

Mathews, Lisa A

From: Bachman, Melanie
Sent: Friday, March 15, 2019 8:45 AM
To: Mathews, Lisa A
Cc: Fontaine, Lisa; Mercier, Robert; Walsh, Christina
Subject: FW: Speaker List & Question(s)

Melanie A. Bachman, Esq.
Executive Director/Staff Attorney
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From: Bachman, Melanie
Sent: Thursday, March 14, 2019 9:52 AM
To: Lorinne Sekban <killingworthforesponsiblesolar@gmail.com>
Subject: Re: Speaker List & Question(s)

Good morning, Lorinne.

Thanks for your email.

KARS will definitely cross examine the petitioner on 3/26. We expect the hearing to close that afternoon. There is no time limit. However, if the cross examination is repetitive or otherwise irrelevant, the Chairman may interrupt.

The deadline for responses to interrogatories, witness lists and pre-filed testimony is 3/19. The petitioner is aware of the additional questions attached to KARS request for party status. They will most likely answer all of the questions on 3/19.

When you have a chance, perhaps you could put your questions in a separate document rather than this email and submit them to our office and the petitioner? The document will be posted to the project website. That would be greatly appreciated.

Thanks. Have a nice day. Spring is in the air!

Melanie

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From: Lorinne Sekban <killingworthforesponsiblessolar@gmail.com>

Sent: Wednesday, March 13, 2019 3:55 PM

To: Bachman, Melanie

Subject: Re: Speaker List & Question(s)

Thanks for the update Melanie,

Do you think that KARS will be allowed any time for cross examination on 3/26? If so, do you know about how long we will be allowed this? Also, we did not receive answers to our first set of questions from February 14th, after the exclusions (not applicable) were submitted back to us. While there were quite a few questions that were not applicable, there were still some questions on our original list that were applicable. And my final question is - when is our list of Witnesses due by?

Thank you again. Here is our list of interrogatories below:

1. What is the name and address of your agent for service of process?
2. Describe the site selection process, including the criteria used.
3. How and why was the decision made to petition for a declaratory ruling, rather than an application?
4. Have you received any financial assistance from Connecticut's Green Bank or any of its subsidiaries and related entities? If so, what is the nature and amount of such assistance?
5. Have you received any direct or indirect funding or loans, subsidized in whole or part, by the U.S. Department of Energy? If so, what is the nature and amount of such assistance?
6. List all federal and state tax credits, tax exemptions, production credits, grants, loans, loan guarantees and other financial assistance you have received or will receive over the life of this project, and the dollar amounts and/or percentages and/or interest rates of these.
7. What will be the cost basis for local property tax calculations?
8. What procedures will the installation contractor be required to perform to prevent panel damage during installation and how will this be monitored?
9. What is the individual cost per panel for recycling?
10. Does the panel manufacturer offer to recycle its panels at decommissioning?
11. Please provide a copy of the manufacturer's warranty.

12. How will the decommissioning date be determined? List and explain the criteria used to make this decision.

On Wed, Mar 13, 2019 at 10:35 AM Bachman, Melanie <Melanie.Bachman@ct.gov> wrote:

Good morning, Lorinne.

The 3/26 evidentiary hearing will proceed as scheduled whether or not the petitioner responds to our extension request and whether or not they consent to our extension request. There is no deadline to respond in our request for extension letter, but the deadline for a final decision on the matter is 4/21.

IF the petitioner does not consent to the extension, we would hold the 3/26 public hearing and then place the matter on our 4/11 regular meeting agenda to render a decision within the deadline. A regular meeting is not a public hearing. It is a meeting of the Siting Council where many matters are taken up (based on a published agenda) for decision, schedule, etc. We would have to render a decision on Petition 1354 during the regular meeting on 4/11 in order to meet the 4/21 deadline.

See the updated schedule at this

link:https://www.ct.gov/csc/lib/csc/pending_petitions/3_petition_1301through1400/pe1354/pe1354_schedule_5.pdf

The deadline for filing interrogatories in the matter is close of business today.

Thanks.

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From: Lorinne Sekban [mailto:[killingworthforresponsiblesolar@gmail.com](mailto:killingworthforresponsiblesoolar@gmail.com)]

Sent: Wednesday, March 13, 2019 10:22 AM

To: Bachman, Melanie <Melanie.Bachman@ct.gov>

Subject: Re: Speaker List & Question(s)

Good Morning Melanie,

Thank you for this explanation. Since it appears as though the Petitioner will not agree to an extension, does that mean that the 3/26 is still scheduled? Also, if that is the case, was yesterday the deadline for KARS' interrogations to be submitted? I'm sorry, I'm a little confused now with the timeline of everything. I was waiting for the decision on the extension and it seems that KARS may have missed the deadline now for

submitting final interrogations for your review. Is the 2nd meeting date now 4/11 instead of 3/26? Thank you for the clarification.

Kind regards,

Lorinne

On Mon, Mar 11, 2019 at 8:29 AM Bachman, Melanie <Melanie.Bachman@ct.gov> wrote:

Good morning, Lorinne.

I hope you had a nice weekend.

If all of the parties to a matter, such as the Killingworth solar petition, do not agree to an extension, the Siting Council must render a decision by the current deadline date, which is April 21, 2019. The Petitioner could agree to less time than the Siting Council requested, such as granting 30 days extension rather than 90 days extension. Please be advised that if the petitioner does not agree to any extension, we would have to render a decision during our regular meeting scheduled for April 11, 2019 in order to meet the current deadline of April 21, 2019.

If you have any further questions, please feel free to contact me at your convenience.

Thanks. Have a great day.

Melanie

Melanie A. Bachman, Esq.

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From: Lorinne Sekban [mailto:killingworthforesponsiblesol@gmail.com]

Sent: Friday, March 08, 2019 4:32 PM

To: Bachman, Melanie <Melanie.Bachman@ct.gov>

Subject: Re: Speaker List & Question(s)

Melanie,

Thanks for your reply on this, and for the explanation...

I have one last question for you, what if the responses are split, ie, 50/50 one party saying "yes" to the extension request and the other (petitioner or party) say "no" or unapproving the extension request, what happens then? Also, when will the decision on this extension request be made and announced?

Thank you!

Lorinne

On Wed, Mar 6, 2019 at 12:05 PM Bachman, Melanie <Melanie.Bachman@ct.gov> wrote:

Good afternoon, Lorinne.

I hope all is well. Thanks for your message.

Your e-mail consenting to the extension is sufficient.

Thanks. Have a great day.

Melanie

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From: Lorinne Sekban [mailto:killingworthforesponsiblesolar@gmail.com]
Sent: Thursday, February 28, 2019 5:54 PM
To: Bachman, Melanie <Melanie.Bachman@ct.gov>
Subject: Re: Speaker List & Question(s)

Hello again Melanie, Thank you for your guidance during this process. Did you say the actual link was up on the CSC site now of the actual speaker list? The list you attached seems to have just one name on it. I apologize if you already sent me the link to the "actual list" but can you re-send?

In gratitude,

Lorinne

On Wed, Feb 27, 2019 at 1:01 PM Bachman, Melanie <Melanie.Bachman@ct.gov> wrote:

Good afternoon, Lorinne.

I'm well. Thanks for asking. I hope you are well, also.

In response to your questions:

- 1) Is it true that anyone who spoke at the Public portion of the meeting on 2/21 cannot speak at all on the 3/24 hearing? Can they attend and listen? The public comment session concluded last Thursday evening. There are no further opportunities to speak, but concerns may be submitted in writing and anyone may attend the 3/26 hearing for observation purposes.
- 2) Where can I get a copy of the SPEAKER LIST from the 2/21 meeting? Do you have a copy of that? Or should I reach out to Town Hall? The speaker list from the 2/21 public comment session is attached. However, please be advised that this list consists only of those interested persons that signed up to speak. The names of the

additional speakers that did not sign up will be captured in the hearing transcript. We anticipate receipt of the hearing transcript by the end of next week.

3) There are some people on the original Witness List on the KARS list that we can no longer call on. My question is - are we responsible for reaching out to the witnesses on our own or how does that process work? I'm not sure I understand this question. If you plan to have witnesses as part of your case (ex. In support of your position), those witnesses need to submit written pre-filed testimony and be available for cross examination during the 3/26 hearing. These are YOUR witnesses. Just as the petitioner has a panel of witnesses who submitted written pre-filed testimony and are available for cross examination on 2/21 and 3/26 by the Council and KARS, KARS would have its own panel of witnesses who submit written pre-filed testimony on behalf of KARS that are to be available for cross examination by the Council and the petitioner during the presentation of KARS' case during the 3/26 hearing. This is more fully explained in the Guide to Party and Intervenor Status and the Citizens Guide:https://www.ct.gov/csc/lib/csc/guides/guides2015/connecticut_siting_council_information_guide_to_party_and_intervenor_status-new.pdf

https://www.ct.gov/csc/lib/csc/guides/guides2015/citizens_guide_to_siting_council_procedures_petition_generating_facility.pdf

Parties and Intervenors: Parties and intervenors are participants in the proceeding who requested party or intervenor status from the Council before the hearing and were granted such status. Both parties and intervenors file evidence with the Council before the hearing and present witnesses at the hearing for questioning by the Council and other parties and intervenors in the proceeding. Parties and intervenors may ask questions of the petitioner and other parties and intervenors on evidence that was submitted by the petitioner and other parties and intervenors before the hearing. Parties and intervenors are not allowed to make their own case by giving oral testimony at the hearing. They must make their case in writing and, in exchange, they may cross-examine the

petitioner and other parties and intervenors and their witnesses.

E. Experts and/or Witnesses: Experts and/or witnesses are the authors of pre-filed testimony and attached exhibits. They are the sponsors of the information contained in pre-filed testimony and are sworn in during the hearing. After the experts and/or witnesses are sworn in, they are made available for questioning by the Council and other participants in the proceeding. Experts and/or witnesses may not present new evidence or provide direct

testimony. For example, if a party or intervenor presents a landsurvey in their pre-filed testimony, the author or engineer that prepared the landsurvey must be present at the hearing, sworn in and available to answer questions pertaining to the landsurvey that are asked by the Council and the other participants in the proceeding.

F. Cross examination at the hearing: The Council, applicant, parties and intervenors have an opportunity to cross-examine the witnesses appearing on behalf of the applicant or other parties and intervenors during the hearing. This means that the person conducting the cross-examination asks questions of the witnesses. The applicant and parties and intervenors submit to cross-examination from the Council, the applicant and other parties and intervenors. The order of appearances and cross-examination will be governed by a hearing program developed by the Council for the proceeding. Order of appearance is determined by the order in which parties and intervenors were named or admitted by the Council.

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From: Lorinne Sekban [mailto:killingworthforesponsiblessolar@gmail.com]

Sent: Wednesday, February 27, 2019 11:28 AM

To: Bachman, Melanie <Melanie.Bachman@ct.gov>

Subject: Speaker List & Question(s)

Hello Melanie,

I hope you're doing well!

I and my few other members of KARS are trying to get ready for the March hearing and I have a couple questions for you:

- 1) Is it true that anyone who spoke at the Public portion of the meeting on 2/21 cannot speak at all on the 3/24 hearing? Can they attend and listen?
- 2) Where can I get a copy of the SPEAKER LIST from the 2/21 meeting? Do you have a copy of that? Or should I reach out to Town Hall?

3) There are some people on the original Witness List on the KARS list that we can no longer call on. My question is - are we responsible for reaching out to the witnesses on our own or how does that process work?

Thank you very much for your continued help Melanie!

Lorinne