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March 23, 2016

Via Certificate of Mailing

Gareth D. Bye, Director of Legal Affairs
Office of the Secretary
State of Connecticut
Office of Policy and Management
450 Capitol Avenue
Hartford, CT 06106

Re: **SolarCity Corporation – Petition for Declaratory Ruling for the Construction and Operation of a Solar Photovoltaic Electric Generating Facility Off Old Forge Road in Rocky Hill, Connecticut**

Dear Mr. Bye:

This firm represents SolarCity Corporation (“SolarCity”). Pursuant to the requirements of Connecticut General Statutes § 16-50j(b), and Section 16-50j-40 of the Regulations of Connecticut State Agencies, enclosed is a copy of the above-referenced Petition for Declaratory. SolarCity intends to construct and operate a 3.9 MW solar photovoltaic electric generating facility on a portion of a 61.38-acre parcel off Old Forge Road in Rocky Hill. The property is owned by the Town of Rocky Hill. The SolarCity Petition will be filed with the Connecticut Siting Council on March 25, 2016. You are receiving this notice because you are listed as an owner of property that abuts the parcel on which the proposed solar generating facility is proposed to be located.

If you have any questions regarding this Petition please contact me or the Siting Council directly at (860) 827-2935.

Sincerely,



Kenneth C. Baldwin

Attachment

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE: :
: :
A PETITION OF SOLARCITY CORPORATION : PETITION NO. _____
TO APPROVE BY DECLARATORY RULING :
THE CONSTRUCTION AND OPERATION OF :
A SOLAR PHOTOVOLTAIC ELECTRIC :
GENERATING FACILITY OFF OLD FORGE :
ROAD, ROCKY HILL, CONNECTICUT : MARCH 24, 2016

PETITION FOR A DECLARATORY RULING:
INSTALLATION HAVING NO
SUBSTANTIAL ADVERSE ENVIRONMENTAL EFFECT

I. Introduction

Pursuant to Section 16-50k(a) of the Connecticut General Statutes (“C.G.S.”) and Sections 16-50j-38 et seq. of the Regulations of Connecticut State Agencies (“R.C.S.A.”), SolarCity Corporation (“SolarCity”) hereby petitions the Connecticut Siting Council (“Council”) to approve, by declaratory ruling, the proposed construction and operation of a 3.9 megawatt (“MW”) solar photovoltaic electric generating facility (the “Facility”) on property located off Old Forge Road in Rocky Hill, Connecticut.

Connecticut General Stat. § 16-50k(a) provides that:

Notwithstanding the provisions of this chapter or title 16a, the council shall, in the exercise of its jurisdiction over the siting of generating facilities, approve by declaratory ruling...(B) the construction or location ... of any customer-side distributed resources project or facility or grid-side distributed resources project or facility with a capacity of not more than sixty-five megawatts, as long as such project meets air and water quality standards of the Department of Energy and Environmental Protection....

As discussed more fully below, SolarCity respectfully submits that the Facility constitutes a grid-side distributed resources facility, satisfies the criteria of C.G.S. Section 16-

50k(a) and will not have a substantial adverse environmental effect.

II. Petitioner

SolarCity is a Delaware Corporation with a local office at 714 Brook Street, Rocky Hill, Connecticut. SolarCity was established in 2006 and has quickly become the largest provider of solar power in the United States. SolarCity makes clean energy available to homeowners, businesses, schools and government organizations, like the Town of Rocky Hill, at lower cost. SolarCity has successfully secured Council approval for the development of grid-side solar generating facilities in Groton and Norwich, Connecticut¹.

Correspondence and/or communication regarding this petition should be addressed to:

Nichole Seidell, Director of Environmental Permitting
SolarCity Corporation
Two Logan Square
100 N. 18th Street, Suite 1900
Philadelphia, PA 19103
267-457-4412
nseidell@solarcity.com

A copy of all such correspondence and/or communications should also be sent to the petitioners' attorneys:

Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103
860-275-8200
Kenneth C. Baldwin, Esq.
kbaldwin@rc.com
Joey Lee Miranda, Esq.
jmiranda@rc.com

III. Background

SolarCity has entered into a Solar Power Purchase Agreement ("PPA") with the Town of

¹ See generally Siting Council Petition Nos. 1181, 1192, 1195.

Rocky Hill. Under the terms of the PPA, SolarCity will construct, maintain and operate a 3.9 MW solar photovoltaic electric generating facility on the northerly portion of an undeveloped 61.38-acre parcel off Old Forge Road in Rocky Hill (the "Property").² The Property is owned by the Town of Rocky Hill ("Town"). All of the power generated by the Facility will be purchased by the Town. The Town will receive an annual site use payment from SolarCity. Environmental attributes and environmental incentives associated with the Facility will be retained by SolarCity.

IV. Property Description

The Property is located in the southerly portion of the Rocky Hill Industrial Park, in the Town's Office Park (OP) zone district. The Property is surrounded by existing commercial and light industrial uses to the north within the Industrial Park; Town-owned open space land including Dividend Pond and a portion of Dividend Brook to the west and north; an active rail line and undeveloped land to the east; and undeveloped land to the south. The Property and land of John Russo, Trustee to the south and southwest, were previously used as a part of a sand and gravel mining operation. Central portions of the Property are currently used by the Rocky Hill Department of Public Works ("DPW") for material storage (top soil, road millings, sand and gravel) and leaf composting. Access to these DPW use areas extends from Old Forge Road along an existing paved and gravel driveway. The remainder of the Property is undeveloped, maintaining some forested areas and early successional trees with a dense understory of mostly scrub/shrub and herbaceous growth.

Two (2) wetland areas proximate to the proposed Facility were evaluated by All-Points Technology Corp. ("APT") for potential impacts from the proposed development activities.

Wetland 1 is located adjacent to Dividend Brook near the existing culvert that extends

² The Property is identified as Map 18, Lot 93 on the Rocky Hill Assessor's records and is also known and referred to as R013 Old Forge Road.

underneath the access driveway (Dividend Road) in the northerly portion of the Property.

Dividend Brook extends further to the east, beyond the access drive and eventually discharges into the Connecticut River. A smaller, isolated wetland area, identified as Wetland 2, is located on an undeveloped parcel to the east of the Property on land owned by Gardiner Nursery Inc. The nearest residential area is located approximately 820 feet to the west, along Briarwood Court. (See Attachment 1 – Existing Conditions Map).

V. Project Description

The Facility and related improvements, including an access driveway, construction staging and laydown areas, will occupy an approximately twenty-four (24) acre area in the northerly portion of the Property (the “Project Area”). The Project Area is generally flat with a gentle grade sloping down from west to east toward the Connecticut River. Access to the Project Area will extend from Old Forge Road to the west of the Project Area, along a portion of an existing paved and gravel driveway used to access the Property and the DPW’s materials storage areas. Project plans for the proposed Facility are included in Attachment 2.³

SolarCity intends to install approximately 9,460 – 275 Watt and 4,488 – 290 Watt Trina Solar TSM-PD14 photovoltaic modules; three (3) advanced Energy AE 500 TX 500 kW inverters; and three (3) electric transformers within the Project Area. A 23 kilo volt (kV) electric interconnect service line will extend, overhead, from the northerly portion of the Project Area to Old Forge Road and the existing Eversource electric distribution infrastructure. The Facility will utilize a post-driven RBI Solar Inc. panel racking system. The individual photovoltaic panels will be fixed at a 30 degree tilt to the south to promote maximum efficiency. The Facility will be

³ Project plans for the Facility are a compilation of engineering plans prepared by Westson & Sampson (Plan Sheets T-1, 6-1, D-1, C-1, C-2 and C-3); Electrical Details prepared by SolarCity (Plan Sheets PV-5, PV-6 and PV-7); and Racking System Details prepared by RBI Solar Inc. (Plan Sheets S-201 and S-301).

surrounded by an eight (8) foot security fence. Two (2), sixteen (16) foot wide access gates will be installed along the west side of the fenced Project Area. (See Attachment 2, Plan Sheet C-2).

SolarCity expects construction of the Facility to take approximately three (3) to four (4) months. Construction will commence immediately after SolarCity receives all necessary permits and approvals.

APT, on behalf of SolarCity, has completed an exhaustive Environmental Assessment (“EA”) of the Property and has evaluated the potential environmental effects that may occur following the development of the Facility. A copy of the EA is included in Attachment 3. Based on the conclusions in the EA, SolarCity respectfully submits that the Facility will comply with the DEEP’s Air and Water Quality Standards and will not have a substantial adverse effect on the Property or its surrounding environment.

VI. The Facility Will Comply with the Department of Energy and Environmental Protection (DEEP) Air and Water Quality Standards and Will Not Have a Substantial Adverse Effect on the Environment

A. Air Quality Standards

Operation of the Facility will not produce emissions of any regulated air pollutants or greenhouse gases. No impacts to air quality are expected, and no DEEP air permit is required for the Facility. (See Attachment 3, p. 30).

B. Water Quality Standards

The Facility is unstaffed and does not require the use of potable water or any sanitary facilities in the production of electricity. Any water utilized during construction for dust control will be minimal and have no impact on water quality in the vicinity of the Property. No liquid fuels are associated with the operation of the Facility.

The Property is located in Flood Zone X, designated as an area outside both the 100-year and 500-year flood plain. The Property is also located in the Gardner Expansion Aquifer

Protection Area (“APA”). The closest water supply wells, however, are located more than 1,000 feet to the southwest of the Property in the Town of Cromwell. There are no water supply wells located on the Property. (See Attachment 3, pp. 14-15). To protect the APA, SolarCity will establish and implement protective measures in the form of an Aquifer Protection Plan. Protective measures in this plan include, but are not limited to, the monitoring of established sedimentation and erosion controls, the development of a detailed stormwater management plan and compliance with the filing requirements of the DEEP’s General Permit for the Discharge of Stormwater and Dewatering Wastewater. A copy of a Stormwater Management Report “SWMP” for the Facility is included in Attachment 4. As demonstrated in the SWMP, there will be no negative stormwater impacts resulting from the development and operation of the Rocky Hill Facility.

No inland wetlands or watercourses will be directly impacted by the development of the Facility. All clearing and grading activity within the limits of the Project Area would maintain a setback of 370 feet to Wetland 1, located along the existing access drive, in the northern reaches of the Project Area.⁴ Wetland 2 is an isolated wetland located approximately 260 feet to the east of the Project Area, east of the existing rail line. Any potential short term temporary impacts on Wetland 1 or Wetland 2 will be minimal and mitigated by the use and maintenance of proper soil erosion and sedimentation controls throughout the construction period. SolarCity does not, therefore, expect any adverse impacts to area wetland resources. Likewise, no areas supporting vernal pool habitat are located within 750 feet of the Project Area and no vernal pool habitat was identified in either Wetland 1 or Wetland 2. (See Attachment 3, pp. 3-6 and 24).

⁴ The installation of a new utility pole, required for interconnection to the existing distribution system may occur within 160 feet of Wetland 1. The final location of new utility poles required for electric interconnection has not yet been determined.

C. Vegetation and Wildlife

As mentioned above, a majority of the Project Area has been previously cleared during sand and gravel mining operations. Portions of the Project Area support early successional tree and scrub growth. While the construction of the Facility will alter vegetation and wildlife habitat within the Project Area, habitat beyond the limits of the Project Area will not be impacted. (See Attachment 3, pp. 6-9 and 25-26).

D. Bird Habitat Impact Analysis

APT has completed a detailed Bird Habitat Impact Analysis for the Project Area. Habitat loss is an unavoidable consequence of any type of land development including that necessary for the Facility. While development of the Facility will result in some loss of habitat, it will not result in fragmentation of the overall habitat matrix of the area. (See Attachment 3, pp. 26-27).

E. Rare Species

According to the DEEP Natural Diversity Database (“NDDB”), the *Big Sand Tiger Beetle*, a Connecticut species of special concern, may occur in southwestern portions of the Property. In anticipation of the filing of this Petition, APT conducted a habitat-based survey of the Project Area, using known habitat requirements and determined that the Facility would not impact the *Big Sand Tiger Beetle*. Due to the potential presence of *Tiger Beetle* populations proximate to this Project Area, SolarCity has committed to the implementation of proactive protective measures to be utilized during construction. These protection measures have been developed and submitted to DEEP for review.

Further, APT determined that one federally listed “threatened” species, the *Northern Long Eared Bat* (“NLEB”) may occur in the vicinity of the Property. The identified range of the NLEB encompasses the entire State of Connecticut. To assess the potential impact of the SolarCity project on the NLEB, APT evaluated the recently established U.S. Fish and Wildlife

Service (USFWS) NLEB impact criteria and determined that the facility would not result in an adverse effect on or incidental take of NLEB. (See Attachment 3, pp. 28-29).

F. Scenic Areas

No State designated scenic areas would be physically or visually impacted by the development of the Facility. (See Attachment 3, p. 30).

G. Historic and Archeological Resources

No historic resources listed on or eligible for listing on the National Register of Historic Places exist on or proximate to the Property. The nearest historic resource is located approximately one mile from the Project Area. There are reported archeological sites in the general vicinity of the Property. Due to the historic sand and gravel mining operations at the Property, it is unlikely that any of these resources, if they exist, would remain intact. The Project Area, therefore, no longer possesses any potential to yield intact archeological deposits. (See Attachment 3, pp. 15-16).

SolarCity has consulted with the Connecticut State Historic Preservation Office regarding seeking concurrence with its findings that the Facility and the potential that the project may impact historic or archeological resources of the State. The SHPO is currently reviewing the SolarCity findings. Based on research conducted by SolarCity's consultant team, it was determined that the Facility would not impact historic and archeological resources of the State. (See Attachment 3, pp. 15-16 and 30-31).

H. Recreational Resources

The Facility will not impact any existing or proposed recreational resources in the Town of Rocky Hill. (See Attachment 3, p. 16).

I. Carbon Debt Analysis

The Facility will result in a net improvement in carbon reduction compared to the loss of

approximately twenty-four (24) acres of the forest woodland portions of the Property. The Carbon Debt Analysis included in Attachment 5 accounts for the loss of trees on the Property and carbon associated with both the manufacturer of the solar panels and Facility construction activities. The results of this analysis demonstrate that the Facility would begin to have a measurable net improvement in carbon reduction in less than three (3) years.

J. Noise

The only equipment associated with the Facility that generates noise are the fans associated with the three (3) 500 kW inverters. According to a Noise Report prepared for the proposed installation, the Facility will comply with all State and local noise standards. (See Attachment 3, pp. 17 and 31).

K. Visibility

APT has completed a visual impact assessment for the proposed Facility. The Facility is setback sufficiently from all abutting properties and the nearest public roadways. Intervening vegetation between these adjacent points and the Facility provide adequate and complete visual screening. The Facility will, therefore, have minimal aesthetic impact on adjacent uses and/or properties. (See Attachment 3, p. 32).

L. Traffic

Traffic to the Facility, after the initial construction period, would be minimal. Unless there is a problem with a particular piece of equipment, SolarCity anticipates the need for annual maintenance visits by technicians. In addition, typical grounds maintenance involves mowing of the area between the solar panels approximately four (4) times during a typical calendar year.

M. Decommissioning Plan

SolarCity has developed a Decommissioning Plan to prepare for the eventual permanent closure of the Facility. The Decommissioning Plan describes the process for removal and

disposal or the recycling of all equipment and materials installed within the Project Area and the restoration of the land to its pre-development condition. A Decommissioning Plan is included in Attachment 6.

VII. Notice to the Government Officials and Abutting Landowners


Copies of this Petition have been sent by certificate of mailing to municipal, regional and State officials, pursuant to the requirements of C.G.S. Section 16-50j(b). A Certificate of Service, along with the lists of the officials who were sent a copy of the Petition, are included in Attachment 7. A Certificate of Service verifying that a copy of the Petition was also sent to all abutting landowners in accordance with R.C.S.A. Section 16-50j-40 along with a list of these abutters is included in Attachment 8.

VIII. Conclusion

For the reasons stated above, SolarCity respectfully requests that the Council approve the location and construction of the Facility by declaratory ruling.

Respectfully submitted,

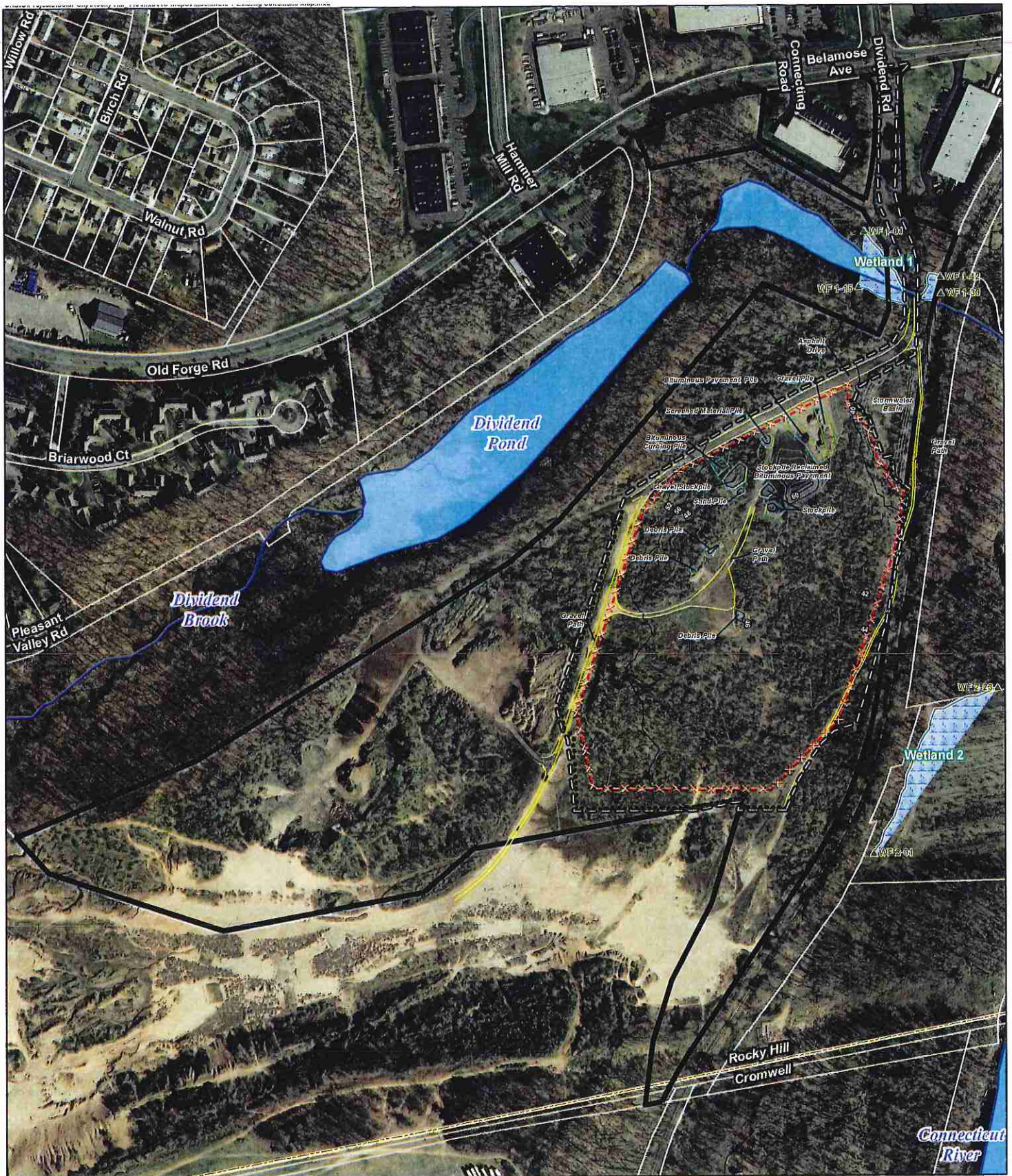
CELLCO PARTNERSHIP d/b/a VERIZON
WIRELESS

By 
Kenneth C. Baldwin, Esq.
Joey Lee Miranda, Esq.
Robinson & Cole LLP
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(860) 275-8200
Its Attorneys

List of Attachments

1. Existing Conditions Map
2. Project Plans
3. Environmental Assessment
4. Stormwater Management Report
5. Carbon Debt Analysis
6. Decommissioning Plan
7. Notice to the Government Officials
8. Notice to Abutting Landowners

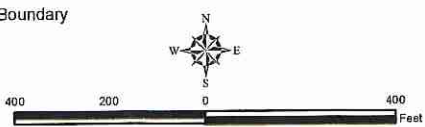
ATTACHMENT 1



Legend

- Town of Rocky Hill Property (+/-61.4 acres)
- Existing Access Drive
- Existing Materials Pile
- 10' Contour Line
- 2' Contour Line
- Proposed Fenced Facility (+/-19 acres)
- Existing Treeline/Clearing Limit
- Project Area - Limit of Proposed Work (+/-24 acres)
- ▲ Start/End Wetland Flag
- Delineated Wetland Boundary
- Wetland Area
- CTDEEP Watercourse
- CTDEEP Waterbody
- Approximate Assessor Parcel Boundary (CTDEEP)
- Municipal Boundary

Map Notes:
 Base Map Source: 2012 Aerial Photograph (CTECO)
 Map Scale: 1 Inch = 400 feet
 Map Date: March 2016



**Attachment 1
 Existing Conditions Map**

Proposed Solar PV Facility
 Town of Rocky Hill
 Old Forge Road
 Rocky Hill, Connecticut

