



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

January 30, 2019

TO: Parties and Intervenors

FROM: Melanie Bachman, Executive Director *MAB*

RE: **PETITION NO. 1354** – Chatfield Solar Fund, LLC, petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 1.98-megawatt AC solar photovoltaic electric generating facility on approximately 25 acres located generally south of Route 80 (North Branford Road) and east of Chestnut Hill Road in Killingworth, Connecticut, and associated electrical interconnection to Eversource Energy's Green Hill Substation located at 775 Green Hill Road, Madison, Connecticut.

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At a pre-hearing tele-conference held on January 30, 2019, and attended by Chatfield Solar Fund, LLC representative Bruce L. McDermott, Esq., of Murtha Cullina LLP, the Connecticut Siting Council (Council) requested that the following format be used for the public hearing scheduled on Thursday, February 21, 2019.

### Pre-hearing Procedure

1. On or before February 7, 2019 all parties and intervenors are requested to exchange pre-hearing interrogatories with all other parties and intervenors.
2. On or before February 14, 2019 all parties and intervenors are requested to file responses to pre-hearing interrogatories and exchange pre-filed testimony, exhibits, witness lists, and items to be noticed administratively with the Council and all other parties and intervenors. To save the time and expense of parties, intervenors, and the public, all parties and intervenors are encouraged to resolve discrepancies of these items before the hearing.
3. Any person seeking to be admitted as a party or intervenor to the proceeding is requested to file a written petition with the Council on or before February 14, 2019.
4. All filings are to be in accordance with the State Solid Waste Management Plan and in accordance with Section 16-50j-12 of the Regulations of Connecticut State Agencies the Council requires an original and 15 copies of all filings. The Council is requesting that all filings be submitted on recyclable paper, primarily regular weight white office paper. Please avoid using heavy stock paper, colored paper, and metal or plastic binders and separators.
5. Pursuant to Section 16-50j-21 of the Regulations of Connecticut State Agencies, at least ten business days prior to the public hearing, the petitioner shall erect and maintain, in a legible condition, a sign not less than six feet by four feet at the entrance to the property from a public road where the proposed facility is to be located. The sign shall set forth the name of the petitioner, the type of facility, the public hearing date, and contact information for the Council (Web site and phone number).



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6. Enclosed is a list of items the Council wishes to notice administratively. Objections to any item on the list should be sent to the Council before the hearing.

### **Hearing Procedure**

7. A public field review of the proposed site will be held on Thursday, February 21, 2019, beginning at 2:00 p.m.
8. The 3:00 p.m., February 21, 2019, hearing session will provide the petitioner, parties, and intervenors an opportunity to introduce exhibits and witnesses, and cross-examine positions. The petitioner will be allowed to present its exhibits and witness panel, and then be subject to cross-examination by the Council and all parties and intervenors. All parties and intervenors will then be allowed to introduce their exhibits and witness panels, and be subject to cross-examination by the Council, the petitioner and all other parties and intervenors.
9. All participants are requested to place nameplates on the table in front of each witness at the hearing.
10. The order of appearances and cross-examination will be governed by a hearing program developed by the Council for the proceeding. The Council may issue a draft version of the hearing program to parties and intervenors prior to the hearing.
11. The 6:30 p.m. hearing session on February 21, 2019, will be reserved for the public to make brief statements into the record. The Council requests that the petitioner conduct a brief presentation prior to public comment, using 24-inch by 36-inch diagrams depicting site features, including a map showing abutting properties. The diagrams must be from materials already submitted into the record.
12. If time remains, the 6:30 p.m. hearing session may provide the petitioner, parties, and intervenors an opportunity to continue their appearances and cross-examination that began during the 3:00 p.m. hearing session.
13. The Council will provide public officials who have not been granted party or intervenor status an opportunity to make a statement.
14. The Council may, at its discretion, group parties and intervenors with the same interest.
15. Individuals will be encouraged to participate through their elected officials and other party or intervenor groupings.
16. Any party or intervenor, including those that are members of non-profit corporations or citizens groups, that have attained party or intervenor status in the proceeding are deemed to be represented in the proceeding and may not submit oral or written statements into the record.
17. All participants will be encouraged to be brief, concise, non-repetitious, and courteous of all other participants.

**Post-hearing procedure**

18. A verbatim transcript of the hearing session will be made and deposited with the Killingworth and Madison Town Halls for the convenience of the public.
19. Parties and intervenors will be allowed to submit briefs and proposed findings of fact within 30 days after the close of the hearing.
20. Members of the public will be allowed to submit public statements into the record within 30 days after the close of the hearing.
21. Deadlines for briefs, proposed findings of fact, and public statements will be final and no extensions will be granted.

Thank you for your cooperation.

MB/RDM/lm

Enclosure: Administrative Notice List

Administrative Notice List  
Petition No. 1354

**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](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. UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION, *Obstruction Marking and Lighting, Advisory Circular AC 70/7460-1L*, December 4, 2015, as amended, available at [https://www.faa.gov/documentLibrary/media/Advisory\\_Circular/AC\\_70\\_7460-1L .pdf](https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_70_7460-1L.pdf)
4. 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>
5. 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>
6. UNITED STATES DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, *National Register of Historic Places*, available at <https://www.nps.gov/subjects/nationalregister/index.htm>
7. 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 <http://ferc.gov/legal/staff-reports/05-31-2012-ne-outage-report.pdf>
8. UNITED STATES QUADRENNIAL ENERGY REVIEW TASK FORCE, *Quadrennial Energy Review: Energy Transmission, Storage, and Distribution Infrastructure*, April 2015, available at <https://www.energy.gov/policy/downloads/quadrennial-energy-review-first-installment>
9. UNITED STATES QUADRENNIAL ENERGY REVIEW TASK FORCE, *Quadrennial Energy Review Second Installment: Transforming the Nation's Electricity System*, January 2017, available at <https://www.energy.gov/policy/downloads/quadrennial-energy-review-second-installment>
10. UNITED STATES ENERGY INFORMATION ADMINISTRATION, *Annual Energy Outlook 2018*, February 6, 2018, available at <https://www.eia.gov/outlooks/aeo/>
11. UNITED STATES ENERGY INFORMATION ADMINISTRATION, *Levelized Cost and Levelized Avoided Cost of New Generation Resources in Annual Energy Outlook 2018*, March 2018, available at [https://www.eia.gov/outlooks/aeo/pdf/electricity\\_generation.pdf](https://www.eia.gov/outlooks/aeo/pdf/electricity_generation.pdf)

12. UNITED STATES FISH AND WILDLIFE SERVICE, Final 4(d) Rule for the Northern Long-eared Bat, January 14, 2016, *available at* <https://www.fws.gov/Midwest/endangered/mammals/nleb/pdf/FRnlebFinal4dRule14Jan2016.pdf>
13. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, Office of Solid Waste and Emergency Response, *Handbook on Siting Renewable Energy Projects While Addressing Environmental Issues*, *available at* [https://www.epa.gov/sites/production/files/2015-04/documents/handbook\\_siting\\_repowering\\_projects.pdf](https://www.epa.gov/sites/production/files/2015-04/documents/handbook_siting_repowering_projects.pdf)
14. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND NATIONAL RENEWABLE ENERGY LABORATORY, *Best Practices for Siting Solar Photovoltaics on Municipal Solid Waste Landfills*, February 2013, *available at* [https://www.epa.gov/sites/production/files/2015-03/documents/best\\_practices\\_siting\\_solar\\_photovoltaic\\_final.pdf](https://www.epa.gov/sites/production/files/2015-03/documents/best_practices_siting_solar_photovoltaic_final.pdf)
15. UNITED STATES DEPARTMENT OF AGRICULTURE, *Solar Energy Use in U.S. Agriculture Overview and Policy Issues*, April 2011, *available at* [https://www.usda.gov/oce/reports/energy/Web\\_SolarEnergy\\_combined.pdf](https://www.usda.gov/oce/reports/energy/Web_SolarEnergy_combined.pdf)
16. UNITED STATES DEPARTMENT OF AGRICULTURE, Soil Survey Manual, Handbook No. 18, March 2017, *available at* [https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/soils/ref/?cid=nrcs142p2\\_054262](https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/soils/ref/?cid=nrcs142p2_054262)
17. UNITED STATES FEDERAL AVIATION ADMINISTRATION, *Evaluation of Glare as a Hazard for General Aviation Pilots on Final Approach*, July 2015 *available at* [https://www.faa.gov/data\\_research/research/med\\_humanfacs/oamtechreports/2010s/media/201512.pdf](https://www.faa.gov/data_research/research/med_humanfacs/oamtechreports/2010s/media/201512.pdf)
18. UNITED STATES FEDERAL AVIATION ADMINISTRATION, *Technical Guidance for Evaluating Selected Solar Technologies on Airports*, November 2010, *available at* [https://www.faa.gov/airports/environmental/policy\\_guidance/media/airport-solar-guide-print.pdf](https://www.faa.gov/airports/environmental/policy_guidance/media/airport-solar-guide-print.pdf)
19. UNITED STATES FEDERAL AVIATION ADMINISTRATION, Interim Policy, *FAA Review of Solar Energy System Projects on Federally Obligated Airports (inclusive of Solar Glare Hazard Analysis Tool)*, October 23, 2013, *available at* <https://www.federalregister.gov/documents/2013/10/23/2013-24729/interim-policy-faa-review-of-solar-energy-system-projects-on-federally-obligated-airports>
20. NATIONAL RENEWABLE ENERGY LABORATORY, NREL CONDUIT BLOG, *Research and Analysis Demonstrate the Lack of Impacts of Glare from Photovoltaic Modules*, July 31, 2018, *available at* <https://www.nrel.gov/state-local-tribal/blog/posts/research-and-analysis-demonstrate-the-lack-of-impacts-of-glare-from-photovoltaic-modules.html>
21. UNITED STATES DEPARTMENT OF ENERGY, *Solar PV and Glare Factsheet*, June 2014, *available at* <https://www.energy.gov/eere/solar/downloads/solar-pv-and-glare-factsheet>
22. *Alco Fin. Ltd. v. Klee*, 2014 U.S. Dist. LEXIS 170674 (D. Conn. 2014), affirmed by *Alco Fin. Ltd. v. Klee*, 805 F.3d 89 (2<sup>nd</sup> Cir. 2015)

## **REGIONAL**

23. 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](https://www.iso-ne.com/static-assets/documents/2018/01/20180117_operational_fuel-security_analysis.pdf)
24. ISO-NEW ENGLAND, INC., *New England's Wholesale Electricity Prices in 2017 Were the Second-Lowest Since 2003*, March 6, 2018, *available at* [https://www.iso-ne.com/static-assets/documents/2018/03/20180306\\_pr\\_2017prices.pdf](https://www.iso-ne.com/static-assets/documents/2018/03/20180306_pr_2017prices.pdf)

25. ISO-NEW ENGLAND, INC., *Finalized Results Confirm 12<sup>th</sup> Capacity Auction Procured Sufficient Resources for 2021-2022*, February 28, 2018, available at [https://www.iso-ne.com/static-assets/documents/2018/02/20180228\\_pr\\_fca12\\_final\\_results.pdf](https://www.iso-ne.com/static-assets/documents/2018/02/20180228_pr_fca12_final_results.pdf)
26. ISO-NEW ENGLAND, INC., *2015 Regional System Plan*, November 5, 2015, <http://www.iso-ne.com/system-planning/system-plans-studies/rsp>
27. ISO-NEW ENGLAND, INC., *2017 Regional System Plan*, November 2, 2017, <http://www.iso-ne.com/system-planning/system-plans-studies/rsp>
28. ISO-NEW ENGLAND, INC., *2018 Regional System Plan Project List*, October 2018, available at <http://www.iso-ne.com/system-planning/system-plans-studies/rsp>
29. ISO-NEW ENGLAND, INC., *2017-2026 Forecast Report of Capacity, Energy, Loads & Transmission (CELT)*, May 1, 2017, available at <https://www.iso-ne.com/system-planning/system-plans-studies/celt>
30. ISO-NEW ENGLAND, INC., *2018-2027 Forecast Report of Capacity, Energy, Loads & Transmission (CELT)*, May 1, 2018 (revised May 9, 2018), available at <https://www.iso-ne.com/system-planning/system-plans-studies/celt>
31. ISO-NEW ENGLAND, INC., *2017 Regional Electricity Outlook*, January 2017, available at <https://www.iso-ne.com/about/regional-electricity-outlook/>
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33. ISO-NEW ENGLAND, INC., *ISO New England Installed Capacity Requirement, Local Sourcing Requirements and Capacity Requirement Values for the System-Wide Capacity Demand Curve for the 2019/20 Capacity Commitment Period*, January 2016, available at [https://www.iso-ne.com/static-assets/documents/2016/01/icr\\_values\\_2019\\_2020\\_report\\_final.pdf](https://www.iso-ne.com/static-assets/documents/2016/01/icr_values_2019_2020_report_final.pdf)
34. ISO-NEW ENGLAND, INC., *The Challenge of Ensuring System Reliability Through Wholesale Markets as the Resource Mix Evolves*, November 17, 2016, available at [http://www.necbc.org/content/pages/Gordon-van-Welie\\_ISO-NE\\_NECBC\\_11\\_17\\_2016\\_final.pptx.pdf](http://www.necbc.org/content/pages/Gordon-van-Welie_ISO-NE_NECBC_11_17_2016_final.pptx.pdf)
35. ISO-NEW ENGLAND, INC., *ISO New England's Internal Market Monitor 2015 Annual Markets Report*, May 25, 2016, available at [https://www.iso-ne.com/static-assets/documents/2016/05/2015\\_imm\\_amr\\_final\\_5\\_25\\_2016.pdf](https://www.iso-ne.com/static-assets/documents/2016/05/2015_imm_amr_final_5_25_2016.pdf)
36. ISO-NEW ENGLAND, INC., *ISO New England's Internal Market Monitor 2017 Annual Markets Report*, May 17, 2018, available at <https://www.iso-ne.com/static-assets/documents/2018/05/2017-annual-markets-report.pdf>
37. ISO-NEW ENGLAND, INC., *State of the Grid: 2017, Presentation by Gordon van Welie*, January 30, 2017, available at [https://www.iso-ne.com/static-assets/documents/2017/01/20170130\\_stateofgrid2017\\_presentation\\_pr.pdf](https://www.iso-ne.com/static-assets/documents/2017/01/20170130_stateofgrid2017_presentation_pr.pdf)
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41. ISO-NEW ENGLAND, INC., *Interconnection Request Queue*, available at <https://www.iso-ne.com/system-planning/transmission-planning/interconnection-request-queue>
42. ISO-NEW ENGLAND, INC., *Press Release Auction Acquires Power System Resources Needed for 2020-2021 at a Lower Price*, February 9, 2017, available at [https://www.iso-ne.com/static-assets/documents/2017/02/20170209\\_FCA11\\_initial\\_pr.pdf](https://www.iso-ne.com/static-assets/documents/2017/02/20170209_FCA11_initial_pr.pdf)
43. ISO-NEW ENGLAND, INC., *FCA Results Filing in FERC Docket No. ER17-1073-000*, February 28, 2017, available at [https://www.iso-ne.com/static-assets/documents/2017/02/fca\\_11\\_results.pdf](https://www.iso-ne.com/static-assets/documents/2017/02/fca_11_results.pdf)
44. ISO-NEW ENGLAND, INC., *Finalized Results Confirm 12<sup>th</sup> Capacity Auction Procured Sufficient Resources for 2021-2022*, February 28, 2018, available at [https://www.iso-ne.com/static-assets/documents/2018/02/20180228\\_pr\\_fca12\\_final\\_results.pdf](https://www.iso-ne.com/static-assets/documents/2018/02/20180228_pr_fca12_final_results.pdf)
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## **STATE**

### **Connecticut Siting Council**

46. CONNECTICUT SITING COUNCIL, *Electric and Magnetic Field Best Management Practices for the Construction of Electric Transmission Lines in Connecticut*, December 14, 2007, revised February 20, 2014, available at [https://www.ct.gov/csc/lib/csc/emf\\_bmp/revisions\\_updates/754bmpfinal.pdf](https://www.ct.gov/csc/lib/csc/emf_bmp/revisions_updates/754bmpfinal.pdf)
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48. CONNECTICUT SITING COUNCIL, *2017/2018 Forecast of Electric Loads and Resources*, November 8, 2018, available at [https://www.ct.gov/csc/lib/csc/pendingproceeds/forecast\\_2018\\_2019/f2018/finalreport/f2017-18-cscfinalreport.pdf](https://www.ct.gov/csc/lib/csc/pendingproceeds/forecast_2018_2019/f2018/finalreport/f2017-18-cscfinalreport.pdf)
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52. CONNECTICUT SITING COUNCIL, *Written Testimony in Reference to Raised Bill No. 943, An Act Concerning the Installation of Certain Solar Facilities on Productive Farmlands*, March 6, 2017, available at <https://www.cga.ct.gov/2017/ENVdata/Tmy/2017SB-00943-R000306-Stein,%20Robin%20,%20Chairman-Connecticut%20Siting%20Council-TMY.PDF>
53. CONNECTICUT SITING COUNCIL, *Written Testimony in Reference to Raised Bill No. 412, An Act Restricting the Use of Incentives for the Development of Solar Arrays on Agricultural Land*, February 7, 2017, available at <https://www.cga.ct.gov/2017/ETdata/Tmy/2017SB-00412-R000207-Stein,%20Robin,%20Chairman-Connecticut%20Sitting%20Council-TMY.PDF>

54. **PETITION NO. 1312** - Candlewood Solar LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance and operation of a 20 megawatt AC (26.5 megawatt DC) solar photovoltaic electric generating facility located on a 163 acre parcel at 197 Candlewood Mountain Road and associated electrical interconnection to Eversource Energy's Rocky River Substation on Kent Road in New Milford, Connecticut. Record and Final Decision, *available at* <https://www.ct.gov/csc/cwp/view.asp?a=2397&Q=594294&PM=1>
55. **PETITION NO. 1313** - DWW Solar II, LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance and operation of a 26.4 megawatt AC solar photovoltaic electric generating facility on approximately 289 acres comprised of 5 separate and abutting privately-owned parcels located generally west of Hopmeadow Street (US 202/CT 10), north and south of Hoskins Road, and north and east of County Road and associated electrical interconnection to Eversource Energy's North Simsbury Substation west of Hopmeadow Street in Simsbury, Connecticut. Record and Final Decision, *available at* <https://www.ct.gov/csc/cwp/view.asp?a=2397&Q=594352&PM=1>

**Department of Energy and Environmental Protection**

56. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, CONNECTICUT COUNCIL ON SOIL AND WATER CONSERVATION, *Connecticut Guidelines for Soil Erosion and Sediment Control, DEP Bulletin 34*, May 2002, last revised November 2007, *available at* [http://www.ct.gov/dep/cwp/view.asp?a=2720&q=325660&depNav\\_GID=1654](http://www.ct.gov/dep/cwp/view.asp?a=2720&q=325660&depNav_GID=1654)
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60. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Connecticut Noise Control Regulations*, Effective June 15, 1978, Regulations of Connecticut State Agencies §§22a-69-1, et seq., *available at* <https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/%7BAC772FCD-E1D5-4E99-A871-13C581E951F8%7D>
61. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, BUREAU OF ENERGY AND TECHNOLOGY POLICY, *2013 Comprehensive Energy Strategy for Connecticut*, February 19, 2013, *available at* [http://www.ct.gov/deep/lib/deep/energy/cep/2013\\_ces\\_final.pdf](http://www.ct.gov/deep/lib/deep/energy/cep/2013_ces_final.pdf)
62. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, BUREAU OF ENERGY AND TECHNOLOGY POLICY, *2018 Comprehensive Energy Strategy for Connecticut*, February 8, 2018, *available at* [https://www.ct.gov/deep/lib/deep/energy/ces/2018\\_comprehensive\\_energy\\_strategy.pdf](https://www.ct.gov/deep/lib/deep/energy/ces/2018_comprehensive_energy_strategy.pdf)



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