



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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Hearing Program
Petition No. 1637
Tuesday, November 19, 2024
2:00 p.m./6:30 p.m.
Zoom Remote Public Hearing

- I. Opening by Council
 - A. Statement read by Presiding Officer
 - B. Administrative Notice taken by Council

FEDERAL

1. National Institute of Environmental Health Sciences, National Institutes of Health, *EMF, Electric and Magnetic Fields Associated with the Use of Electric Power*, June 2002, available at http://www.niehs.nih.gov/health/materials/electric_and_magnetic_fields_associated_with_the_use_of_electric_power_questions_and_answers_english_508.pdf
2. National Research Council, *Research on Power-Frequency Fields Completed Under the Energy Policy Act of 1992*, National Academy of Sciences, 1999, available at <http://books.nap.edu/openbook.php?isbn=0309065437>
3. Presidential Proclamation No. 8460, Critical Infrastructure Month, 74 Fed. Reg. 234, December 8, 2009, available at <http://www.presidency.ucsb.edu/ws/index.php?pid=86954>
4. Presidential Executive Order No. 13636, Improving Critical Infrastructure Cybersecurity, 78 Fed. Reg. 11739, February 19, 2013, available at <http://www.archives.gov/federal-register/executive-orders/2013.html>
5. United States Department of the Interior, National Park Service, *National Register of Historic Places*, available at <https://www.nps.gov/subjects/nationalregister/index.htm>
6. United States Department of Energy, Federal Energy Regulatory Commission and the North American Electric Reliability Corporation, *Report on Transmission Facility Outages During the Northeast Snowstorm of October 29-30, 2011 – Causes and Recommendations*, available at https://www.nerc.com/pa/rrm/ea/October%202011%20Northeast%20Snow%20Storm%20Event/NE_Outage_Report-05-31-12.pdf
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10. United States Department of Agriculture, Soil Survey Manual, Handbook No. 18, March 2017 (Amended 2018), available at <https://www.nrcs.usda.gov/sites/default/files/2022-09/The-Soil-Survey-Manual.pdf>
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12. United States Federal Aviation Administration, *Obstruction Evaluation Version 2023-Sep.3, Notice Criteria Tool*, available at <https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm>
13. *Allco Fin. Ltd. v. Klee*, 2014 U.S. Dist. LEXIS 170674 (D. Conn. 2014), affirmed by *Allco Fin. Ltd. v. Klee*, 805 F.3d 89 (2nd Cir. 2015)

REGIONAL

14. ISO-New England, Inc., *Operational Fuel-Security Analysis*, January 17, 2018, available at https://www.iso-ne.com/static-assets/documents/2018/01/20180117_operational_fuel-security_analysis.pdf
15. ISO-New England, Inc., *2023 Regional System Plan*, November 1, 2023, https://www.iso-ne.com/static-assets/documents/100005/20231114_rsp_final.pdf
16. ISO-New England, Inc., *Regional System Plan Project List*, June 2024, available at <http://www.iso-ne.com/system-planning/system-plans-studies/rsp>
17. ISO-New England, Inc., *2024-2033 Forecast Report of Capacity, Energy, Loads & Transmission (CELT)*, revised May 17, 2024, available at <https://www.iso-ne.com/system-planning/system-plans-studies/celt>
18. ISO-New England, Inc., *ISO New England's Internal Market Monitor 2023 Annual Markets Report*, May 24, 2024, available at <https://www.iso-ne.com/static-assets/documents/100011/2023-annual-markets-report.pdf>
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STATE

Connecticut Siting Council

23. Connecticut Siting Council, Petition No. 754 - *Electric and Magnetic Field Best Management Practices for the Construction of Electric Transmission Lines in Connecticut*, December 14, 2007, revised December 30, 2022, available at https://portal.ct.gov/-/media/CSC/Publications/EMF-BMP-12-30--2022-update_final_s.pdf
24. Connecticut Siting Council, *2022 Review of the Ten-Year Forecast of Connecticut Electric Loads and Resources*, January 5, 2023, available at https://portal.ct.gov/-/media/CSC/1_Dockets-medialibrary/Forecast2022/F2022-finalreportwithattachments_s.pdf
25. Connecticut Siting Council, *White Paper on the Security of Siting Energy Facilities*, October 8, 2009, available at https://portal.ct.gov/-/media/CSC/Dockets-and-Other-Pending-Proceedings/Dockets300-400/docket_346/whiteprFINALpdf.pdf
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27. Connecticut Siting Council, Petition No. 1579 – KCE CT 9, LLC Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 5.0-megawatt AC battery energy storage facility located at 2 Ella T. Grasso Turnpike, Windsor Locks, Connecticut and associated electrical interconnection, available at https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1501-1600/PE1579
28. Connecticut Siting Council, Petition No. 1581 - KCE CT 8, LLC Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 4.9-megawatt AC battery energy storage facility located at 44 Skinner Street, East Hampton, Connecticut, and associated electrical interconnection, available at https://portal.ct.gov/csc/3_petitions/petition-nos-1501-1600/pe1581
29. Connecticut Siting Council, Petition No. 1591 - KCE CT 5, LLC Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 5.0-megawatt AC battery energy storage facility located at Village Hill Road, Stafford (Parcel No. 71-6) and Willington (Parcel No. 52-001-00), Connecticut, and associated electrical interconnection, available at https://portal.ct.gov/csc/3_petitions/petition-nos-1501-1600/pe1591
30. Connecticut Siting Council, Petition No. 1604 - Endurant Energy Declaratory Ruling pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of an 18.0-megawatt AC battery energy storage facility located at 50 Ucar Street (Parcel No. 70H-55-97), Suffield, Connecticut, and associated electrical interconnection, available at https://portal.ct.gov/csc/3_petitions/petition-nos-1601-1700/pe1604

31. Connecticut Siting Council, Petition No. 1606 - Endurant Energy Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 4.9-megawatt AC battery energy storage facility located at 65 and 105 Vine Street, Middletown, Connecticut, and associated electrical interconnection, *available at* https://portal.ct.gov/csc/3_petitions/petition-nos-1601-1700/pe1606
32. Connecticut Siting Council, Petition No. 1589 - USS Somers Solar, LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the construction, maintenance and operation of a 3.0-megawatt AC solar photovoltaic electric generating facility located at 360 Somers Road, Ellington, Connecticut, and associated electrical interconnection. July 30, 2021 State Historic Preservation Office correspondence related to Area of Potential Effect, *available at* https://portal.ct.gov/-/media/CSC/3_Petitions-medialibrary/Petitions_MediaLibrary/MediaPetitionNos1501-1600/PE1589/PetitionerSubmissions/Appendix-B---Environmental-Assessment.pdf

Department of Energy and Environmental Protection

33. Department of Energy and Environmental Protection, Connecticut Council on Soil and Water Conservation, *Connecticut Guidelines for Soil Erosion and Sediment Control*, effective date March 30, 2024, *available at* <https://portal.ct.gov/DEEP/Water/Soil-Erosion-and-Sediment-Control-Guidelines/Guidelines-for-Soil-Erosion-and-Sediment-Control> https://portal.ct.gov/-/media/DEEP/water/water_quality_management/Guidance/SESCG_CleanFinal.pdf
34. Department of Energy and Environmental Protection, *Connecticut Stormwater Quality Manual*, effective date March 30, 2024, *available at* https://portal.ct.gov/-/media/DEEP/water/water_quality_management/Guidance/SWM_Feb_2024.pdf
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39. Department of Energy and Environmental Protection, *2020 Integrated Resource Plan for Connecticut*, October 2021, *available at* <https://portal.ct.gov/DEEP/Energy/Integrated-Resource-Planning/Integrated-Resource-Planning>

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42. Department of Energy and Environmental Protection, Inland Fisheries Division, *Habitat Conservation and Enhancement Program, Stream Crossing Guidelines*, February 26, 2008, available at <https://portal.ct.gov/-/media/DOT/finalcrossingguidelinesFeb262008highrespdf.pdf>
43. Department of Energy and Environmental Protection, *Watershed Management Plans and Documents*, available at: <https://portal.ct.gov/DEEP/Water/Watershed-Management/Watershed-Management-Plans-and-Documents>
44. Department of Energy and Environmental Protection, Stormwater Program, Stormwater Construction Filings, available at <https://filings.deep.ct.gov/DEEPPortal/PublicSearch/SWC>
45. Department of Energy and Environmental Protection, Stormwater Program, *General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities*, available at https://portal.ct.gov/-/media/DEEP/Permits_and_Licenses/Water_Discharge_General_Permits/stormconstgppdf.pdf
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Department of Public Health

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Department of Transportation

49. Department of Transportation, *ConnDOT Drainage Manual*, 2000, last revised July 2016, available at <https://portal.ct.gov/dot/hydraulics-and-drainage/drainage-manual>
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51. Department of Transportation, Bureau of Engineering and Highway Operations, *Public Service Facility Policy and Procedures for Highways in Connecticut*, November 2008, available at <https://portal.ct.gov/-/media/DOT/documents/dutilities/UtilityPolicyProcedures.pdf>

Other State Agencies

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65. *Manor Development Corp. v. Conservation Comm. of Simsbury*, 180 Conn. 692, 701 (1980).
66. *Grimes v. Conservation Comm. of Litchfield*, 243 Conn. 266, 278 (1997).
67. *FairwindCT, Inc. v. Connecticut Siting Council*, 313 Conn. 669 (2014).
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69. *Corcoran v. Connecticut Siting Council*, 284 Conn. 455 (2007).

TECHNICAL

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ENVIRONMENTAL

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MAPS

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92. United States Geological Survey, National Map Viewer, *available at* <https://apps.nationalmap.gov/viewer/>
93. Connecticut Department of Energy and Environmental Protection, State Park and Forests Interactive Map, *available at* <https://ctdeep.maps.arcgis.com/apps/webappviewer/index.html?id=950da678b13b458ba4cbe5687e902c19&deepNav=%7C>
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C. State Agency comments

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

II. Appearance by Petitioner: KCE CT 11, LLC (**KCE**)
Representative: Lee D. Hoffman, Esq.
Pullman & Comley, LLC

A. Administrative Notice.

B. Exhibits for Identification.

1. Petition for a Declaratory Ruling filed by KCE CT 11, LLC, received August 1, 2024, and attachments.
2. Petitioner Response to Council Interrogatories, dated November 12, 2024
3. Petitioner Response to Town of Granby Interrogatories, dated November 12, 2024
4. Petitioner Sign Posting Affidavit, dated November 12, 2024
5. Petitioner's Signed Protective Order – Cost Information, dated November 19, 2024

C. Swear Witnesses

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

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

E. Cross Examination.

1. Council
2. Town of Granby
3. Grouped Business Parties

III. Appearance by Party: Town of Granby (**TOWN**)
Representative: Robert M. DeCrescenzo, Esq.
Updike, Kelly & Spellacy, P.C

A. Administrative Notice.

B. Exhibits for Identification.

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

C. Swear Witnesses

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

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

E. Cross Examination.

1. Council
2. Petitioner
3. Grouped Business Parties

IV. Appearance by Grouped Business Parties: David Bostic
Susan Okie
James Larwood (**BUS**)

Representative:

Susan Okie

A. Administrative Notice.

B. Exhibits for Identification.

1. David Bostic Request for Party Status, dated August 19, 2024
2. Susan Okie Request for Party Status, dated August 20, 2024
3. James Larwood Request for Party Status, dated August 21, 2024
4. Susan Okie Pre-Filed Testimony, dated November 7, 2024

C. Swear Witnesses

1. David Bostic
2. Susan Okie
3. James Larwood

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

E. Cross Examination.

1. Council
2. Petitioner
3. Town of Granby

V. Continuation by Connecticut Siting Council.