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December 5, 2025

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

Re: Petition of SMS CT MG02A, LLC for a Declaratory Ruling, Pursuant to Connecticut General Statutes §4-176 and §16-50k, for the Proposed Construction, Maintenance and Operation of a 1.93-Megawatt AC Battery Energy Storage Facility to be Located at 605 New England Road, Guilford, Connecticut, and Associated Electrical Interconnection.

Dear Ms. Bachman:

Pursuant to Connecticut General Statutes Sections 4-176 and 16-50k(a), SMS CT MG02A, LLC hereby submits to the Connecticut Siting Council a Petition for a Declaratory Ruling for the construction, maintenance and operation of a 1.93-megawatt AC battery energy storage system, electrical interconnection and associated equipment to be located at 605 New England Road, Guilford, Connecticut.

Enclosed is a check in the amount of $625 for the required filing fee.

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

Very truly yours,

Bruce L. McDermott

BM:awl

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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| | : | December 5, 2025 |

Petition for Declaratory Ruling of SMS CT MG02A

## I. Introduction

Pursuant to Section 16-50k(a) and Section 4-176(a) of the Connecticut General Statutes ("Conn. Gen. Stat.") and Section 16-50j-38 *et seq*. of the Regulations of Connecticut State Agencies ("RCSA"), SMS CT MG02A, LLC (“SMS” or the “Company”) requests that the Connecticut Siting Council (the "Council") issue a Declaratory Ruling that a Certificate of Environmental Compatibility and Public Need (“Certificate”) is not required for the Company’s proposed location, construction, operation and maintenance of a 1.93-megawatt ("MW") alternating current (“AC”) Battery Energy Storage System (“BESS” or the “Facility”), 13.8 kV electrical interconnection, and associated equipment (together, the "Project"). The Project will be located within Guilford High School, at 605 New England Road, in Guilford, Connecticut (the "Property").

As discussed more fully in this petition (the “Petition”), the construction, operation and maintenance of the Project satisfies the statutory elements of Conn. Gen. Stat. § 16-50k(a) and will not have a substantial adverse environmental effect. Accordingly, this Petition for a Declaratory Ruling should be approved by the Council.

II. Background

A. Petitioner

SMS is a subsidiary of Scale Microgrid Solutions, LLC, a vertically integrated distributed energy services provider. The Company designs, builds, owns, and operates cutting edge distributed energy assets that offer cheaper, cleaner, and more reliable power. Through their expertise, financing, and deep knowledge of energy space, SMS makes it possible for customers to extract more value and better position their business to succeed in a greener future. SMS are the leaders in Connecticut's Energy Storage Solutions Program from a reservation of funds perspective. The Company's energy storage solutions meet their client's energy needs by providing cost savings, resilience against outages, reduced emissions, and increased power supply. For example, at Gallaudet University, the Company has installed a Clean Energy Microgrid, with 2.5 MW solar PV capacity, 1.2 MW/2.5 MWh Tesla Energy Storage System and 4.5 MW combined cooling, heat and power system, which is currently in operation. In the event of a grid outage, the system will provide nearly all the University's electricity needs, allowing campus operations to continue with minimal disruption. SMS also has close to 20 MW of projects currently under construction and expected to be operational by the middle of 2026. *See* Petition Nos. 1585, 1587 and 1588.

All correspondence and/or communications regarding this Petition should be addressed to:

Karen Jenkins
Project Manager
SMS CT MG02A
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A copy of all such correspondence or communications should also be sent to the Company's attorney:

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B. The Project (Energy Storage Solutions Program: Public Act 21-53)

The Connecticut General Assembly through Public Act No. 21-53, *An Act Concerning Energy Storage* (the "Act"), set a goal of deploying 1,000 MW of energy storage capacity in Connecticut by the end of 2030 with interim targets of 300 MW by the end of 2024 and 650 MW by 2027. The Act directed the Department of Energy and Environmental Protection ("CT DEEP") and the Public Utilities Regulatory Authority ("PURA"), in coordination with the Connecticut Green Bank ("CGB") to develop and implement programs and associated funding mechanisms incentivizing customer-side and grid-side electric energy storage systems connected to the electric transmission or distribution system, and thereby, ensuring the state reaches its energy storage goals. Thus, PURA initiated Docket No. 17-12-03RE03*, PURA Investigation into Distribution System Planning of the Electric Distribution Companies - Electric Storage*, establishing a

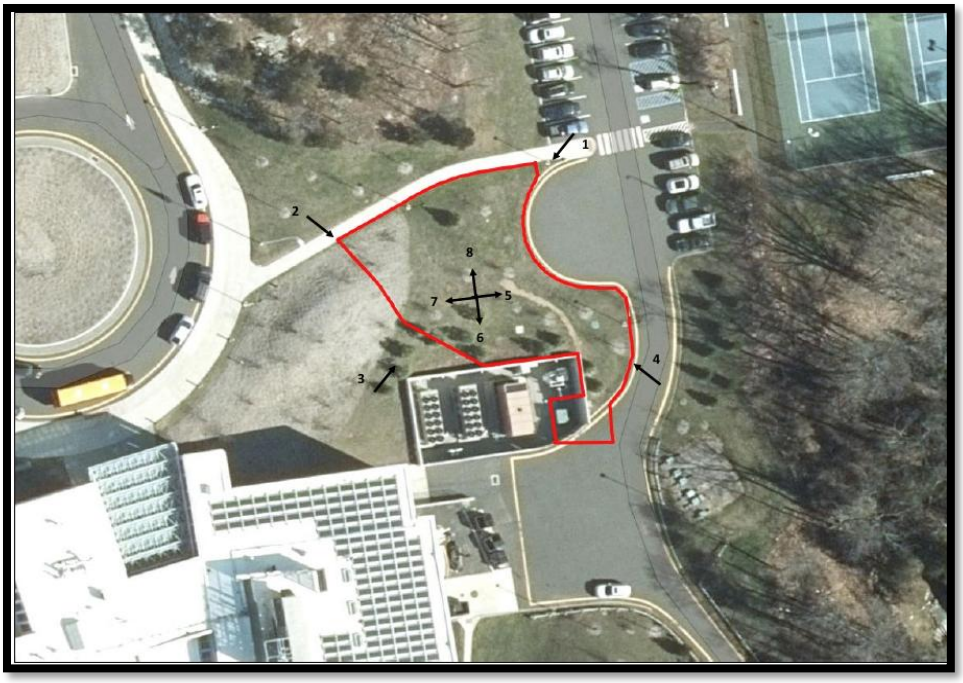
statewide energy storage program, known as the "Energy Storage Solutions Program" or "ESS Program," with the aim of deploying 580 MW of electric storage by 2030. This program enhances grid reliability and ensures homeowners, small businesses, industrial manufacturers, and critical facilities have access to more reliable power. In the Final Decision in Docket No. 17-12-03RE03, PURA explicitly created electric storage deployment targets for commercial and industrial ("C&I") energy users and established an incentive structure to promote non-residential customer participation in the ESS Program. The Project that is the subject of this Petition is one of the C&I projects that was selected and approved by PURA.

## III. Description of the Project

### A. Overview

#### 1. Site

The Project will be located at Guilford High School, within an area of approximately 2,020 square feet of land or 0.046 acre (the "Site"). *See* Exhibit A for a Site map of the Project. The Site is specifically located on the northeastern edge of Guilford High School, with the BESS located in an area of maintained lawn to the east of the paved access drive for the high school's main entrance and west of a small parking area and secondary access drive near the tennis courts. *See* Figures 1 and 2.




**Figures 1 and 2:** Aerial View of the Project Site

The Property is located in a residential zone, *i.e.*, R-5 Zoning District, within the Town of Guilford. The Site is generally surrounded by school property consisting of a small surface parking lot to the northeast, including a grove of trees that separates the Site from the parking lot, and south of the Site, a fenced-in concrete pad with generator units and

an existing utility transformer. Additionally, a densely wooded area and another access drive separates the Site from residential property to the east. The closest residential property is located approximately 153 feet to the east of the Site. *See* Exhibit A.

The existing elevation is approximately 203 feet above mean sea level. The Facility will be enclosed on all four sides by a seven (7) feet tall chain-link fence and a 17-feet long sound wall that will extend around the south side of the BESS and it will rise five feet above the top of the BESS. *See* Exhibit A for additional information.

2. Project Specifications

The Project consists of a 1.93 MW BESS, one Connecticut Light and Power Company d/b/a Eversource Energy ("Eversource") -owned transformer on a concrete pad to step down the grid voltage to the level required to recharge the batteries, and inverters to convert the energy from DC power to AC power. The BESS is specifically comprised of one Tesla Megapack 2XL battery storage unit utilizing lithium-ion cells with a total maximum energy storage capacity of 3.85 MWh of electrical energy based on a 2-hour duration. *See* Exhibit B, for the Equipment Specification Sheet that provides technical details on the battery modules for the BESS. Further, the Facility will comply with the latest UL, Institute of Electrical and Electronics Engineers ("IEEE"), and National Fire Protection Association ("NFPA") testing regimes and specifications, including UL 9540 (includes UL 9540A). This system is also a pre-approved system by PURA and CGB as part of the ESS Program.

The Project term is for 10 years, with the ability to extend thereafter. Battery storage capacity will degrade by approximately 1.5% annually on average, without

augmentation or capacity maintenance. The anticipated life of a battery before replacement/replenishment is 10 years. In year 10, the Company will replace the thermal management components of the BESS in accordance with the BESS Maintenance Plan (attached hereto as Exhibit G), e.g., coolant pumps, radiator fans, door gaskets, etc., as well as replenish the coolant, and conduct comprehensive system testing on the Facility.

The Project will interconnect with Eversource's local electrical distribution system. The electrical interconnection will extend underground and terminate at the existing utility transformer that will be replaced with a secondary line interception point. The Company has filed an Interconnection Application with Eversource that has been assigned project number INT-94941. A System Impact Study Agreement was executed on March 25, 2025, that is currently underway.

The estimated cost of the Project is $2,200,000.

B. Project Purpose and Benefits

The Project will help meet the goals of the ESS Program by offering benefits to Guilford High School and the surrounding community, through lower electricity costs, enhanced grid resiliency and reliability, and the maximization of "the long-term environmental benefits of electric storage by reducing emissions associated with fossil-based peaking generation." *See* ESS Program Manual at 6, January 17, 2025. More specifically, the Project will allow the host Site to realize lower net energy costs through the battery's demand management, capacity charge management, time-of-use energy shifting, and revenue share operations.

The Facility will be connected behind the customer's electric utility meter, which will allow the high school to run on battery power during peak demand times, alleviating grid congestion, providing it has not been called upon by the ESS Program Administrator, which will have priority access to the dispatch. That is, the BESS will be used for demand response and demand management to lower the Site host's electric bills, and to allow for load shifting, which enables the customer to use less expensive off-peak power during the daytime peak hours. The Project will also provide fast-acting backup power during utility grid outages for up to several hours, allowing Guilford High School to maintain operations during shorter outages and avoiding grid-transients and harmonic distortions that may disrupt the high school's operations.

In accordance with the ESS Program guidelines, the Facility will operate in parallel with the grid and will be able to export power into the utility distribution system. The Facility will participate in available energy markets, as applicable. Consequently, the BESS will enhance grid resiliency and stability by supplying stored electricity during high peak demand times thereby helping prevent brownouts and/or blackouts caused by high-volume users. Additionally, the Facility will improve grid reliability by providing stored power during an outage or grid event.

On the utility scale, the Project will, in the long-term, assist in maintaining the stability and efficient operation of the electric grid by providing peaking capacity and balancing services including reserve capacity, frequency regulation, voltage support, and harmonic distortion power curing. The BESS's modern power electronics systems allow grid balancing and stabilization services within milliseconds, preserving the safe, efficient operation of the grid.

Lastly, the Project will provide long-term environmental benefits by reducing emissions associated with fossil-based peaking generation. Because the Facility will be used as a localized peaking power supplier, the BESS will help reduce air quality impacts associated with high emitting peaker plants which are called on as resources of last resort during peak demand times. Additionally, the Facility will aid in the transition and/or implementation of intermittent sources of renewable energy to the grid by helping balance the grid to accommodate these new sources.

C. Municipal/Local Input or Community Outreach

SMS has worked with the Town of Guilford to provide information about the Project and has consulted with Town officials and the Fire Department on various aspects of the Project, including zoning, building, engineering, environment, and fire safety. Throughout the design process, the Company has shared detailed plans, surveys, and design drawings to ensure transparency and compliance with local requirements. SMS has also worked collaboratively with Guilford High School to ensure the Project meets its requirements, including those relating to setback lines and the relocation of vegetation. Further, the Town of Guilford is supportive of the construction of the Facility and finds the Project to be in the best interests of the Town. *See* Exhibit C.

The Guilford Fire Marshal and Fire Department's input will be used in the development of emergency plans and identification of fire safety equipment for the Project. SMS will continue to seek the Fire Department and Fire Marshal input through the design-build stage, including ensuring clear disconnection signage, providing secure fenced area access, emergency disconnection equipment and planning for water access.

The Company will also continue to work with the Fire Marshal during the Fire Plan Review process and in finalizing the Emergency Response Plan. Once the Facility is installed, SMS will work with the Guilford Fire Department to develop and provide training resources.

D. Public Notice

The Company has provided notice of this Petition via certificate of mailing to all persons and appropriate municipal officials and governmental agencies to whom notice is required to be given pursuant to RCSA § 16-50j-40(a).[1] Sample copies of the notice letters and service lists are attached. *See* Exhibit D.

## IV. No Substantial Adverse Environmental Effect

As discussed more fully in the Project's Environmental Data Report, prepared by All-Points Technology Corporation (attached hereto as Exhibit E), the Project will have no substantial adverse environmental effect.

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[1] RCSA § 16-50j-40(a) in part provides:

"Prior to submitting a petition for a declaratory ruling to the Council, the petitioner shall, where applicable, provide notice to each person other than the petitioner appearing of record as an owner of property which abuts the proposed primary or alternative sites of the proposed facility, each person appearing of record as an owner of the property or properties on which the primary or alternative proposed facility is to be located, and the appropriate municipal officials and government agencies…The term "appropriate municipal officials and government agencies" means, in the case of a facility required to be approved by declaratory ruling, the same officials and agencies to be noticed in the application for a certificate under Section 16-50l of the Connecticut General Statutes…".

A. Environmental Effects

1. Air Quality Impacts

The Facility does not produce any emissions of criteria air pollutants, greenhouse gases and/or hazardous air pollutants regulated by the Clean Air Act and Chapter 446c - Air Pollution Control of the Connecticut General Statutes because the BESS does not combust fuel or use any volatile organic compounds or other chemical pollutants that would be released to the atmosphere during normal operations.

During construction, there might be some short-term fugitive emissions associated with the operation of construction equipment and/or vehicles. However, these emissions will be considered de minimis since soil disturbance is expected to be minimal. Additionally, emissions will be mitigated using available measures, which include ensuring that construction vehicles comply with CT DEEP idling requirements and operate only as needed, as well as utilizing water spray during construction to minimize dust and particulate release. For this reason, a New Source Review permit is not required for the construction or operation of the Facility and the total emissions associated with the construction and operation of the Project will be below levels that will render the Project a “major stationary source” as defined in RCSA § 22a-174-1(65) or a major source of hazardous air pollutants. It is also noted that the Facility will ultimately displace less efficient fossil fueled marginal generation resulting in the avoidance of greenhouse gas emissions. Each Megapack 2 XL is capable of displacing 88,000 tons of $CO_2e$.

2. Water Quality Impact

The Project will comply with the applicable water quality standards, and it will not have any adverse effects on either groundwater or surface water bodies. Once operational, the Facility will neither consume potable water nor discharge wastewater under normal operating conditions. Additionally, no liquid fuels will be used to operate or maintain the BESS. For this reason, the Project will not require a wastewater discharge permit.

The Company anticipates that construction of the Facility will not impact any groundwater in the vicinity to the Site or nearby surface water bodies. A review of CT DEEP's Water Quality Classification Maps indicated that the closest surface water body is Spinning Mill Brook, located approximately 600 feet west of the Property and approximately 1,900 feet from the closest limits of disturbance associated with the Project. Spinning Mill Brook is classified as a "Class A" surface waterbody, which designated uses include habitat for fish and other aquatic life and wildlife; potential drinking water supplies; recreation; and water supply for industry and agriculture. Nonetheless, the Project will have no effect on the surface water body.

The Site's groundwater is classified as "GA," a classification which is presumed to be suitable for human consumption without prior treatment. The Site is not located within a mapped (preliminary or final) CT DEEP Aquifer Protection Area. The closest CT DEEP-mapped Aquifer Protection Area, A 63 - Pinewood, is located approximately 2,300 feet northeast of the Property. For this reason, the Project will have no impacts on groundwater quality.

The Project area is less than one acre, and therefore, the Project will not require a CT DEEP General Permit for Discharge of Stormwater and Dewatering Wastewaters for Construction Activities. The BESS will be contained within an enclosure, and as such, there is no stormwater contact with the battery system components.

Lastly, the Project has been designed to meet the 2024 Connecticut Stormwater Quality Manual and the 2024 Connecticut Guidelines for Soil Erosion and Sediment Control. More specifically, SMS will implement protective measures in the form of a Stormwater Pollution Control Plan to safeguard water resources from any potential impacts during construction. Perimeter erosion controls (compost filter sock) will be installed in downgradient locations of disturbed areas within the Project area to capture sediment potentially mobilized during Site work. However, the Project is anticipated to sustain the hydrological conditions of the Project area while maintaining existing drainage watersheds to the extent practicable. Further, to manage the increase in post-development runoff, gravel surface runoff from the proposed concrete pads will be collected within the gravel beds and infiltrate into the soil substrata. The proposed storage within the gravel bed has also been designed to provide the requisite treatment of water quality volume associated with effective impervious cover. Consequently, the Project is not anticipated to result in any adverse impacts to water resources or property in the surrounding area.

3. Wildlife and Habitat

The Company expects minimal to no impact to wildlife and habitat resulting from the Project. A distinct habitat type – Developed – has been identified to occupy the Project area. The habitat was assessed using remote sensing and publicly available

information. Developed habitat encompasses the entire Property and includes Guilford High School, multiple paved parking areas, paved access roads, concrete sidewalks, athletic fields and areas of maintained lawn with interspersed ornamental trees for landscaping. The construction of the Facility will not result in any direct impacts to the existing habitat because construction, for the most part, will be limited to within the existing Developed areas. Additionally, the Project area provides little function from a habitat perspective due to routine maintenance that suppresses vegetative diversity and habitual level of human activity. SMS will also employ erosion and sedimentation control measures during construction, in accordance with the 2024 Connecticut Guidelines for Soil Erosion and Sediment Control, to prevent potential secondary impacts to maintained lawn and landscaped areas located in proximity to the Project area.

Project-related impacts to wildlife are also not anticipated because the Project will be constructed within the Developed habitat, which provides limited value to wildlife due to ecological disturbances, e.g., paved surfaces, and the lack of vegetation. The habitat supports minimal food sources, cover or nesting opportunities and, due to the high level of human activity on and adjacent to the Property, conditions are generally unsuitable to support any significant wildlife. Any generalist wildlife species common to the region and tolerant of a high level of human disturbance and habitat fragmentation are expected to continue to use portions of the Property and are expected to temporarily relocate to nearby similar habitat during construction of the Project. Thus, the Project is not anticipated to adversely impact the existing habitat and/or wildlife.

State consultation, through CT DEEP's Natural Diversity Data Base ("NDDB"), and federal consultation, in accordance with Section 7 of the Endangered Species Act through

the U.S. Fish and Wildlife Service's ("USFWS") Information, Planning and Conservation System ("IPaC") for state and/or federally listed endangered, threatened and special concern species was completed, as applicable. The Site is not located within a CT DEEP NDDB polygon area. The nearest NDDB polygon area is approximately 0.43 miles northeast of the Property. A review of a map representing the NDDB areas in the Town of Guilford indicated that the Project Site is not located within an identified location of endangered, threatened and special concern species and no significant natural communities exist within or proximate to the Project Site. Given that the Project is not expected to impact any state-listed species, consultation with CT DEEP's NDDB relating to construction of the Project is not required.

Based on the results of the IPaC review, one federally listed endangered, one federally proposed endangered species, and one federally listed proposed threatened species are known to occur on or in the vicinity of the subject Property. They are documented as the Northern Long-eared Bat ("NLEB"; *Myotis septentrionalis*), Tricolored Bat ("TCB"; *Perimyotis subflavus*) and Monarch Butterfly (*Danaus Plexippus*), respectively. Due to the Project requiring some limited tree clearing and trimming and trees potentially providing TCB and NLEB habitat, an evaluation was performed to determine if the Project would result in a likely adverse effect to NLEB, TCB and the Monarch Butterfly.

A review of CT DEEP's NDDB NLEB habitat map and Connecticut NLEB Observations by Town map indicated that the Site is not within 150 feet of a known occupied NLEB maternity roost tree and is not within 0.25 miles of a known NLEB hibernaculum (TCB also uses NLEB hibernaculum). Additionally, consultation with the

USFWS (a submission to the USFWS's NLEB/TCB Determination Key) resulted in a determination of "may affect, not likely to adversely affect" for NLEB and TCB, contingent on a time of year restriction for tree clearing (tree clearing restricted to occur outside of the active NLEB and TCB periods: April 15th through October 31st). *See* Exhibit E, Appendix 1. Lastly, because the Property consists of developed areas and due to the Site's proximity to the athletic field's fertilized lawn, it is unlikely that the Site will make a suitable habitat for the Monarch Butterfly. Based on the foregoing, the Project is not expected to impact any federal threatened or endangered species, or species of special concern.

4. Wetlands and Watercourses

There are no watercourses, wetland features or hydric soils at or near the Site. The closest wetland resource, associated with a forested wetland complex, is located ±800 feet southeast of the Project area on an adjacent parcel. Residential subdivision development and impervious surfaces are located between the nearest wetland feature and the Project area. For this reason, based on the distance from the Site to mapped wetland locations, and the intervening structures, no likely adverse impact on wetland soils is anticipated. It is also noted that erosion and sediment controls will be installed and maintained at the Site during construction to limit the potential for any off-Site impacts.

5. Flood Zones

A review of the Federal Emergency Management Agency's ("FEMA") National Flood Insurance Program ("NFIP") flood mapping data shows that the Site is located in

an area that is designated as Zone X, an area of minimal flooding, generally above the 500-year flood level and protected by levee from 100-year flood. As such, no special design considerations or precautions related to flooding are required for the Project. *See* Exhibit F.

6. Prime Farmland and Core Forest Resources

The Project will not impact Prime Farmland or Core Forest resources. A review of CT DEEP's Forestland Habitat Impact map indicated that the nearest core forest is approximately 0.70 miles to the northeast of the Property and that there is no mature forest located on the Property. Although the high school is located on mapped portions of Prime Farmland, the Project will be located outside those areas. For this reason, the Project is not expected to impact Prime Farmland or Core Forest resources.

7. Noise Analysis

The sound emitted by the Project will not produce a noticeable impact on the acoustic environment at existing nearby residences and will not have an unreasonable adverse effect to surrounding properties. Additionally, with the implementation of a sound barrier, the Project will comply with the applicable local and state noise ordinances.

The Company commissioned Cavanaugh Tocci Associates ("Cavanaugh Tocci") to conduct an environmental sound impact analysis of the Project. *See* Exhibit E1. Cavanaugh Tocci analyzed the sound expected to be produced by the Project in light of existing environmental sound levels. To that end, the Project's noise impact on the existing acoustic environment was calculated using CadnaA environmental sound modeling software. The equipment modeled in the sound analysis was one Tesla

Megapack XL, configured for 2-hour operation and derated to maximum 40% fan duty cycle.

The acoustic levels associated with the Project were estimated at residential receptors and where the most stringent limit of 45 Dba applies (or 40 Dba due to the Facility producing a "prominent discrete tone"). The nearest residential receptor, defined under the regulations as Class A, is approximately 153 feet southeast of the Facility. Cavanaugh Tocci's analysis predicted that Facility sound impacts are expected to be between 36 Dba and 43 Dba at the receptor Property boundaries. Since the sounds projected to be emitted by the Project will exceed the regulatory levels, noise control will be required to achieve compliance. For this reason, a sound barrier designed to reduce sound levels at the residential receptors will be installed. Acoustic modeling with the barrier predicted that the Facility sound impacts are expected to be between 36 Dba to 40 Dba, within the regulatory limits. *See* Figure 3. Consequently, the Project will be in compliance with the Connecticut Regulations for the Control of Noise, RCSA §§ 22a-69-1 to 22a-69-7.4 and Sections 208-1 to 208-11 of the Town of Guilford Code of Ordinances,[2] and the Project will have no material noise impact on the surrounding area.

[2] The noise level standards of the Connecticut noise regulations and the Town of Guilford noise ordinance are the same.

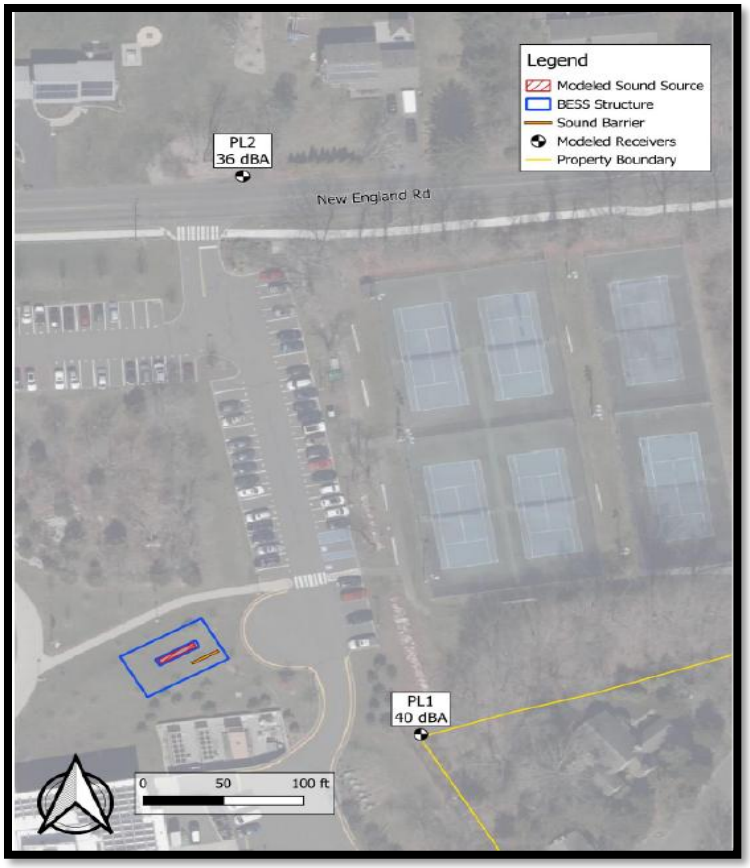



**Figure 3:** Acoustic Levels of the Project at Nearest Residences

8. Visual Impact

The Project will have minimal to no impact on the visual character of the views experienced from the immediate area. Visual renderings of the existing and proposed Site and open views that will be experienced from nearby vantage points will be submitted as a supplemental filing to this Petition. The Site is within and predominantly surrounded by Guilford High School. As such, views of the Project will be mostly limited to the school grounds. Further, direct visual impacts of the fenced enclosures will be substantially lessened by the school's existing landscape, access drives and parking lots.

Lastly, no state or local designated scenic roads or scenic areas, or recreational areas are located near the Property. The nearest scenic road is a portion of Route 77,

located approximately 0.73 miles northeast of the Project and remote from the Site. The nearest recreational resource is Long Hill Park, located approximately 0.30 miles to the southeast. Consequently, no scenic and recreational areas will be physically or visually impacted by construction of the Project.

9. Public Health and Safety

As previously discussed, the Project will be constructed and operated in compliance with all applicable local, state, national and industry health and safety standards and requirements related to energy storage systems, including the NFPA standards.

The Facility will be remotely operated and monitored, but technicians may periodically visit the Site to oversee operations and perform any required maintenance in accordance with the BESS Maintenance Plan.

In accordance with the Council's requirements, the Project will also have a customized Emergency Response Plan ("ERP"). *See* Exhibit H. The ERP includes the following information:

(i) A description of any simulated emergency response activities with any state and/or local emergency response officials;

(ii) Details of the Site access system; and

(iii) Establishment of an emergency responder/local community notification system for on-site emergencies and planned construction-related activities that could cause community alarm.

The ERP will be updated to incorporate any additional site-specific input generated as part of the permitting process and with further consultation with the local Fire

Department and the Guilford Fire Marshal. Copies of the ERP will be provided to the Town of Guilford's Fire Department personnel and local emergency responders, as well as any of the high school's public safety personnel.

The Facility will be enclosed by a 7-foot-tall chain link fence, with locked access. Fire Department access to the locked fence will be provided by a Knox Box or other universal key system. School personnel will not be allowed within fenced areas during normal operation, and all systems will be locked out during inspection or maintenance. No fires, flames or sources of heat will be allowed within the fenced area. The appropriate signs will be placed at the Site to deter trespassers. Lastly, the Site will have adequate lighting for security and for maintenance.

The construction of the Project will not have any adverse impacts on local roadways or traffic conditions. Due to its location, the Company does not anticipate that the Project will have a significant impact on traffic flow. Any potential construction-related traffic will be temporary and restricted to the Project's construction period. During installation, the average crew size is anticipated to maintain between 6 to 12 contractors. Heavy equipment will be delivered to the Site over a 5-day period. Prior to the delivery of such equipment, SMS will coordinate with local authorities and the high school, as needed, to minimize potential impacts of Project-related construction on existing traffic patterns and roadways. Additionally, the Company will employ on-site traffic control and staging of all equipment and trucks will occur on-site. Lastly, because the BESS will be operated remotely, minimal personnel trips to the Site will be occurring during the operating life of the Facility.

10. Historical Values

The Project will have no adverse effects on the state's historic, architectural or archaeological resources. All-Points Technology Corporation, on behalf of SMS, retained Heritage Consultants, LLC ("Heritage") to conduct an archaeological assessment of the Project. *See* Exhibit E, Appendix 2 for a copy of Heritage's Phase 1A Cultural Resources Assessment Survey. Specifically, Heritage reviewed relevant historic and archaeological information, *e.g.*, historic maps and aerial images of the Site, files maintained by the Connecticut State Historic Preservation Office ("SHPO"), etc., to determine whether the Site holds potential historic or cultural resource significance and to determine if there are any National Register of Historic Places ("NRHP") or State Register of Historic Places ("SRHP") properties located within 500 feet of the Project area.

Heritage's review revealed that there are no NRHP or SRHP within 500 feet of the Property. Additionally, while the area consists of gently to moderately sloping topography and close proximity to freshwater sources, due to its location – an area primarily characterized by heavily disturbed land - Heritage determined that the Site has little to no archaeological sensitivity and no additional archaeological investigation is recommended. A copy of Heritage's report was submitted to SHPO. SHPO's determination was in concurrence with Heritage's - that no historic properties will be affected by the Project and that no additional archaeological investigation of the Site is warranted. *See* Exhibit E, Appendix 2 for a copy of SHPO's letter dated December 4, 2025.

11. FAA Determinations

The nearest airports and/or heliports to the Site are North Branford Heliport approximately 4.60 miles northwest and Tweed New Haven Airport approximately 9.84 miles west-southwest. Even though the Project will have a maximum height of approximately 14 feet above ground level, below the Federal Aviation Administration ("FAA") notification requirements of 14 Code of Federal Regulations ("CFR"), Part 77.9, construction of the Facility will require the use of a crane with a height of approximately 150 feet. For this reason, the FAA Obstruction Evaluation/Airport Airspace Analysis Pre-Screening Tool was consulted to determine whether the FAA notification requirements of 14 CFR, Part 77.9 apply. The results, attached hereto as Exhibit E, Appendix 3, indicate that the Company does not need to notify the FAA.

## V. Project Construction, Maintenance and Decommissioning Plan

The Project will require local permits, including a Building Permit, which includes a Fire Plan review, a Mechanical Permit, and an Electrical Permit. Permit applications will be submitted after obtaining the Council's approval.

Contingent upon obtaining the Council's approval, the Company expects construction to commence in the first quarter of 2026, with commercial operation to begin in the third quarter of 2026. Generally, construction is expected to take place Monday through Friday from 8:00 a.m. to 5:00 p.m. Occasionally specialist equipment is required (such as a crane to lift the containerized batteries from the flatbed truck upon which they will be transported) which might require work to be done on-site outside these hours, from 7:00 a.m. to 6:00 p.m.

As discussed in greater detail in the Project Construction and Timeline, attached hereto as Exhibit I, the Project will require minimal construction or disruption to the existing Site since the Site is already developed with appropriate work access. Initial Site work will include installation of a construction fence to shield most Site activities. Further, existing shrubs, trees and excess debris will be removed from the Site and trenches to accommodate the laying of new power conduits will be dug from the BESS Site to the Eversource equipment where the BESS will be connected to the distribution infrastructure. Additionally, concrete pads will be installed to support the BESS, transformers and switchgear. These excavation and grading phases will be minimally disruptive and will be coordinated well in advance with the high school to minimize operational impacts.

The installation of the major battery equipment is also expected to have minimal environmental impact. Pre-packaged containerized modules will be shipped to the Site from the production facility and will be dropped onto the concrete pads with a crane and connected via the newly laid conduit to the distribution infrastructure. Once installed, the battery system will be commissioned, tested, and activated for commercial operation.

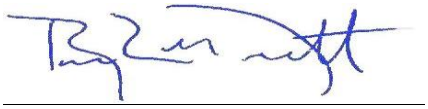
The operational life of the Facility is 10 years, excluding any battery replacements/replenishments. Upon termination of the ESS Program Agreement, including any extension(s) thereof, the Facility will be decommissioned in accordance with the Decommissioning Plan. This will entail removing the battery equipment and restoring the Site to its pre-installation conditions, as well as recycling the battery equipment to the extent feasible. *See* Exhibit J for a copy of the Decommissioning Plan.

## VI. Conclusion

For the foregoing reasons, SMS respectfully requests that the Council issue a determination, in the form of a declaratory ruling, that the proposed Project as described in this Petition will not have a substantial adverse environmental effect, and therefore, that a Certificate is not required.

Respectfully submitted,

SMS CT MG02A, LLC

By: 

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## Table of Exhibits

Exhibit A: Site Plan

Exhibit B: Equipment Specification Sheet

Exhibit C: Municipal Correspondence

Exhibit D: Public Notice Documentation (Service Lists, Sample Notice Letters, Affidavits and Abutters Map)

Exhibit E: Environmental Assessment

Appendix 1: NDDB and USFWS Determinations

Appendix 2: Phase IA Cultural Resources Assessment Survey (including SHPO Correspondence)

Appendix 3: FAA Obstruction Evaluation/Airport Airspace Analysis Pre-Screening Tool Results

Exhibit E1: Facility Sound Assessment

Exhibit F: FEMA Flood Maps

Exhibit G: BESS Maintenance Plan

Exhibit H: Emergency Response Plan

Exhibit I: Project Construction and Timeline

Exhibit J: Decommissioning Plan