaches the  
14           incident, and they sit there and they watch it  
15           until it's over. And that is in line with  
16           prevailing guidance from the National Fire  
17           Protection Agency and other civil organizations.

18           Andy, is there anything further that I missed  
19           there that you'd like to add?

20   **THE WITNESS (Blum):** No, I don't think so. In general,  
21           the location of that hydrant is -- is actually  
22           ideal because it's -- it's right there on the  
23           entry point getting towards the site. And so that  
24           allows the fire department to stage at -- at --  
25           stage 200 feet away when they initially pull up.

1           They can hook up to their hose line just like  
2 they would any other commercial fire event or  
3 residential fire event. Right? They -- they  
4 stage further away from the site where there's a  
5 water source, and then they -- then they kind of,  
6 you know, size it up and then they figure out  
7 their next steps.

8           And so I think -- I think in this case,  
9 there's -- there's really a good -- a good,  
10 already existing water source that can be -- can  
11 be utilized.

12 MS. HALL: Okay. Thank you for that.

13           I think one of the reasons we have 72 people  
14 on this call is that there have been a handful of  
15 spectacular fire issues at a battery facility, and  
16 there have been evacuations. Your materials flat  
17 out say we don't think there are ever going to be  
18 evacuations.

19           What is different from this particular  
20 facility, slash, equipment that might preclude the  
21 need for an evacuation in the case of an incident  
22 that didn't happen where there have been  
23 evacuations?

24 THE WITNESS (Vyduna): So I think to start off, before  
25 I hand it off to Andy, I would point out that the

1 vast majority of incidents that have occurred are  
2 absolutely not spectacular, particularly in more  
3 modern systems where, given that the codes and  
4 standards have evolved, we are containing the fire  
5 to the lowest possible level. And the vast  
6 majority of the ones that have occurred have  
7 occurred within a single container where most of  
8 the container did not catch fire and they're over  
9 in just a matter of hours.

10 For the ones that have happened that are a  
11 little bit more spectacular, they're either not  
12 the same type of facility -- so for example, from  
13 time to time, you'll see that a battery recycling  
14 facility might catch fire. That is a  
15 fundamentally different facility. Or you might  
16 see something about, you know, a fire that burned  
17 in California in a large building where somebody  
18 put a building up and they have a bunch of  
19 batteries inside of there, which is not something  
20 that Key Capture Energy does and is fundamentally  
21 different from here.

22 And so I would just say that, like, our  
23 facility is fundamentally different because we are  
24 containing fires to the -- the smallest possible  
25 element. And some of the spectacular fires we've

1 seen out there have been just very different  
2 facilities. And then also, that the vast majority  
3 of incidents that have happened have actually not  
4 been spectacular and do not make the news.

5 In regard to how we respond to these fires,  
6 I'd like Andy to speak to that. And Andy, if you  
7 could focus, not so much on -- on things that are  
8 specific to lithium-ion battery fires, but more  
9 just general firefighting science and how things  
10 like evacuation for a structure fire or a wildland  
11 fire, or a battery fire are actually more similar  
12 than they are different, I would appreciate that.

13 THE WITNESS (Blum): Yeah, sure. Again, Andy Blum with  
14 FRA.

15 Yeah, so to -- to speak to -- to your  
16 question, Ms. Hall, there's obviously a lot of  
17 concern in -- in the community with -- with  
18 battery fires, battery energy storage systems.  
19 Like Joel said, there was a recycling fire a few  
20 weeks ago at a large plant, a fundamentally  
21 different setup.

22 And you know, this to me all makes very, very  
23 good sense, right? It's something new, it's  
24 something that we're not yet comfortable with.  
25 And so we're asking questions of, you know, what's

1 in the gases? Or is this overly toxic? How is  
2 this different than -- than other fires? And then  
3 how do we respond to it?

4 And so a lot of our materials that have been  
5 prepared is that, you know, based on the  
6 pre-incident planning that we've done in terms of  
7 looking at the site plan, and then the preliminary  
8 plume analysis that we've done so far that we'll  
9 provide to you here shortly afterwards, is that  
10 from -- from a technical basis, there is no reason  
11 to -- to do an evacuation.

12 But like, there's a difference -- right?  
13 Between what -- what you determine during, kind  
14 of, you know, a proactive pre-incident planning  
15 stage, and then what you would actually do in the  
16 real world. And so if, you know, your neighbor's  
17 house catches on fire next door, the fire  
18 department is going to probably have you evacuate.  
19 It's probably going to have a couple of the people  
20 on the other side of the house evacuate and across  
21 the street as well. They do that out of abundance  
22 of caution. Right?

23 They're not doing that, you know, because  
24 they've -- they've shown up and have immediately  
25 determined, you know, that that there's a

1 significant hazard for you. Or -- or, you know,  
2 certainly they haven't done a plume analysis of  
3 your -- of your house before either, but the  
4 reason is it's an abundance of caution.

5 And so what is -- what is occurring in most  
6 of these events is -- is really a similar -- a  
7 similar approach is that folks are, when they are  
8 doing an evacuation, when they're responding to an  
9 event like this, they're treating it just like any  
10 other commercial, residential or vehicle fire.  
11 Right? You'll isolate the area, and you get  
12 people away from smoke.

13 All smoke is bad. There's -- there's no good  
14 smoke out there, whether it's your couch catching  
15 on fire and spreading to your house and you have  
16 all the insulation and electronics and plastics  
17 burning, whether it's a Home Depot catching on  
18 fire with all the fertilizers and pesticides and  
19 oils and gases that are inside there, or it's a  
20 vehicle fire with all -- all everything that's  
21 built in there with their heavy metals and  
22 electronics and plastics. Right? So, and that's  
23 why that's -- that's the approach is for the fire  
24 department to initially show up, stage a safe area  
25 and then isolate the area, and then they begin

1 their operations.

2 And then the last thing I'll add is that  
3 there is and has continued to be a great deal of  
4 additional testing that's gone into these  
5 batteries over the last number of years to answer  
6 questions like that you're bringing up here.

7 And so specific to the Canadian Solar  
8 product, they're using a lithium-ion chemistry  
9 that's -- that's iron-based. So it's lithium iron  
10 phosphate. And so the battery itself is  
11 predominantly a very large chunk of iron. And so  
12 it doesn't have a lot of those rare or heavy  
13 metals that you may find in -- in other  
14 applications like in an EV. And so those, you  
15 know, could be a nickel based, manganese or  
16 cobalt, those types of metals that could be more  
17 of a concern to people's health and safety, as  
18 opposed to -- to iron, iron-based. And so the  
19 reason is that it's a stationary battery. Right?  
20 It's just going to sit there; it's not going  
21 anywhere. We don't need to drive it zero to 60 in  
22 two seconds.

23 And so lithium iron phosphate is -- it's a  
24 more stable battery chemistry. It's -- it is less  
25 likely to go into thermal runaway than some of



1 these, these other battery chemistries that are  
2 lithium-ion based. And if they do catch on fire,  
3 again, they don't have those, those rare-earth  
4 metals that could be a concern for everybody.

5 So that's -- that's kind of the main driving  
6 point is -- is within the containers themselves,  
7 there really isn't anything new or unique within  
8 them that aren't items that we already deal with  
9 in the built environment today. There's plastics  
10 inside there. There's insulation for thermal  
11 insulation. There's electronics, of course, and  
12 then there's these battery cells and wiring and --  
13 and everything. Right?

14 And so these are the same materials that are  
15 in your vehicles, that are in your houses, and  
16 because of that the gases that are coming off them  
17 aren't any -- any more toxic or any -- any more  
18 unique than -- than what we typically face in an  
19 everyday built environment.

20 **THE WITNESS (Williamson):** And I -- I'm going to add  
21 some additional comment to this discussion. As  
22 documented by the Electrical Power Research  
23 Institute known as EPRI and other resources, BESS  
24 fires are actually very rare.

25 We understand and appreciate the concerns

1 regarding fire safety, particularly in regards to  
2 BESS. However, it's important to note that the  
3 risk associated with BESS fires is not higher than  
4 the risk posed by other common community hazards  
5 such as fires in homes, businesses and facilities  
6 with non-monitored fuel tanks, oil and solvent  
7 storage and electrical systems.

8 As an example, EPRI has documented less than  
9 point zero -- or 0.05 percent of BESS in the  
10 United States have experienced failures. In 2023,  
11 carrying on this example a little bit further,  
12 there were 749,000 restaurants operating in the  
13 United States. The US fire departments receive  
14 reports for more than 9,000 structures in fire, in  
15 restaurants and other eating and drinking  
16 establishments each year, which equates to 1.2  
17 percent of the restaurants experiencing fires  
18 compared to less than 0.05 percent of BESS.

19 There is no documented reason why permitting  
20 authorities or communities should consider these  
21 facilities any more dangerous than homes or  
22 businesses with installed fuel tanks, battery  
23 systems, oil and solvent storage.

24 MS. HALL: Thank you, that's all the questions I have.

25 THE HEARING OFFICER: Thank you, Ms. Hall.

1           We will now take a break and we will  
2 reconvene at quarter of four, or 3:45, and we will  
3 continue with cross-examination by Mr. Syme  
4 followed by Ms. Katz.

5           Thank you. See everybody at quarter of four.

6  
7                           (Pause: 3:34 p.m. to 3:45 p.m.)  
8

9 THE HEARING OFFICER: Okay. Thank you, everyone.

10           Is the Court Reporter with us?

11 THE REPORTER: I am, and we are on the record.

12 THE HEARING OFFICER: Thank you.

13           We are back on the record, and we will now  
14 continue with cross-examination of the Petitioner  
15 by Mr. Syme, followed by Ms. Katz.

16           Mr. Syme, good afternoon.

17 MR. SYME: Good afternoon.

18           I'm going to be relatively brief because a  
19 lot of the things I had were discussed earlier.  
20 But one of my -- I don't know if it's more of a  
21 comment than a question, but I'm going to make it.

22           One of my concerns was that this project is  
23 obviously close to wetlands and in an aquifer  
24 area -- was contamination of soil and water. And  
25 obviously, the most likely event for that

1 happening would be in the rare occurrence of a  
2 fire or something like that.

3 So my question is basically -- it was, you  
4 know, minimal amounts of water would be used in  
5 the fighting of the fire, if there was one. And  
6 so just making sure that we have a plan that if we  
7 do have an incident, that we can make sure we're  
8 not contaminating water -- and I don't believe  
9 that it would be. And that the soil would be  
10 cleaned up in the event of any, you know, leakage  
11 or whatever from the batteries that are involved  
12 in this, this project.

13 So I don't know if somebody can just clarify  
14 to make sure I'm on the right track thinking that  
15 we're going to be okay in that situation.

16 THE WITNESS (Williamson): Yes. Let me -- just give me  
17 a brief moment here to -- to see if I can look up  
18 a reference related to that.

19 I'm sorry, as I was trying to look up the  
20 reference everything went out of my head.

21 Can you repeat the question?

22 MR. SYME: Basically my concern is that if there -- a  
23 rare occurrence that would be an event and, you  
24 know, to make sure that we're not contaminating  
25 the soil and the water. And that there's a

1 cleanup project if, you know, to get any of these  
2 potential metals and whatnot out of the soil so it  
3 doesn't -- the biggest concern for me is really if  
4 this is an aquifer area and close to wetlands,  
5 that we're not contaminating, you know, the water  
6 and potentially the aquifer.

7 THE WITNESS (Williamson): Yeah. So in -- in the  
8 emergency response section of the application we  
9 do reference the potential of any spills and --  
10 and in there, there is a response cleanup plan for  
11 any type of a spill that might happen.

12 MR. SYME: Okay.

13 THE WITNESS (Williamson): In addition to that,  
14 you'll -- you'll note in the -- in the site  
15 design, we have two stormwater detention ponds.

16 And while those provide a variety of  
17 different services, in the event of a fire, if  
18 there was additional runoff from any water use in  
19 response to the fire, it would immediately go into  
20 those retention ponds rather than any nearby  
21 resource. And so there's secondary containment or  
22 immediate containment of those resources.

23 As noted by Andy and Joel, and I'll let them  
24 expand upon this, even if you are responding to a  
25 fire, the water being used would be used on the

1 outside of the container, nothing would be  
2 entering the container. And so it's very unlikely  
3 that that water would be affected by any type of a  
4 hazardous material.

5 Andy or Joel, do you have any additional  
6 comment on that?

7 THE WITNESS (Vyduna): Sure. Yeah. So as Paul  
8 mentioned, we're not applying water directly to  
9 the batteries that are on fire because that's not  
10 what the guidance says to do. If we are applying  
11 water, it's just to control secondary fires that  
12 may happen, which as I mentioned in prior  
13 testimony is exceptionally rare. And so the water  
14 itself that's running off is going to be of  
15 generally the same quality as what came out of the  
16 fire hydrant.

17 And then what we'll do is we'll run over the  
18 surface of the ground, which is generally an  
19 impermeable surface once we apply our gravel on  
20 top of the compacted dirt, and it makes its way  
21 into the stormwater ponds where that runoff can be  
22 gathered if for, say, we want -- we were concerned  
23 about the nature of that water.

24 That being said, our industry has widely  
25 sampled the water that has come off of real-world

1 fires and we've done this widely in a laboratory  
2 environment where we purposefully put fire water  
3 onto the batteries that are actually burning, even  
4 though that's not what you're supposed to do. And  
5 we measure what comes off of it, and what we find  
6 is that the quality of that water is very similar  
7 to the firewater runoff that might come from a  
8 normal structure fire where it tends to be ever so  
9 slightly basic on an acid-base scale, mostly as a  
10 function of a small amount of ash being inside of  
11 that water. And everything else that -- that is  
12 measured there is like not unexpected and  
13 generally below permissible exposure limits.

14 Also, in most jurisdictions it's handled just  
15 like emergency use. And so if it runs off of the  
16 site you don't have to do anything special, but to  
17 the extent that it pools up somewhere like, say,  
18 in a stormwater pond, then you actually do pump it  
19 and take it off site.

20 Andy, is there anything that I missed there,  
21 or that you would like to add?

22 THE WITNESS (Blum): Yeah -- no. This is Andy Blum  
23 with FRA.

24 I think -- I think you hit -- hit every key  
25 point I would have right there. Absolutely what

1           you just had was perfect.

2   MR. SYME:   Great.

3   THE WITNESS (Williamson):  I have one additional point  
4           of information to add.  In response to  
5           interrogatory question number 53, we do reference  
6           a report that came from SDGE.  And that report  
7           is -- looks at, basically they monitored the  
8           firewater runoff from a particular site.  And from  
9           monitoring that water, they -- they determined  
10          that there were no hazards contained within the  
11          water.  And so that was from a real-world -- world  
12          example.

13                 And so again, that that response or that,  
14                 that report is included in response to  
15                 interrogatory 53.

16   MR. SYME:  That was my questions I had, I mean, just to  
17           clarify those few things in my mind -- but now I'm  
18           good.  Thank you for your time.

19   THE HEARING OFFICER:  Thank you, Mr. Syme.

20                 We'll now continue with cross-examination by  
21                 Ms. Katz, followed by myself.

22                 Ms. Katz, good afternoon.

23   MS. KATZ:  Good afternoon.  It's nice to see all of  
24           you.

25                 I had just a few questions.  A lot of my



1 questions, as others have said, have been  
2 answered. But I was interested to see that you  
3 met with DEEP and DEEP said there would be no  
4 wetlands impacts, as I understand the  
5 interrogatories in the reading.

6 But the interconnection does cross the tip of  
7 the wetlands? Despite that, did DEEP nonetheless  
8 say they don't consider this to be an impact?

9 THE WITNESS (Williamson): Katelin?

10 THE WITNESS (Nickerson): From my recollection of the  
11 meeting, and the notes for that meeting were  
12 provided in the interrogatories, they did not  
13 consider -- I mean, we presented the site plans  
14 and described the project in that meeting and they  
15 did not consider that an impact, based on my  
16 recollection.

17 MS. KATZ: Okay. So what will you be doing in that  
18 wetlands area, just to make sure I'm clear on it?

19 THE WITNESS (Nickerson): Sure. And it might be  
20 helpful to look at the resource report that is  
21 Petition Exhibit D. There are photos at the end  
22 of that report that kind of give you a good sense  
23 for the nature of that wetland.

24 There are quite a bit of, like, shrubs and  
25 lower growing vegetation within the wetlands. So

1 the only things that need to be cleared within the  
2 resource would be trees that could grow above a  
3 certain height. So it would be pretty limited in  
4 terms of the scope of clearing that's required  
5 because it's a dense shrub wetland.

6 Yeah, I can't -- I can't -- there's nothing  
7 else that would need to be done within the wetland  
8 specifically, because also --

9 MS. KATZ: We --

10 THE WITNESS (Nickerson): Yeah?

11 MS. KATZ: Well, the interconnection will -- what are  
12 you putting along there? Are you putting utility  
13 poles? Is that what's going there?

14 THE WITNESS (Nickerson): Overhead utility poles.

15 MS. KATZ: Okay.

16 THE WITNESS (Nickerson): So the other thing that I was  
17 going to say is that the -- in addition to sort of  
18 lower shrub vegetation within the wetland, it  
19 comes down at a steep slope and comes up at a  
20 steep slope.

21 So if you look at the -- the topo in the site  
22 plans, or otherwise, yeah, it's -- the poles will  
23 sort of be on either side of that slope when the  
24 wetland comes down in the middle, if that makes  
25 sense.

1 MS. KATZ: So you're not clearing to the ground.

2 You're clearing sort of anything that would be in  
3 the way impeding the lines?

4 THE WITNESS (Nickerson): Correct.

5 MS. KATZ: Okay.

6 THE WITNESS (Williamson): Yeah. And just a way of  
7 rephrasing it in a different way, basically we'll  
8 be cutting down any -- any tree of size, any --  
9 any vegetation that can grow to an extent of  
10 higher than approximately eight feet.

11 Those will simply be felled by chainsaws and,  
12 if needed, will be -- will be pulled out by cable  
13 without any equipment going into the area. No  
14 digging, no tracks will be remaining outside of  
15 the area, and any traffic that will be in there  
16 will be foot traffic.

17 MS. KATZ: Okay. Thank you.

18 Now on the access road, as I'm looking at the  
19 site plan, it's south of -- I don't know. Are  
20 those commercial buildings that I'm looking at?

21 THE WITNESS (Williamson): Correct.

22 MS. KATZ: And so to access the site, you have to go  
23 essentially through the parking lot for that?

24 THE WITNESS (Williamson): Correct.

25 MS. KATZ: And did you consider going out to 202 for a

1 more direct route in case there was an event of a  
2 fire or anything like that?

3 I mean, that's really -- it sounds like this  
4 site doesn't get a lot of access unless there's an  
5 emergency. Is that correct?

6 THE WITNESS (Williamson): Correct. So this is Paul  
7 Williamson from Key Capture Energy.

8 We did -- we did explore the opportunity to  
9 go directly to Salmon Brook Street from the --  
10 from the project area. However, in doing so, we  
11 would have to cross the wetland and that stream  
12 because that area, the wetland and the stream  
13 represent somewhat of a steep ravine that would  
14 either have to be filled or bridged. That again  
15 would -- would create a fair amount of impact to  
16 that area in construction. It would be at a much  
17 higher cost, and there's a much lesser impact  
18 using the existing access where we'll be coming in  
19 through -- coming in through an existing parking  
20 lot, an existing paved area.

21 One of the things I mentioned earlier in  
22 testimony that we're negotiating an agreement with  
23 the other two parties that have access to that  
24 area for -- for the easement.

25 One of the things that that -- that agreement

1 includes will be making any improvements that will  
2 be necessary in that area for any of the heavier  
3 traffic required for delivery of the systems. And  
4 again, that improvement itself will -- will  
5 benefit the entire area for delivery trucks coming  
6 to those businesses, any emergency responders  
7 coming to our -- our project, or to those  
8 businesses itself.

9 MS. KATZ: So when you -- this is Elin Katz.

10 So when you say in that area, you mean coming  
11 off of Mill Pond Road. I'm guessing delivery  
12 trucks would go behind -- is that a mall, or is  
13 that --

14 THE WITNESS (Williamson): It's somewhat of a strip  
15 mall. In both of those --

16 MS. KATZ: Okay.

17 THE WITNESS (Williamson): In both of those buildings  
18 that are on either side of that, that access  
19 pathway that you see. In one of the buildings  
20 there's a restaurant and -- and a clinic, a health  
21 clinic.

22 MS. KATZ: Uh-huh?

23 THE WITNESS (Williamson): And on the other building,  
24 there's a restaurant and, I believe a nail parlor  
25 and a chiropractor's office.

1 MS. KATZ: Okay. So when you say the other parties  
2 have access to that area, are those the general --  
3 are those entities you're talking about?

4 THE WITNESS (Williamson): Correct. So those two  
5 entities that own those buildings, one is called  
6 ACRE Group.

7 MS. KATZ: Uh-huh.

8 THE WITNESS (Williamson): That's at 7 Mill Pond, and  
9 then at 9 Mill Pond is Larwood, LLC. And so those  
10 are the property owners, commercial property  
11 owners of both of those buildings.

12 The way -- this entire property, including  
13 our property, was once owned by the Guarco family.  
14 The Guarco family subdivided the property and sold  
15 commercial real estate to those parties that now  
16 own those buildings. And they currently retain  
17 the -- the property that we have a purchase option  
18 agreement for. So we'll be buying that last  
19 commercial property from the Guarco family.

20 And in the -- in the point in the process of  
21 the subdivision, the deeds were written so that  
22 that property that we have a purchase option  
23 agreement on has a 17 and-a-half-foot right-of-way  
24 on one of the properties and a 17 and-a-half-foot  
25 right-of-way on the other property, giving us a

1 total of a 34-foot access easement, access and  
2 utility easement to the property.

3 MS. KATZ: Okay. So you're -- it sounds like you're  
4 still negotiating the terms of what those access  
5 agreements will be.

6 THE WITNESS (Williamson): So we don't need to  
7 negotiate the terms of the access agreements.

8 MS. KATZ: Uh-huh.

9 THE WITNESS (Williamson): The deed provides us the  
10 right to access.

11 MS. KATZ: Uh-huh.

12 THE WITNESS (Williamson): We're negotiating terms of a  
13 shared-use agreement.

14 MS. KATZ: Okay.

15 THE WITNESS (Williamson): And so that's both required  
16 by the DEEP, but also good practice, you know, for  
17 all of these businesses that have a shared right  
18 to use that area for us to have an agreement on  
19 how any upgrades are going to be conducted, or any  
20 maintenance that will be conducted over the life  
21 of the project, or the life of those businesses as  
22 well.

23 MS. KATZ: Okay. We received a couple of comments from  
24 Susan Okie, who's the owner of Horses & Hounds.  
25 Where is her property in -- I haven't been able to

1 figure out where it is relative to the site.

2 THE WITNESS (Williamson): That would be the next  
3 building. So if you're going up the easement,  
4 there's one building.

5 Let's say -- let me try to describe this. If  
6 you're exiting the -- our project. So we're  
7 exiting our project.

8 MS. KATZ: Uh-huh?

9 THE WITNESS (Williamson): The building on the right is  
10 the building that's owned by Larwood, and then the  
11 next building over which is the larger building  
12 you might see on the -- on the document is Horses  
13 & Hounds.

14 MS. KATZ: Okay. And so she raises concerns. I think  
15 you responded to this already, but just to be  
16 clear, she raises concerns about lack of hydrants  
17 on Mill Pond Drive -- or Mill Pond Road.

18 THE WITNESS (Williamson): There is -- there is a  
19 hydrant that is located -- it's in front of the  
20 property that is 7 Mill Pond Drive.

21 MS. KATZ: Okay.

22 THE WITNESS (Williamson): And it's at the corner of  
23 where you turn into -- into our access -- not  
24 drive.

25 MS. KATZ: Okay. I know we've talked a lot about fire



1 suppression and your plans. And just to confirm,  
2 you have not yet been able to meet with the local  
3 fire department to discuss this? Is that correct?

4 THE WITNESS (Williamson): We've, in the -- in one of  
5 the very early meetings that we've had with town  
6 officers, Brian Long, who is the fire marshal, was  
7 involved in that meeting, and we presented some of  
8 the higher level safety information to them.

9 And you know, at that time, noted that we  
10 would continue to engage with the fire department  
11 and seek opportunities to -- to meet with them,  
12 both for informational purposes as well as  
13 training and planning for that training. And upon  
14 completion of our -- the draft of our emergency  
15 response plan, before submitting the application  
16 to the Siting Council, we provided that to both  
17 the fire marshal and the fire chief and requested  
18 their comments.

19 MS. KATZ: And there haven't been any comments.

20 Is that correct?

21 THE WITNESS (Williamson): We have not received  
22 comments yet.

23 MS. KATZ: Okay.

24 THE WITNESS (Williamson): But again, the process is --  
25 is open and it will be ongoing.

1 MS. KATZ: Yeah, yeah. Just one more question, because  
2 like I said, everyone has kind of gotten already  
3 into what my questions are -- but did I read  
4 correctly that this site has four hours of  
5 capacity in the event of an outage?

6 THE WITNESS (Williamson): Correct. Our -- our battery  
7 at full discharge could discharge 4.99 megawatts  
8 for a four-hour period. As Joel indicated before,  
9 we can control that.

10 So if we were discharging only 50 percent of  
11 the battery's capacity, we could discharge that  
12 over an eight hour period and you could  
13 extrapolate that even further. So it doesn't have  
14 to, you know, we -- we're not required and it's  
15 not limited to discharging electricity only for  
16 four hours. It all depends on the control of --  
17 of how we discharge that.

18 Now should there be a power outage, it  
19 really -- whether or not this project can provide  
20 electricity at that time depends on whether or not  
21 that power outage is directly affecting the  
22 circuit that we're connected to. So if the power  
23 line -- if a tree falls on the power line  
24 specifically on Salmon Brook Parkway, that power  
25 line, which is our access to the distributed

1 generation grid is cut off and we would have to  
2 shut down our project.

3 If the power outage is one step removed from  
4 that distribution network and then the -- and the  
5 utility can redirect power away from that outage,  
6 we would be able to continue to operate our  
7 project and provide electricity to the system in  
8 the region.

9 MS. KATZ: Now if there was a prolonged outage like we  
10 saw in 2011, 2012, and there's no -- we run out of  
11 power. It's basically no power to be had; does  
12 the site pose any risk because it doesn't have,  
13 itself have power?

14 THE WITNESS (Williamson): No, there's additional.

15 There's additional storage that the battery --  
16 that a system is built into the system that's in  
17 addition to the storage that's -- that's provided  
18 within the market. And that additional battery  
19 energy maintains the systems, the battery systems  
20 if there's a power outage and, you know, as needed  
21 if the batteries were depleted and there's --  
22 there's no opportunity for us to charge any  
23 further, we would simply shut down the system.

24 I can see Joel is standing by for additional  
25 comment on this issue.

1 THE WITNESS (Vyduna): Yeah, the batteries can sit idle  
2 for a near infinite amount of time. It's not  
3 like -- like, say, a nuclear facility where you  
4 have to make sure you maintain cooling or things  
5 like that. The battery is shipped to the site  
6 completely unpowered. When they're manufactured  
7 they're unpowered. During construction they're  
8 unpowered. And so it's no different than that.

9 If the site shuts down all of the sudden,  
10 then the batteries just don't operate anymore.  
11 They continue to cool and no further action is  
12 required at that time.

13 MS. KATZ: Okay. Yeah, that was my question exactly.  
14 You know, we had a ten-day outage in 2011. I hope  
15 we never have that again, but if we did, there's  
16 no risk at the site. You can just power it down?

17 THE WITNESS (Vyduna): Correct.

18 MS. KATZ: Okay. Thank you. That's all my questions.

19 THE HEARING OFFICER: Thank you, Ms. Katz.

20 Well, let me start off with my fundamental  
21 understanding is that the way this is going to go  
22 forward is that until such time that PURA comes  
23 out with their program with their incentives,  
24 along with your capacity obligation that you've  
25 received in the forward capacity market, you're

1            basically going to bid into the market for energy.

2            Is that correct?

3    **THE WITNESS (Williamson):** Correct. So that the  
4            battery will operate within a variety of different  
5            markets. And this is spelled out in detail in one  
6            of our interrogatory questions, one of the early  
7            interrogatory questions.

8    **THE HEARING OFFICER:** That would be interrogatory 20.  
9            I'll get there in a minute.

10   **THE WITNESS (Williamson):** Okay. And thank you for the  
11           reference. So -- so we will be participating in a  
12           variety of different markets. The primary market  
13           that -- that the -- the project will -- will  
14           participate and -- and address first will be the  
15           participating in the PURA program, and then we'll  
16           also be providing to capacity market.

17           When it is available and -- and if it  
18           becomes, you know, if there, if we have access, if  
19           there's an opportunity, a market opportunity, and  
20           if we have the energy available within the battery  
21           after those first two markets that I suggested, if  
22           there's an opportunity to participate in the  
23           frequency market we might do that as well.

24   **THE HEARING OFFICER:** Okay. So the PURA energy storage  
25           program, when is that going to be settled or come

1 out?

2 THE WITNESS (Williamson): We hope that -- we hope to  
3 hear from PURA in the first quarter of 2025. To  
4 be honest, PURA originally had intended or -- or,  
5 you know, provided some communication in 2022 that  
6 they had expected to release the program in 2022.  
7 And since then, we keep coming across a number  
8 of -- of delays from PURA.

9 I believe the most recent delay, and -- and  
10 this is me doing my -- my best to provide some,  
11 some insight and judgment from -- as a third-party  
12 bystander, but I believe the most recent delay is  
13 PURA wanted to -- not to release their program at  
14 the same time that Connecticut DEEP was conducting  
15 the RFP for large-scale energy storage  
16 procurement.

17 And so they've been waiting for that entire  
18 process to be complete before they release the --  
19 the details of -- of their program. That's to the  
20 best of my understanding.

21 THE HEARING OFFICER: Okay. All right. So you did  
22 clear the 4.9 megawatts in the forward capacity  
23 market?

24 THE WITNESS (Williamson): Correct. We did in -- on  
25 the forward capacity auction 18 and in February of

1           2024. And those obligations start in June 1st of  
2           2027 --

3   **THE HEARING OFFICER:** Thank you.

4   **THE WITNESS (Williamson):** -- and go through 2028.

5           Then we will participate in subsequent auctions  
6           for capacity supply obligations in the subsequent  
7           years.

8   **THE HEARING OFFICER:** Okay. Thank you.

9           Okay. Going to interrogatory number 20, you  
10          talked about the dispatch. And it says you're  
11          going to operate in response to the direction of  
12          ISO New England's dispatch instructions. Those  
13          instructions will be based on bids and offers. So  
14          basically, if I can interpret that -- is you're  
15          going to do day-ahead and then real-time?

16   **THE WITNESS (Williamson):** Correct. And that's how the  
17          forward capacity market operates in ISO New  
18          England. So we've qualified to deliver 4.9  
19          megawatts. They provide the capacity needs in --  
20          in the day-ahead market, and then we would bid in  
21          to provide to that, and then we're qualified to  
22          provide that capacity.

23   **THE HEARING OFFICER:** Right. You'll be bidding into  
24          the day-ahead energy market. And you'll get --

25   **THE WITNESS (Williamson):** Aggregate capacity resource.

1 THE HEARING OFFICER: So we're having a nomenclature  
2 difficulty here. It's versus -- capacity versus  
3 energy. So when you bid into the day-ahead energy  
4 market, you'll establish your schedule, and that's  
5 what you will deliver to the distribution circuit.

6 What happens in real time? Do you -- let's  
7 say you've got 5 megawatts per hour, but you only  
8 bid in 3 megawatts per hour and you operate at 5.  
9 You, you'll get the real-time price. So is  
10 that -- will you be taking advantage of that? Or  
11 are you sticking to the day-ahead schedule?

12 THE WITNESS (Vyduna): You want me to take that, Paul?

13 THE WITNESS (Williamson): Yes, please.

14 Thank you, Joel.

15 THE WITNESS (Vyduna): Yeah. So when we do our  
16 wholesale trading operations nationwide, it  
17 basically works the same everywhere as it does for  
18 ISO New England. Within the rules of the -- of  
19 the market, you know, mainly our capacity  
20 obligation requires that we have a must-offer  
21 obligation. We must participate in return for  
22 that capacity payment.

23 And within the rules established by any  
24 out-of-market incentives, in this case the PURA  
25 program for which we don't know what those are, on



1 a day-to-day basis we're going to make a decision  
2 for what we're going to do tomorrow generally in  
3 the middle of the day, which is some combination  
4 of day-ahead or real-time energy as well as  
5 ancillary services, primarily frequency  
6 regulation.

7 As of now, the vast majority of batteries in  
8 ISO New England are providing frequency regulation  
9 on a pretty regular basis and occasionally doing  
10 real-time or day-ahead energy arbitrage.

11 THE HEARING OFFICER: Okay. So that is what you mean  
12 by ISO New England's dispatch instructions. It's  
13 really the day-ahead and real-time market?

14 THE WITNESS (Vyduna): Correct. We bid, and if we  
15 clear, then we are dispatched according to what  
16 markets we cleared in.

17 THE HEARING OFFICER: Okay. And thank you for  
18 mentioning frequency.

19 So this circuit, 43F3, does it have a  
20 frequency problem? Or is the frequency market  
21 going to go back to the substation?

22 THE WITNESS (Vyduna): I can't speak specific --

23 THE HEARING OFFICER: Can you explain that a little  
24 bit?

25 THE WITNESS (Vyduna): Sure. So when we're talking

1 about distribution circuits in general, voltage  
2 support is more common there. However, in the  
3 context of frequency that's, as you're well aware,  
4 more of a systemwide issue. Right?

5 And the way you can think of any individual  
6 grid is a little bit like a spring, where in  
7 general the entire grid is operating at 60 hertz.  
8 However, sometimes certain generators get a little  
9 faster, a little slower in certain parts of that  
10 grid. And so in reaction to that, we are  
11 dispatched to either charge or discharge rapidly  
12 to maintain the grid to 60 hertz within NERC  
13 limits for upper and lower bounds on that 60  
14 Hertz, you know, plus or minus 0.001 hertz or  
15 something like that, so.

16 **THE HEARING OFFICER:** Correct. Given that Northeast  
17 Simsbury is a pretty small substation, I wouldn't  
18 think that they would have frequency issues, maybe  
19 voltage issues on that, on that circuit, but not  
20 frequency issues, but --

21 **THE WITNESS (Williamson):** Generally speaking, the  
22 frequency market in New England is relatively  
23 small. And so we mentioned that we may be  
24 participating in that, but that is not our -- our  
25 main focus or consideration.

1 THE WITNESS (Vyduna): Yeah.

2 THE HEARING OFFICER: Okay. So Eversource did an  
3 analysis and they basically said, okay. We need  
4 batteries off of the Northeast Simsbury substation  
5 in this area of the state. Did they do an  
6 analysis and provide you a report that basically  
7 tells you that information?

8 THE WITNESS (Williamson): We're not aware of that  
9 analysis. We did our own analysis and identified  
10 where we thought the battery would -- would be  
11 valuable for the grid and proceeded by, again, we  
12 did our analysis on the grid, identified that it  
13 had the right capacity and characteristics, and  
14 filed an interconnection request with Eversource.

15 Eversource conducted the system impact study,  
16 as this was not a FERC jurisdictional project.

17 THE HEARING OFFICER: Yeah.

18 THE WITNESS (Williamson): And -- and so that, you  
19 know, that's where we are, but we're not aware of  
20 any direct analysis performed by Eversource.

21 THE HEARING OFFICER: I see. I misunderstood. I  
22 thought Eversource provided some guidance as to  
23 where these circuits were that needed assistance.

24 Okay. Well, given that response, like I said  
25 earlier, Northeast Simsbury is a very small

1           substation. Do you know of any solar facilities  
2           that are on, on that, feeding that substation or  
3           in the area? Or any other type of generators?

4   **THE WITNESS (Williamson):** There, you know, the  
5           electricity is provided by a variety of different  
6           resources within the region. And so there's not a  
7           direct generator that is going into the north, to  
8           the Simsbury substation right now.

9           But there is -- there is a solar project that  
10          is located adjacent to Simsbury substation that  
11          goes into the -- the grid in this area. And a  
12          variety of other generation that is within the --  
13          the greater area coming from north of Granby, from  
14          Massachusetts to south of Granby where in Windsor  
15          Locks you have hydropower generation and  
16          additional generation from gas as well as  
17          generation from solar, and that's all being  
18          affected in this area.

19          And so that generation coming into the  
20          Simsbury substation is a mixture of generation,  
21          and this project will provide a benefit by  
22          allowing generation that is intermittent to be  
23          stored and then used at a optimal time to support  
24          the grid and -- and the use of electricity in this  
25          area.

1 THE HEARING OFFICER: Do you know what the load is on  
2 that substation?

3 THE WITNESS (Williamson): I couldn't tell you right  
4 now.

5 THE WITNESS (Vyduna): Paul --

6 THE HEARING OFFICER: Okay. Well --

7 THE WITNESS (Vyduna): I think -- oh, apologies.

8 THE HEARING OFFICER: Go ahead.

9 THE WITNESS (Vyduna): Mr. Morissette, I think that  
10 it's -- it's interesting perhaps to zoom out on  
11 this problem. I don't think anybody at Key  
12 Capture can speak to specific loads or generators  
13 that go into that substation at this moment in  
14 time. But what I can speak to is how we site  
15 projects and why we site them there.

16 We have a very sophisticated siting team made  
17 up of PhD electrical engineers that analyze supply  
18 and demand at various different nodes on the grid,  
19 and we look for mismatches in supply and demand  
20 that creates congestion on the grid.

21 What we know is that where there's congestion  
22 is a good place to site a battery, and whether  
23 you're looking to get picked up by, like, say, a  
24 PURA incentive or you want to make the most money  
25 in a wholesale power market, or you want to be

1 most attractive to a utility, like, say,  
2 Eversource under a tolling arrangement, we know  
3 that electrically these are where the batteries  
4 are best suited on the grid.

5 And so while we can't speak to the specific  
6 sources of generation load on this circuit, what I  
7 can tell you is the reason we have a battery there  
8 is because we identified routine portions of the  
9 day, month, and year where supply and demand are  
10 mismatched where a battery that can both charge  
11 and discharge can operate profitably and increase  
12 reliability and resiliency for the grid in that  
13 location.

14 **THE HEARING OFFICER:** Okay. Well, my concern -- my  
15 concern with this location relating to the grid is  
16 there's very little generation in the area; maybe  
17 that's why. There's very little commercial or  
18 industrial load in the area. The substation is  
19 not that big. So what benefit to the grid is it  
20 providing?

21 So I don't know if there's information that  
22 you can provide that says this is why putting it  
23 in this location on this particular circuit  
24 provides these benefits to the grids. So I'll  
25 just leave it at that and let you ponder whether

1           you have information that will answer those type  
2           of questions.

3           No response?

4   **THE WITNESS (Vyduna):** I -- you know, Paul, I'll let  
5           you respond. I think we'd have to see, you know,  
6           what we have.

7           In general, I will say that the resolution of  
8           information on the distribution system is not as  
9           good at the transmission system. And so we could  
10          probably put together a narrative about how we  
11          site these things. Whether or not there's  
12          specific studies we can share, we'll have to look  
13          into that, but we'll dig up what we can and share,  
14          share what we can.

15   **THE HEARING OFFICER:** Well, I don't want to plant any  
16          seeds, but it could be -- fundamentally is that  
17          the answer possibly could be, well, because it's a  
18          small substation, that they're having difficulty  
19          meeting their local distribution load and they  
20          need an additional resource within the area.

21          But I'm just reading the tea leaves here,  
22          but -- so I'm struggling with that a little bit.  
23          So if you could help me out there, I would  
24          appreciate it.

25   **THE WITNESS (Williamson):** I will counter slightly

1 when -- when you mentioned that there, there is  
2 not substantial generation in this area, remember  
3 this is only a 5 megawatt project. And it is  
4 aligned with generation that is currently  
5 operating within the area as well as additional  
6 generation that is proposed in the area. As I  
7 noted, the company DSIRE currently does have an  
8 operating solar power project that is adjacent to  
9 the Simsbury substation.

10 In addition, there are additional solar power  
11 projects that are proposed in the greater  
12 Granby/Windsor Locks area, as well as gas  
13 generation and hydropower generation within this  
14 region. So there, there is generation and in  
15 excess of the levels of generation or storage that  
16 we're talking about at 5 megawatts.

17 THE HEARING OFFICER: Okay. Maybe --

18 ATTORNEY DeCRESCENZO: Mr. Chairman?

19 THE HEARING OFFICER: Yes.

20 ATTORNEY DeCRESCENZO: Could we ask that the petitioner  
21 file a late-file exhibit.

22 THE HEARING OFFICER: Attorney DeCrescenzo, I am  
23 cross-examining the Witnesses at this point. And  
24 if I think it's appropriate, I'll ask that. You  
25 know. When your turn comes, we'll see if it's



1 appropriate -- but I will.

2 I will request a late file be provided  
3 explaining some of that, because I'm not convinced  
4 at this point. You know the generation in Windsor  
5 Locks is going to go to the Windsor Locks  
6 substation. The Northeast Simsbury solar facility  
7 may be part of the -- what you're referring to;  
8 may be helping charge the batteries and may be the  
9 answer, but I need something clearer for me to  
10 understand that.

11 So if you could provide a late file so I  
12 have, you know, can clarify that in my mind as to  
13 how this is going to fit in and why it's  
14 appropriate, that this be sited in Granby.

15 Okay. We're going to move on. I've dwelled  
16 on that long enough. So --

17 ATTORNEY HOFFMAN: Excuse me, Mr. Morissette?

18 THE HEARING OFFICER: Yes.

19 ATTORNEY HOFFMAN: Can we just get a little more  
20 description of what you're working so that we can  
21 give you -- what you're looking for so that we can  
22 give you what you want?

23 THE HEARING OFFICER: Certainly. Okay. What I'm  
24 looking for is a white paper that basically says  
25 the benefits of siting in Granby, providing

1 generation and/or storing energy associated with a  
2 solar facility, if that's the case, provides the  
3 system a benefit as far as its operational needs.

4 It's essentially the analysis that you guys  
5 probably did that we haven't seen. Okay? All  
6 set, Attorney Hoffman? Is that clear as mud?

7 ATTORNEY HOFFMAN: Yes, sure it is. Thank you.

8 THE HEARING OFFICER: Thank you. Okay. We're going to  
9 move on a different topic. As part of the -- I  
10 think it's Exhibit 1, there was a discussion on  
11 sodium-ion batteries.

12 Now for this facility, you've changed  
13 technologies. You've gone from lithium ion to  
14 lithium iron phosphate batteries.

15 THE WITNESS (Vyduna): Correction. That is not true.  
16 Both the SunGrowth system and the Canadian Solar  
17 system use lithium-iron phosphate batteries.

18 And I would also, as a point of  
19 clarification, note that lithium iron phosphate is  
20 a sub chemistry of lithium ion.

21 THE HEARING OFFICER: Okay. So for this facility, you  
22 are using -- what are you using?

23 You're using sodium ion?

24 THE WITNESS (Vyduna): No, we're using lithium iron  
25 phosphate batteries, which are a type of

1 lithium-ion battery.

2 In general, there's three types of  
3 lithium-ion batteries that get used; nickel cobalt  
4 aluminum, which goes almost exclusively into Tesla  
5 vehicles; nickel manganese cobalt, which goes into  
6 high end non-Tesla vehicles; and then lithium iron  
7 phosphate, which tends to go into lower-range EVs,  
8 typically outside the United States, as well as  
9 nearly all stationary energy storage facilities  
10 within the United States.

11 THE HEARING OFFICER: Okay. So is this your first  
12 facility that you're using that type of equipment?

13 THE WITNESS (Vyduna): No, almost all of ours have that  
14 same lithium iron phosphate chemistry. We have  
15 one facility that doesn't, the rest do.

16 THE HEARING OFFICER: Okay. And so, and the operation  
17 you've found to be adequate?

18 THE WITNESS (Vyduna): Yes. Lithium iron phosphate is  
19 a great technology, far superior to a lot of the  
20 others that are available on the market.

21 THE HEARING OFFICER: Right. Based on the response,  
22 you indicate that it's incredibly safe.

23 A thermal runaway is less likely?

24 THE WITNESS (Vyduna): Correct.

25 THE HEARING OFFICER: And primarily because there's no

1 friction. Can you explain that a little bit?

2 THE WITNESS (Vyduna): So lithium iron phosphate just  
3 simply has a higher thermal runaway onset  
4 temperature than other chemistries that are out  
5 there. So for example, the batteries that more  
6 typically end up in electric vehicles, they have a  
7 thermal runaway onset temperature somewhere  
8 usually between 170 degrees Celsius and 200  
9 degrees Celsius. Lithium iron phosphate tends to  
10 be like 200 to 250, depending on the flavor of it.

11 And so simply that the batteries need to get  
12 to a significantly higher temperature before they  
13 will go into thermal runaway. And so because of  
14 that, they catch fire far less likely. And then  
15 also the lithium, the iron and the phosphate that  
16 goes into the cathode is just simply far less  
17 reactive than nickel, manganese and cobalt.

18 And so for a variety of reasons on the  
19 stationary energy storage side, where we don't  
20 need as much energy density as, like, say, an  
21 electric vehicle operation, we have shifted to  
22 this technology because it is generally viewed to  
23 be safer due to its thermal runaway onset  
24 temperature properties among others.

25 THE HEARING OFFICER: Good. Very good. Thank you.

1           Okay. On page four of the application, it  
2 says that the container assets acts as secondary  
3 containment up to 50 liters of liquid coolant.

4           How much liquid coolant is in the system?

5 THE WITNESS (Vyduna): Paul, I don't know if you know  
6 the exact number.

7           But what I can tell you is that Canadian  
8 Solar designed the secondary containment of the  
9 system contain -- to contain the amount of  
10 ethylene glycol that is used in the cooling  
11 system. These tend to be very small quantities.  
12 The overflow tank is very small and you're  
13 typically talking like capillary tubes that go to  
14 each one of the batteries.

15           After working on a couple of hundred of these  
16 things, I'm not aware of a significant leak from  
17 any of them. And then I would actually -- I would  
18 venture to guess that the amount of liquid we're  
19 talking about is not dissimilar from the amount of  
20 antifreeze that's in, like, a typical vehicle.

21           And it's a very similar glycol/water mixture.

22 THE HEARING OFFICER: Okay. Good. Thank you.

23 THE WITNESS (Vyduna): Yep.

24 THE WITNESS (Williamson): And I'll add to that, too,  
25 that the Canadian Solar system does have leak

1 detection. And so that if -- if there is any leak  
2 that is happening with the glycol ethylene  
3 mixture, it's -- we're immediately notified of it.  
4 And if it's a serious problem, we can shut down  
5 the system and send out technicians to -- to  
6 remedy the situation before it goes into a full  
7 leak situation.

8 THE HEARING OFFICER: Good. Okay. Very good.

9 Okay. We're going to move on to the  
10 interconnection. Now I understand that  
11 discussions with Eversource, that you discussed  
12 going to Mill Pond Drive?

13 THE WITNESS (Williamson): Correct.

14 THE HEARING OFFICER: Now is that because Mill Pond  
15 Drive doesn't have a 23 kV circuit?

16 THE WITNESS (Williamson): No, actually Mill Pond  
17 Drive, that the 23 kV circuit extends down Mill  
18 Pond Drive. However, the way the circuit is set  
19 up, according to Joe Debs, who's the Distributed  
20 Resource Program Manager, it would not be possible  
21 to connect there with -- within, you know,  
22 reasonable costs and parameters.

23 And they specifically directed us to the only  
24 possible interconnection from that site would be  
25 on Salmon Brook Street.

1 THE HEARING OFFICER: Okay. So for you to connect to  
2 Mill Pond Drive, you basically have to do some  
3 upgrades to the 23 kV circuit?

4 THE WITNESS (Williamson): He didn't provide the  
5 specific information on what type of work would  
6 need to be done.

7 THE HEARING OFFICER: Uh-huh?

8 THE WITNESS (Williamson): He simply noted that,  
9 because of the level of work that would need to be  
10 performed there, it was not possible.

11 THE HEARING OFFICER: Okay. All right. So we've  
12 got -- we're going through the wetland. We're  
13 going overhead through the wetland. Did you look  
14 at all about going to the back of the commercial  
15 buildings and avoiding the wetland altogether, and  
16 the clearing?

17 THE WITNESS (Williamson): No, we -- we maintained the  
18 project footprint within the property itself, but  
19 we did locate the power line as far north as  
20 possible to avoid as much of the intermittent  
21 stream and -- and wetland where it narrows as much  
22 as possible.

23 THE HEARING OFFICER: Okay. So the three poles are the  
24 utility meter, the recloser and the disconnect.  
25 So you're staying -- you don't want to go north

1 because you don't have property rights to the  
2 north or easement.

3 Does Mill Pond Road come off the 43F3 here  
4 feet as well? Do you know that?

5 THE WITNESS (Williamson): I would have to go back and  
6 look it up -- but I, based on my memory, I believe  
7 it does.

8 THE HEARING OFFICER: Yeah. Okay. Let's see here.  
9 Let's see if I have anything else.

10 Concerning the International Association of  
11 Fire Chiefs' 300-foot diameter for evacuations,  
12 does that apply here?

13 THE WITNESS (Williamson): I'm going to invite Andy  
14 Blum to speak to that. I -- I believe there's a  
15 misinterpretation of how that's stated from the  
16 International Alliance of Fire Chiefs.

17 Andy, would you like to expand on that,  
18 please?

19 THE WITNESS (Blum): Sure. Hi, everyone again. Andy  
20 Blum with Fire Risk Alliance.

21 So the -- the recommendation that was put out  
22 there in -- in 2022 from the International  
23 Association of Fire Chiefs mentions a 300-foot  
24 staging distance that fire departments would use  
25 as their initial distance that they would use



1 to -- when they approach a site like this.

2 So just like they would -- how they would  
3 approach a vehicle fire or a residential fire, a  
4 commercial building fire, you don't pull right up  
5 and park right at the front door. Right? You  
6 start further away. You -- you have an  
7 appropriate staging distance. You then size up  
8 the fire and then make the appropriate  
9 adjustments.

10 And so that document there in 2022 talks  
11 about 300 feet as being their recommendation. It  
12 doesn't necessarily mean it applies to every site,  
13 but -- but that was their initial recommendation  
14 back in 2022.

15 And then I would add they've -- actually were  
16 part of some additional recommendations that came  
17 out in 2023 in coordination with a number of other  
18 entities, including the National Fire Protection  
19 Association. And so even between 2022 and 2023,  
20 based on their experience and -- and their  
21 understanding of battery fires, they've actually  
22 reduced that distance to 150 feet.

23 And so their initial response right now, or  
24 at least their recommendation is that when you  
25 show up to stage at least 150 feet away, and then

1           you can do an initial isolation of that area. So  
2           if we're talking evacuations, you may want to do  
3           that initial 150 feet as you are collecting data  
4           and -- and getting comfortable with what's going  
5           on at the site.

6   **THE HEARING OFFICER:** Very good. Thank you for that.

7           Now this is remote monitored. If the fire  
8           does occur, there's an alarm. The alarm triggers  
9           at the your operational center. Does it also go  
10          directly to the first responders?

11 **THE WITNESS (Vyduna):** It goes to regional dispatch  
12          facilities that are used by all fire facilities.  
13          So the way -- the easiest way to think of is like  
14          these are run by companies like ADT, where  
15          they'll -- they'll handle, you know, security  
16          systems as well as fire dispatch.

17          And so yes, it goes to our remote operations  
18          center. It typically will notify the equipment  
19          OEM as well, and then it will automatically  
20          dispatch one of these regional fire centers that  
21          dispatches the local fire department.

22 **THE HEARING OFFICER:** Okay. Is that done through fiber  
23          optics or phone lines?

24 **THE WITNESS (Vyduna):** We have multiple ways to do it.  
25          And so many facilities out there really only have

1 one line of communication, fiber optics. We do  
2 redundant. And so we do fiber optic or  
3 utility-grade microwave. That's not applicable  
4 here, but it is in other parts of the country as  
5 our primary connection. And then historically,  
6 we've done 4G or 5G LTE cell modem as our backup.

7 Now that Starlink is becoming available, is  
8 highly reliable and has better bandwidth, we're  
9 actually doing either double redundancy where  
10 fiber is our primary connection and Starlink is  
11 our backup. And in some cases, triple redundancy,  
12 where we have fiber, Starlink, and cell  
13 connection.

14 THE HEARING OFFICER: Very good. Thank you.

15 THE WITNESS (Vyduna): Yeah.

16 THE HEARING OFFICER: That's good. That's good to  
17 hear.

18 Okay. That concludes my questioning for this  
19 afternoon. We will now continue with  
20 cross-examination of the Petitioner by the Town of  
21 Granby.

22 Attorney DeCrescenzo, good afternoon.

23 ATTORNEY DeCRESCENZO: Good afternoon, Mr. Chairman.

24 And thank you.

25 I want to start by talking a little bit

1           about -- and can you hear me?

2   **THE HEARING OFFICER:** Yes, we can hear you. We're  
3           having -- we have difficulty seeing your panel,  
4           but I can hear you.

5   **ATTORNEY DeCRESCENZO:** In the back here.

6   **THE HEARING OFFICER:** Okay. Thank you. Yeah -- but we  
7           can hear you fine.

8   **ATTORNEY DeCRESCENZO:** I want to start by asking about  
9           the easement, and what is it that the Petitioner  
10          is negotiating concerning that easement?

11   **THE WITNESS (Williamson):** This is Paul Williamson from  
12          Key Capture Energy.

13                 We're negotiating a shared-use agreement and  
14                 the shared-use agreement includes any upgrades  
15                 that are required, making sure that Key -- Key  
16                 Capture Energy is responsible for any upgrades or  
17                 changes that need to happen within that easement  
18                 area.

19                 And then the agreement will cover the  
20                 shared -- the mechanism for any shared use  
21                 maintenance or repairs in the future.

22   **ATTORNEY DeCRESCENZO:** You explained earlier that this  
23          property was part of a subdivision.

24                 Is that correct?

25   **THE WITNESS (Williamson):** Correct.

1 ATTORNEY DeCRESCENZO: And what is the lot number for  
2 the subject property within the subdivision?

3 THE WITNESS (Williamson): Off the top of my head, I  
4 believe it's lot number ten, but I would have to  
5 go back and reference that.

6 ATTORNEY DeCRESCENZO: And the easement you're  
7 referring to, if you know, is the easement found  
8 in book volume 297, page 543?

9 Does that sound right?

10 THE WITNESS (Williamson): We provided in our  
11 interrogatory responses the references of two  
12 deeds, and in our exhibits as well.

13 And if you give me a second, I should be able  
14 to identify those.

15 THE WITNESS (Nickerson): You can also look it up in  
16 figure three in the petition figures, the ALTA.

17 THE WITNESS (Williamson): In response to the Siting  
18 Council Interrogatory Question Number 10, we  
19 provided the volumes number for the two deeds.

20 And again, it's two properties that make up  
21 the whole of the access easement. And that's  
22 volume 297, page 545; and volume 297, page 545-3.  
23 And we provided those as an attachment, as one of  
24 the attachments in the response.

25 ATTORNEY DeCRESCENZO: I believe it's attachment D.

1 THE WITNESS (Williamson): Okay. Attachment D.

2 Thank you.

3 Yes, correct, attachment D.

4 ATTORNEY DeCRESCENZO: In your earlier testimony about  
5 negotiating a shared-use agreement, what happens  
6 if you can't reach an agreement on the shared-use  
7 agreement?

8 THE WITNESS (Williamson): I guess I'm not entirely  
9 sure what the next legal recourse is since the --  
10 the deed grants the rights of the use of that  
11 area. And so I'll defer to Lee Hoffman on that.

12 I will note that at this point the  
13 discussions are very cordial and agreeable with  
14 all parties, and I don't see that as being a  
15 realistic outcome.

16 Lee, would you like to add anything?

17 ATTORNEY HOFFMAN: I wouldn't want to opine on a  
18 hypothetical that's probably not going to happen.

19 ATTORNEY DeCRESCENZO: What I'm getting at is, is it  
20 your testimony that as we sit here today you have  
21 the right to access this site for this purpose?

22 THE WITNESS (Williamson): Correct.

23 ATTORNEY DeCRESCENZO: And so what is it that the  
24 shared-use agreement gives you that you don't  
25 already have?

1 THE WITNESS (Williamson): That it provides certainty  
2 and knowledge and -- and collaborative information  
3 from all parties, understanding how the costs will  
4 be associated and -- and covered by parties for  
5 the use of that portion of the driveway and  
6 parking lot.

7 ATTORNEY DeCRESCENZO: And could we pull up the site  
8 plan, please? Can we all look at that at the same  
9 time.

10 THE HEARING OFFICER: I'm sorry, but that's not  
11 possible.

12 ATTORNEY DeCRESCENZO: That's not possible?

13 THE HEARING OFFICER: No.

14 ATTORNEY DeCRESCENZO: Okay. You talked earlier about  
15 the changes you would have to make to the easement  
16 area to accommodate this, this proposal. And that  
17 included a removal, a removal of an island within  
18 a parking lot. Was that your earlier testimony?

19 THE WITNESS (Williamson): Not entirely correct. My  
20 earlier testimony was that in discussions with all  
21 three parties, all three parties agreed that it  
22 would be preferable to remove that island. And so  
23 I've been instructed by the other two parties to  
24 research whether or not that's possible.

25 However, we are not required to remove that

1 island in order to build or operate this project.

2 ATTORNEY DeCRESCENZO: If the other parties require you  
3 to remove that island, is it in fact the case that  
4 the adjoining commercial property is subject to an  
5 existing site plan?

6 THE WITNESS (Williamson): First, the other parties do  
7 not require us to remove that island. In  
8 discussion all parties agreed that it would be a  
9 beneficial thing for all parties if we removed  
10 that island. It's not a requirement for the  
11 agreement. And if it can't be done, we'll  
12 continue forth with the area as is.

13 In regards to whether or not removing that  
14 island requires a site plan, I -- I can't opine  
15 upon that right now. As I said, we need to  
16 research the requirements of what might be  
17 involved in removing that island.

18 The parties that are involved at this time do  
19 not understand, you know, aren't entirely sure of  
20 the historical context of why that island was put  
21 there in the first place, and that they believe  
22 that it was done voluntarily at some point under  
23 development of the -- the property history. But  
24 again, they're not entirely sure and they're not  
25 entirely sure of the requirements of what might be



1           involved in removing it.

2   ATTORNEY DeCRESCENZO:   And where do I find --

3   THE WITNESS (Williamson):   I'll -- I'll restate that  
4           there is no requirement that we remove that  
5           island, no requirement from the other parties to  
6           enter into agreement, no requirement for us to  
7           practically build the project.  There is no  
8           requirement.

9           There's simply the option or the potential  
10          option to remove it, and all parties agreed that  
11          it would be beneficial if we could.

12   ATTORNEY DeCRESCENZO:   What would be the purpose of  
13          removing it?

14   THE WITNESS (Williamson):   Well, currently that island  
15          is damaged each year by snow plowing.  If you go  
16          into that, that parking lot, you'll notice that  
17          the curbs on both sides of the island are damaged.  
18          Some of them are torn out.  And on several  
19          different occasions, there's -- there's an  
20          existing sign within the island that has been hit  
21          by snow plows and damaged.  And they would simply  
22          prefer for it to -- that problem to go away.

23          In addition to that, you know, we feel that  
24          it would be a benefit to ourselves because we have  
25          done a turning-radius study and we can simply get

1 into the -- the parking lot as is, but if we  
2 remove that island there would be a little bit  
3 more latitude and it would be easier for larger  
4 trucks.

5 Whether or not they're our trucks or their  
6 delivery trucks that are servicing their  
7 businesses, it would be simply easier for those,  
8 those types of vehicles to access that area.

9 ATTORNEY DeCRESCENZO: So can I direct your attention  
10 to Siting Council Interrogatory Number 10?

11 THE WITNESS (Williamson): Sure.

12 ATTORNEY DeCRESCENZO: Where the Siting Council staff  
13 asked about the utility easement, and there's a  
14 sentence in here in your response. It says the  
15 easement -- the easement requires that the parties  
16 with easement rights execute a shared-use and  
17 maintenance agreement. And then they say the  
18 attached parties have met and agreed to the terms  
19 that are currently being drafted.

20 So it's your earlier testimony that the  
21 property -- I mean, the project could proceed  
22 without any changes to the existing easement. How  
23 does that square with your interrogatory response?

24 THE WITNESS (Williamson): Well, it's quite simple.

25 There there's no requirement that we make physical

1 changes to the easement, but the deed does state  
2 that, you know, in utilizing that space the three  
3 parties shall come together and -- and develop and  
4 agree to a shared-use agreement.

5 There there's no requirement that we change  
6 anything about the easement. The easement is  
7 deeded. It's there, and the agreement, shared-use  
8 agreement specifically refers to how the three  
9 parties will use the -- the area and pay for  
10 ongoing maintenance and repair costs.

11 ATTORNEY DeCRESCENZO: But it says in your response  
12 that the easement itself requires that you execute  
13 a shared-use agreement. It doesn't say, the  
14 parties desire. It says, before you can use that  
15 easement area for your -- essentially, the  
16 purposes you're proposing, you have to come to  
17 agreement on this shared-use and maintenance  
18 agreement. Am I reading that wrong?

19 ATTORNEY HOFFMAN: Mr. Morissette, I'm going to object  
20 to Mr. DeCrescenzo first testifying. And second,  
21 I would submit that the easement which was  
22 included as attachment D to the Petitioner's  
23 interrogatory response speaks for itself.

24 Mr. DeCrescenzo is a gifted and talented  
25 attorney who can figure out what the legal limits

1 of that easement are.

2 ATTORNEY DeCRESCENZO: Yes, Mr. Hoffman. I don't think  
3 I'm testifying. I think I'm reading from a  
4 response from your client's interrogatory. I  
5 don't want to belabor --

6 ATTORNEY HOFFMAN: You were (unintelligible) the  
7 response.

8 ATTORNEY DeCRESCENZO: I don't want to belabor it. I  
9 think I've made the point that as we sit here  
10 today, it appears as though something additional  
11 is needed for use of that easement, but I'll move  
12 on.

13 THE HEARING OFFICER: Thank you, Attorney DeCrescenzo.  
14 I appreciate that it's a legal interpretation,  
15 that I'm sure both of you have interpretations  
16 that you can utilize -- and let's leave it at  
17 that, and move on.

18 ATTORNEY DeCRESCENZO: Yes. Thank you, Mr. Chairman.  
19 I will do that.

20 When this site was considered for this  
21 project, did you become aware of the local aquifer  
22 protection ordinance?

23 THE WITNESS (Williamson): We're -- yes, we are aware  
24 of that.

25 ATTORNEY DeCRESCENZO: Did you consider it as part of

1           your analysis of the site?

2   **THE WITNESS (Williamson):**  Yes, we did.  And in  
3           addition to considering it -- and in addition to  
4           consider, you know, simply considering it, we're  
5           aware of it.  First, it should be noted that the  
6           Town of Granby Aquifer Protection Zone does not  
7           appear in the state map as an aquifer protection  
8           zone, but the KCE permit team did carefully review  
9           the information and was aware of it.  We also  
10          looked at the regulations that were posted by the  
11          Town for the aquifer protection zone.

12                 And according to the town regulations, this  
13          type of project is not prohibited in the aquifer  
14          protection zone.  Additionally, the robust safe --  
15          safety systems and operational practices proposed  
16          by Key Capture Energy will protect any disturb --  
17          disturbance to the aquifer protection zone as  
18          consistent with our testimony earlier this  
19          afternoon.

20                 Furthermore, we -- we did look at other like  
21          businesses that are located in the aquifer  
22          protection zone and we were able to identify a  
23          number of other businesses that currently exist in  
24          the aquifer protection zone that represent a  
25          higher risk than this business does, or this

1 facility does.

2 ATTORNEY DeCRESCENZO: I saw some photographs from  
3 those adjoining businesses. I believe a number of  
4 them are restaurants. Is that correct?

5 THE WITNESS (Williamson): Some of them are  
6 restaurants, and some of them are auto repair  
7 facilities.

8 ATTORNEY DeCRESCENZO: And do you know --

9 THE WITNESS (Williamson): That is not a fully --  
10 that's simply a sampling. That's not a full list.  
11 We have not done a full inventory of every  
12 business that's in the aquifer protection zone.

13 ATTORNEY DeCRESCENZO: Do you investigate whether or  
14 not those businesses met the special permit  
15 requirements of the local ordinance?

16 THE WITNESS (Williamson): No.

17 ATTORNEY DeCRESCENZO: And are you familiar with the  
18 special permit requirements of the local ordinance  
19 in terms of the information that is required to be  
20 supplied prior to consideration of the special  
21 permit?

22 THE WITNESS (Williamson): I'm not entirely sure. I --  
23 I think I might refer some of that question to  
24 both Katelin and Lee, who might have additional  
25 information to provide on that.

1 ATTORNEY DeCRESCENZO: I'd like you to reference --

2 A VOICE: (Unintelligible.)

3 THE WITNESS (Nickerson): Sorry. Can you repeat the  
4 question?

5 ATTORNEY DeCRESCENZO: Yes, did you review the special  
6 permit requirements for the aquifer protection  
7 zone in putting together your application that  
8 we're discussing here today?

9 THE WITNESS (Nickerson): Yeah, it's been a minute.

10 But yes, I did review them while we were putting  
11 together the application.

12 ATTORNEY DeCRESCENZO: And are those special permit  
13 requirements found in 8.21.5.1.2 of their aquifer  
14 protection zone regulation, section eight?

15 THE WITNESS (Nickerson): I would need to pull that up.

16 ATTORNEY DeCRESCENZO: Because the reason for my  
17 question is that there appears to be a number of  
18 required studies and elements for a special permit  
19 for a restaurant in the special permit zone that  
20 are not included in this application before the  
21 Siting Council.

22 THE WITNESS (Williamson): I believe when we -- we have  
23 not made a petition to the Siting Council to  
24 locate, locate a restaurant. And we have made a  
25 petition to the Siting Council based on the state

1 law and statute and -- and the Connecticut Siting  
2 Council requirements.

3 ATTORNEY DeCRESCENZO: Yes, I understand that. But  
4 there's a number of required information sources,  
5 information studies and plans, and I'll just give  
6 you one of them.

7 Application maps shall show the location of  
8 private drinking water supply wells within 200  
9 feet of any proposed construction, location of  
10 public water supply wells within 1,000 feet of any  
11 proposed construction and other water supplies  
12 which may be affected by the activity.

13 Did you supply that map for this petition?

14 THE WITNESS (Williamson): We -- we did do a -- we did  
15 do a research to see whether or not there were any  
16 private wells within the vicinity of this project,  
17 and we did not find any based on the public  
18 record.

19 And again, we made an application to the  
20 State of Connecticut per the Siting Council  
21 requirements.

22 ATTORNEY DeCRESCENZO: Sure, and understood. And we  
23 all understand how the Siting Council regulations  
24 preempt local zoning. But we are the Town of  
25 Granby and we have to be primarily interested in



1 the public health and safety of the residents of  
2 Granby.

3 And this regulation that I'm going through  
4 with you, just to see where you fall, where you  
5 fall in the context of providing the information  
6 that the ordinance requires you. And I guess my  
7 question was, could you indicate to us which  
8 studies and other information from the aquifer  
9 protection ordinance that you did supply with us?

10 Because it looks, from my reading, you fell a  
11 little short on a number of very important areas.  
12 Could you just tell us where you -- what you  
13 didn't supply?

14 **ATTORNEY HOFFMAN:** Mr. Morissette, I'd ask

15 Mr. DeCrescenzo to rephrase that question without  
16 his colloquy as to what the Petitioner did or  
17 didn't do. And I'd also remind Mr. DeCrescenzo  
18 that the Witness has testified that this is a  
19 Siting Council petition and not a Town of Granby  
20 application.

21 **THE HEARING OFFICER:** Yes. Thank you, Attorney  
22 Hoffman.

23 Attorney DeCrescenzo, can you please restate  
24 the question?

25 Attorney Bachman, do you have any comments on

1           this?

2   **ATTORNEY BACHMAN:** I don't have any comments beyond  
3           what comments have already been made by yourself,  
4           Mr. Morissette, and Attorney Hoffman and  
5           acknowledged by Attorney DeCrescenzo.

6           But I would also just like to note that the  
7           Department of Public Health was consulted about  
8           this project and has not submitted comments to the  
9           Siting Council in response to date.

10 **THE HEARING OFFICER:** Thank you, Attorney Bachman.

11 **ATTORNEY DeCRESCENZO:** Has the State Department of  
12           Public Health provided to the Siting Council a map  
13           of wells in the area of the site?

14 **THE WITNESS (Williamson):** I'm not entirely sure who  
15           that question is directed to, but I believe that  
16           question is directed to the Siting Council.

17 **ATTORNEY DeCRESCENZO:** No, I would direct that to you  
18           as the Witness who's testifying and responsible  
19           for the submission of the petition.

20 **THE WITNESS (Williamson):** Can you restate the  
21           question?

22 **ATTORNEY DeCRESCENZO:** Attorney Bachman mentioned that  
23           the Department of Public Health has reviewed and  
24           commented on your application. And I'm trying to  
25           get at whether or not anyone has provided a map of

1 the existing wells in the vicinity of the site.  
2 And let's use the parameters from the ordinance,  
3 100 -- 200 feet for the construction and 1,000  
4 feet of the proposed construction and other water  
5 supplies.

6 I'm just asking if --

7 THE WITNESS (Williamson): I would direct you to --

8 This is Paul Williamson from Key Capture Energy.

9 And I would direct you to the response of the  
10 interrogatory question 58, which includes a map of  
11 the -- the drinking water resources that are  
12 publicly available.

13 ATTORNEY DeCRESCENZO: Well (unintelligible) --

14 THE WITNESS (Williamson): In addition -- in addition  
15 to that, I would note that -- in addition to that,  
16 I would note that we have provided testimony that  
17 there really are no resources that are associated  
18 with this project that would provide some type of  
19 a threat to the drinking water resource.

20 The invert -- the transformers that are used  
21 on this project use a 100 percent biodegradable  
22 vegetable oil that is not considered a hazardous  
23 risk to drinking water and 98 percent of the oil,  
24 if released, it does biodegrade.

25 The coolant mixture that is used in the

1 containers, number one, both of those facilities,  
2 the sub state -- I mean, the transformers and the  
3 containers have leak detection. Number two, the  
4 coolant mixture does not represent a hazardous  
5 material to an aquifer. It dissipates very  
6 rapidly in the environment. And both of those  
7 have leak detection. And again, there's secondary  
8 containment in the containers.

9 Should there be an emergency event, through  
10 the training and proper response, there is --  
11 there is no threat of a contamination of local  
12 drinking water resources, and we've provided a  
13 variety of different studies to illustrate that.

14 And so, based on the map provided in  
15 interrogatory 58, the additional resources that  
16 we've provided that monitor water from emergency  
17 resources and the additional information that  
18 we've provided on the substances and fluids used  
19 with these systems, there is no risk to Granby's  
20 drinking water resources.

21 Again, in addition to that, I believe we've  
22 mentioned this before, but there is the SDGE  
23 report that's referenced in the response to  
24 Interrogatory 58 -- I mean, Interrogatory 53, that  
25 provides an analysis of water runoff, should there

1           be an emergency event.

2   **ATTORNEY DeCRESCENZO:** I'm looking at your  
3           Interrogatory Response Number 58 to the Siting  
4           Council. And you said, well, it anticipated that  
5           nearby residents are served by private wells.  
6           Upon review of the Connecticut Department of  
7           Health public water supply map there are no known  
8           wells in close proximity to the proposed facility,  
9           and the battery facility is cited approximately  
10          478 feet from the nearest resident.

11                 Let's start with 478 feet from the nearest  
12          resident. Where did you start and finish that  
13          measurement?

14   **THE WITNESS (Williamson):** That measurement was  
15          provided by VHB. So Steve Kochis, could you  
16          please provide an explanation of how that was  
17          taken?

18   **THE WITNESS (Kochis):** Yeah, that measurement was --  
19          This is Steve Kochis, VHB.

20                 That measurement was obtained from the  
21          closest perimeter fence of the battery energy  
22          storage facility itself to the nearest residence  
23          to the west.

24   **ATTORNEY DeCRESCENZO:** To the house itself? Or to the  
25          property line?

1 THE WITNESS (Kochis): To the house itself.

2 ATTORNEY DeCRESCENZO: And do we know if there is a  
3 well serving that resident?

4 THE WITNESS (Kochis): This is Steve Kochis, VHB.

5 I believe to answer your question directly,  
6 we don't know. However, that would be, I think  
7 the anticipation from the Department of Public  
8 Health public water supply map would be that that  
9 house would have a private well.

10 ATTORNEY DeCRESCENZO: Are there other private wells  
11 that we can -- In the area of the project that we  
12 can determine from that map?

13 THE WITNESS (Kochis): This is Steve Kochis again.

14 I think from that map, we can anticipate that  
15 the residences to the west side of Salmon Brook  
16 Street are likely served by public wells. And we  
17 can also deduce from that map that the commercial  
18 buildings and the condominium complex to the north  
19 are served by public water.

20 ATTORNEY DeCRESCENZO: Earlier you said public wells.

21 Did you mean private wells?

22 THE WITNESS (Williamson): Private wells. Private  
23 wells by the residences to the west side of Salmon  
24 Brook Street.

25 ATTORNEY DeCRESCENZO: Okay. Thank you.

1           So, while you did refer to a Connecticut  
2           Department of Public Health map, you did not  
3           identify and plot the private wells in the  
4           immediate vicinity of the facility. Is that true?

5   **THE WITNESS (Kochis):** This is Steve Kochis at VHB.

6           I will say not to -- we did not do that to my  
7           knowledge, but I will defer to anyone else on the  
8           team to correct that.

9   **THE WITNESS (Williamson):** I believe that is correct,  
10          Steve.

11   **ATTORNEY DeCRESCENZO:** Okay. Thank you.

12           I looked at the site plan now and I didn't  
13           see a distance called out from the property line  
14           of the facility to the adjoining commercial  
15           properties. Do you know what that distance is?

16   **THE WITNESS (Kochis):** This is Steve Kochis at VHB.

17           We share a property line with the commercial  
18           facilities to the north.

19           Like, it -- maybe I'm misunderstanding the  
20           question. If you could rephrase it, or clarify  
21           that?

22   **ATTORNEY DeCRESCENZO:** Sure. What's the distance  
23           between the property line that you share between  
24           the facility and the buildings that are in that  
25           commercial center adjacent to the facility? I

1           couldn't figure it out.

2           I couldn't see where, like, to determine  
3           what's the distance between the battery facility  
4           and the commercial buildings.

5   **THE WITNESS (Kochis):** This is Steve Kochis, VHB.

6           The closest point of the proposed fence of  
7           the battery facility to the nearest building of --  
8           of the four buildings to the north of us for the  
9           commercial facilities would be 180 feet  
10          approximately.

11   **ATTORNEY DeCRESCENZO:** So from the battery fence to the  
12          closest building it's 180 feet?

13   **THE WITNESS (Kochis):** That's correct.

14   **ATTORNEY DeCRESCENZO:** How about from -- and you said  
15          earlier the closest residential property is how  
16          many feet?

17   **THE WITNESS (Kochis):** This is Steve Kochis, VHB again.

18          I believe in conjunction with our response to  
19          Interrogatory 58 to the Siting Council that  
20          distance is approximately 478 feet.

21   **ATTORNEY DeCRESCENZO:** Okay. Thank you.

22          And talk about the hydrants for a minute.

23          What's the closest hydrant to the facility?

24   **THE WITNESS (Williamson):** The closest hydrant is  
25          located at the corner of Mill Pond Drive and the



1 access drive that goes into that parking lot and  
2 will be used by our facility. And that's  
3 approximately on the corner of 7 Mill Pond Drive.  
4 And that's -- that's approximately 200 feet from  
5 the entrance of -- of the -- from the fire hydrant  
6 to the entrance of -- of the property.

7 THE WITNESS (Kochis): Yeah, and this is Steve Kochis  
8 of VHB again. I'll add color to that.

9 It's approximately 4 hundred and -- as  
10 currently designed it's about 450 feet from the  
11 closest corner of the fence to that fire hydrant  
12 that Paul was mentioning.

13 ATTORNEY DeCRESCENZO: Do you know if the local  
14 volunteer fire department has equipment that can  
15 accommodate that distance?

16 THE WITNESS (Vyduna): Sure. So we don't know with  
17 specificity, but we do know the equipment that  
18 they own and we know how those trucks are  
19 typically outfitted. So our understanding is that  
20 the Lost Acres Fire Department has three  
21 1,000-gallon pumpers, a 3,000-gallon tanker, a  
22 300-gallon brush truck, various forest  
23 firefighting equipment, as well as a special  
24 operations truck.

25 Based off of what we know about that

1 equipment and what we can see on the website, they  
2 have more than enough hose to accommodate those  
3 distances.

4 ATTORNEY DeCRESCENZO: 470 feet?

5 THE WITNESS (Vyduna): Yes.

6 ATTORNEY DeCRESCENZO: I see from the materials that  
7 KCE will not have anyone in the immediate  
8 available vicinity to oversee the handling of a  
9 thermal runaway event. Is that correct?

10 THE WITNESS (Vyduna): We do not have people that live  
11 local to the project, no.

12 ATTORNEY DeCRESCENZO: And all of your detection  
13 systems are all electronic. Is that correct?

14 THE WITNESS (Vyduna): Yes, as are all detection  
15 systems for fires.

16 ATTORNEY DeCRESCENZO: How quickly do you anticipate  
17 you'll be able to get a person to the town of  
18 Grand Beach in the case of a thermal runaway  
19 event?

20 THE WITNESS (Vyduna): Fairly quickly. I would argue  
21 that that is somewhat immaterial for the initial  
22 response, because the code requires that we train  
23 the local fire department on an upfront and an  
24 ongoing basis and we prepare the emergency  
25 response plan.

1           The reason we do that is so that we don't  
2 need to be there calling the shots. It's so that  
3 the local fire department, having been well  
4 trained knows exactly what to do, or perhaps more  
5 importantly, what not to do when they show up to  
6 the facility.

7           That being said, in the unlikely event that  
8 there is an incident, certainly we will be at the  
9 site as quickly as possible. How quickly that is,  
10 I can't say, however that's the reason why we have  
11 the emergency training that gets performed, and  
12 why we have the plan put in place in advance so  
13 that we don't need to be there.

14 **ATTORNEY DeCRESCENZO:** Do you have anyone in the state  
15 of Connecticut that could respond to an event?

16 **THE WITNESS (Williamson):** No, but we do have parties  
17 that work -- work for Key Capture Energy as  
18 technicians and responders in the state of New  
19 York, not far from this area of Connecticut, in  
20 the -- in the greater Albany area.

21 **ATTORNEY DeCRESCENZO:** So just to be clear, in the  
22 event of a thermal runaway event, you're going to  
23 notify the local volunteer fire department and  
24 you're going to make sure that they're properly  
25 trained to handle whatever the event is.

1           Is that your testimony?

2   **THE WITNESS (Vyduna):** Yeah, that's right. And for  
3           what it's worth, like, we will have a local O and  
4           M contractor that deals with this facility.  
5           Whether they can get to the site in 15 minutes or  
6           30 minutes, or an hour, I can't tell you right  
7           now.

8           But in general, response time is important  
9           for equipment availability reasons because if our  
10          equipment is not running, you know, we're not  
11          making money and we're not supporting the  
12          reliability and the resiliency of the electric  
13          grid. And so we're going to have local O and M  
14          personnel that are also trained in this that could  
15          be there quite quickly.

16          Whether or not, you know, a corporate member  
17          of Key Capture Energy can be there quickly, like I  
18          said, I would argue is immaterial, but they will  
19          be there quite quickly.

20   **THE WITNESS (Williamson):** And we will have constant  
21          communication with emergency responders throughout  
22          this entire, you know, episode, should one occur.

23   **THE WITNESS (Vyduna):** Correct, yeah.

24   **ATTORNEY DeCRESCENZO:** Now, you testified earlier to  
25          the Chairman's questioning about the International

1 Association of Fire Chiefs' 300-foot evacuation  
2 zone. Do you recall that testimony?

3 THE WITNESS (Vyduna): That was Andy Blum that made  
4 that testimony, not me, but yes.

5 THE WITNESS (Williamson): And I will point out that  
6 there is no -- nowhere in that document that the  
7 word is used for evacuation zone. As Andy pointed  
8 out before, it is intended as -- as a staging  
9 radius and the document itself does not refer to  
10 that measurement as an evacuation.

11 Andy, would you like to say anything else  
12 about that?

13 THE WITNESS (Blum): I was going to wait for a question  
14 to be asked.

15 ATTORNEY DeCRESCENZO: You testified earlier that you  
16 have -- in this case, you have a building 180 feet  
17 from the facility. Is that correct?

18 THE WITNESS (Williamson): Correct.

19 ATTORNEY DeCRESCENZO: So, and you also testified that  
20 there was some revision to that standard that you  
21 recently were made aware of.

22 Do you recall that testimony?

23 THE WITNESS (Blum): Yes, I do.

24 ATTORNEY DeCRESCENZO: Would you be willing to supply  
25 to the Siting Council and to parties a copy of the

1 document that provides for that revised distance?

2 THE WITNESS (Blum): Oh, yeah, absolutely. It's on  
3 their website. I can send a link. I don't think  
4 I have the ability to do that through this  
5 juncture, but I'm sure through Lee or somebody.  
6 I -- I don't know the exact process. I'm happy to  
7 share any and all that, that information.

8 ATTORNEY DeCRESCENZO: Chairman, would you accept that  
9 as a late file?

10 THE HEARING OFFICER: Yes, I will accept that as a late  
11 file. Thank you, Attorney DeCrescenzo.

12 And the exact title of the late file will be?

13 THE WITNESS (Blum): I apologize. Is that a question  
14 for me? Like, what's the name of the document  
15 that I'm referring to?

16 THE HEARING OFFICER: Yes.

17 THE WITNESS (Blum): Okay. Yeah, the file is  
18 firefighter operations with lithium-ion batteries.

19 THE HEARING OFFICER: Very good. Thank you.

20 THE WITNESS (Blum): Yeah.

21 ATTORNEY DeCRESCENZO: You testified earlier that you  
22 characterized a potential fire at the facility as  
23 similar in kind and the severity to a typical  
24 structure fire. Do you recall that?

25 THE WITNESS (Williamson): Correct.

1 THE WITNESS (Vyduna): As a clarification, it was that  
2 the smoke is similar.

3 ATTORNEY DeCRESCENZO: And you have a plume study that  
4 you are going to submit as a late file.

5 Is that correct?

6 THE WITNESS (Vyduna): Yes, that is correct.

7 ATTORNEY DeCRESCENZO: Was your testimony that the  
8 plume from any -- any potential fire, any  
9 potential fire at the facility would not leave the  
10 property?

11 THE WITNESS (Vyduna): That's --

12 ATTORNEY DeCRESCENZO: Did I hear that correctly? The  
13 smoke is not going to leave the property?

14 THE WITNESS (Blum): Yeah, yeah, yeah -- no, no. Let  
15 me -- let me make sure I clarify so we -- we  
16 understand. Right? So the -- the testimony is  
17 that based on our plume study, that any toxic  
18 extents would not leave the -- the property line.

19 As you know, with -- with really any fire,  
20 whether it's somebody burning and having a burn  
21 barrel, you know, that's half a mile away,  
22 sometimes you can still smell that from -- from a  
23 distance away. It doesn't necessarily mean that  
24 what you're smelling or inhaling at that distance  
25 is at a toxic level. It just means, you know,

1 that you're -- here, of course, that plume can of  
2 course, leave that area.

3 But there's -- there's, of course, different  
4 levels of toxicity where there's -- there's the  
5 quantity of the gases itself, but then also the  
6 duration of which you -- you inhale that gas that  
7 leads to the toxic levels.

8 ATTORNEY DeCRESCENZO: (Unintelligible) --

9 THE WITNESS (Williamson): If you refer to the response  
10 to interrogatory, the Siting Council Interrogatory  
11 Question 44, we do provide a report from SDGE that  
12 monitored the results at an existing battery fire,  
13 and ended up with similar results, as Andy is  
14 reporting from the plume study, where there were  
15 no toxic gases measured or toxic levels of gases  
16 measured offsite of the battery -- the facility.

17 ATTORNEY DeCRESCENZO: Are all battery fires the same?

18 THE WITNESS (Blum): No. I mean, I think you can  
19 generally say not every fire is the same. Right?  
20 Everything is slightly different. But -- but what  
21 we've done, at least specifically with our plume  
22 study is we've taken into account the -- the exact  
23 battery cabinet that's being discussed to be used  
24 here.

25 We've taken their fire testing that's been



1 done by a nationally-recognized testing  
2 laboratory, where they have collected the off  
3 gases that -- that come off this during thermal  
4 runaway, that come off these batteries, and we  
5 have used those as an input for this very specific  
6 site plume analysis.

7 And so we -- we're looking literally at  
8 exactly what's coming off every single cell during  
9 one of these events in our study.

10 ATTORNEY DeCRESCENZO: What's the process? I really  
11 don't understand what the process is to make the  
12 smoke that comes off the fire in this facility not  
13 toxic when it leaves this facility. How does it  
14 get less toxic?

15 Isn't it all mixed together in the smoke?

16 THE WITNESS (Blum): Yeah, sure. Yeah, absolutely. So  
17 as you can, as you can -- as you can imagine, very  
18 close to the cabinet, you're going to have a very  
19 localized release of -- of smoke. If somebody  
20 were to be standing there on top of that  
21 container, that would be a dangerous situation,  
22 and we would not want to be there inhaling that  
23 smoke.

24 As you start to move further away, and that  
25 gas mixes in with ambient air and dissipates, we

1 then start to, you know, essentially dilute.

2 Right? You start to dilute that toxic -- toxic  
3 gases as it mixes. And so as we move further and  
4 further away, that cloud gets less toxic because  
5 it's got air getting entrained and diluting it.

6 And so eventually you get to a distance, you  
7 know, whether it's 10 feet, 50 feet, et cetera,  
8 where that, that plume is no longer at a toxic  
9 level for -- for people to -- to inhale.

10 ATTORNEY DeCRESCENZO: And was it your earlier  
11 testimony that you can't envision any circumstance  
12 under which there would need to be an evacuation  
13 based on any fire at this facility.

14 Was that your testimony earlier?

15 THE WITNESS (Blum): No, the testimony earlier was --  
16 was just stating that based on the plume analysis  
17 that we've done -- right? As part of our pre  
18 incident planning and in -- in the idea of  
19 coordinating this with -- with the local fire  
20 department and first responders, is that we're  
21 providing them that information. Right?

22 And so based on that plume study there's --  
23 there's no reason -- we're not seeing toxic gases  
24 extend outside of the site. And so based on that  
25 study, there's no reason to do an evacuation

1 outside of the site.

2 Now we'll coordinate with the fire  
3 department, of course, work with them and -- and  
4 come up with the appropriate plan for -- for how  
5 best to approach this, you know, situation if one  
6 were to occur at this site, but that that  
7 statement was based on our plume analysis.

8 THE WITNESS (Vyduna): With full acknowledgement that  
9 when you have these incidents, people do tend to  
10 err on the side of caution. However, I think the  
11 key distinction is, is it doesn't matter whether  
12 our battery catches on fire, the Stop & Shop  
13 catches on fire, one of the fast-food restaurants  
14 catches on fire, or Horse & Hounds catches on  
15 fire; the same prudent actions get taken in all  
16 cases. And oftentimes, that does mean erring on  
17 the side of caution, and that there are  
18 evacuations.

19 So there's a distinction between what the  
20 plume analysis and what the science says, and how  
21 a real-world reaction is going to occur. So I  
22 want to make sure that that distinction is clear.  
23 We're not stating that the fire chief is going to  
24 show up like, all good here. No need to, you  
25 know, evacuate. Like, I'll be honest, they

1           probably will, just like they would for any fire  
2           that occurs.

3   ATTORNEY DeCRESCENZO:   Yeah, and -- but your  
4           recommendation is to not put this fire out.  Let  
5           it, as you say, burn off.

6   THE WITNESS (Vyduna):   Correct.

7   THE WITNESS (Williamson):  That's correct.

8   ATTORNEY DeCRESCENZO:   Another distinction between the  
9           fire at the Stop & Shop and the fire here is it's  
10          not likely that the fire at the Stop & Shop  
11          contains the concentration and chemical makeup  
12          that's probably present in this fire.

13                 Is that also true?

14   THE WITNESS (Vyduna):   That is not true.

15   ATTORNEY HOFFMAN:   I'm going to object.  There's  
16          nothing in the record about what's in a Stop &  
17          Shop fire.

18                 And Mr. DeCrescenzo is testifying again.

19   THE HEARING OFFICER:   Yes, I agree.  I agree, Attorney  
20          Hoffman.  I agree, and we are going to wrap it up  
21          for this evening right there.  So we will continue  
22          at a future date.  So we're going to call it a day  
23          at this point.  Thank you.

24   ATTORNEY DeCRESCENZO:   Thank you, Mr. Chairman.

25   THE HEARING OFFICER:   So the Council will recess until

1           6:30 p.m., at which time we will commence with the  
2           public comment session of this public hearing.

3                    So thank you, everyone. We will see you at  
4           6:30. Thank you.

5   **ATTORNEY HOFFMAN:** Thank you, Mr. Morissette.

6   **ATTORNEY DeCRESCENZO:** Thank you.

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8                                   (End: 5:14 p.m.)  
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CERTIFICATE

I hereby certify that the foregoing 157 pages are a complete and accurate computer-aided transcription of my original verbatim notes taken of the remote teleconference meeting of The Connecticut Siting Council in Re: PETITION NO. 1637, KCE CT 11, 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 4.99-MEGAWATT AC BATTERY ENERGY STORAGE FACILITY AND ASSOCIATED EQUIPMENT LOCATED AT 100 SALMON BROOK STREET, GRANBY, CONNECTICUT, AND ASSOCIATED ELECTRICAL INTERCONNECTION, which was held before JOHN MORISSETTE, Member and Presiding Officer, on November 19, 2024.



Robert G. Dixon, CVR-M 857  
Notary Public  
My Commission Expires: 6/30/2025

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