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Via Email & In Hand

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

Re: Petition 1637 – KCE CT II, LLC – Withheld Information

Dear Attorney Bachman:

I write on behalf of the Town of Granby (“Town”), a party to the above-captioned matter. In responding to the Connecticut Siting Council’s (“Council”) Second Set of Interrogatories, KCE CT II, LLC (“KCE”) withheld information from the parties to this matter. The Town respectfully requests that the information withheld be provided to the parties as it bears directly on issues raised by the Town regarding the public safety in siting a BESS at the project site.

KCE’s only rationale to withhold this information is that it is “confidential business information of a similar manner to that which has already been addressed by a Protective Order that has been issued in this Petition.” Putting aside that KCE’s rationale is conclusory at best, the information withheld does not appear related at all to the information subject to the Protective Order. KCE sought and the Council granted a Protective Order regarding pricing information in response to a particular interrogatory propounded by the Council.

In contrast, the information withheld in response to the Second Set of Interrogatories has to do with fire safety design or material safety data sheets (“MSDS”) *provided by the manufacturer* of the BESS KCE intends to use for this project. Thus, the Council should deny KCE’s attempt to invoke the existing Protective Order or confidentiality generally in this instance.

First, KCE has offered no agreement in which it is obligated or required to keep confidential any information provided by the manufacturer regarding a product it purchased (or will purchase). Second, KCE has offered no basis on which this information is confidential. As an example, it is the Town’s understanding that the MSDSs are for public consumption – and, for good reason, the public needs to be aware of the nature and extent of the hazardous substances contained in products such as BESS for safety and emergency response purposes.

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By withholding this information, the Town has not been able to evaluate the nature and volume of the hazardous substances in the proposed BESS and the potential impacts of those substances on the nearby residences and businesses, the aquifer as well as the wetlands and watercourses on site and adjacent to the project. Accordingly, the Town requests the disclosure of the information withheld and additional time in which to evaluate that information.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,



Robert M. DeCrescenzo, Esq.

RMDe/psm
cc: Service List