

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

www.ct.gov/csc

February 8, 2017

Scott Williams
D.E. Shaw Renewable Investments, LLC
1166 Avenue of the Americas, Floor 9
New York, NY 10036

RE: **PETITION NO. 1178** – DESRI CT Fusion Acquisition, LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, operation and maintenance of a ground-mounted 20 megawatt solar photovoltaic electric generating facility located on Potash Hill Road, Sprague, Connecticut.

Dear Mr. Williams:

The Connecticut Siting Council (Council) is in receipt of your unsigned, e-mail correspondence dated February 2, 2017 indicating further revisions to the approved Development and Management Plan (D&M Plan) for the above-referenced site are “in review by the Authorities Having Jurisdiction.” Please be advised that pursuant to Connecticut General Statutes §16-50x, the Council has exclusive jurisdiction over this solar project. Therefore, it is unclear to the Council as to who you are referring to as the “Authorities Having Jurisdiction.”

Additionally, with regard to the concerns expressed by abutting property owner, Mr. Timothy Bates, further conversations with Mr. Bates subsequent to the submission of your e-mail correspondence indicate that he has not been contacted or had any further conversations with the contractor relative to the tree clearing, stump removal, stormwater control and the apparent addition of one row of silt fence that was installed four days after work in this area was completed.

Unfortunately, it appears to be necessary for our assigned staff analyst to conduct a construction inspection of this site. When this inspection is completed, further correspondence will be submitted to you regarding the observed conditions on the site and any measures that would be necessary to bring this site into compliance with the Council’s declaratory ruling and the approved D&M Plan.

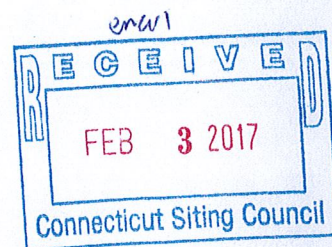
Sincerely,

Melanie A. Bachman
Executive Director

Cc: Kenneth C. Baldwin, Esq., Robinson + Cole, LLP
Timothy Bates



Fusion Solar Center, LLC
c/o D.E. Shaw Renewable Investments, L.L.C.
1166 Avenue of the Americas, 9th FL
New York, NY 10036



February 2, 2017

Melanie Bachman
Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

RE: **PETITION NO. 1178** – DESRI CT Fusion Acquisition, LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, operation and maintenance of a ground-mounted 20 megawatt solar photovoltaic electric generating facility located on Potash Hill Road, Sprague, Connecticut.

Dear Ms. Bachman: We appreciate your letter dated January 25, 2017, and are providing this letter in response to the concerns brought up by Mr. Timothy Bates.

In response to Mr. Bates' claim that the site manager has been cutting trees on Mr. Bates' property, changes to existing property boundaries have been made since the original D&M plan, approved on July 1, 2016. These changes were sent in a letter to the siting council on December 6, 2016, and were acknowledged by the Siting Council on December 9, 2016. We have confirmed with our contractor that tree clearing has been performed up to this new boundary limit, but not past it (see attached photo). Furthermore, all clearing and construction performed to date has been within the limits of disturbance ("LODs") shown in the D&M plan approved by the siting council on July 1, 2016.

As to Mr. Bates concern about the potential for flooding, the Storm Water Pollution Control Plan has been revised to remove the dry swale outlets that were north of Mr. Bates' property. The new outlet is shown below, well east of his property, ensuring that storm water will not be released onto his land.

Additionally, Fusion notes that all construction documents (electrical, structural, and civil) that make up the D&M plan have been revised accordingly and are in review by the applicable Authorities Having Jurisdiction ("AHJ"). A revised D&M plan will be submitted upon AHJ approvals. Fusion can submit the updated plan prior to AHJ approval if required by the siting council.

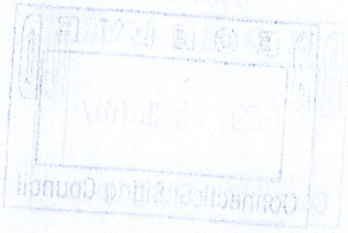
Finally, Fusion acknowledges the change in control and its continued obligation to comply with terms, limitations and conditions contained in the declaratory ruling issued by the Council on September 22, 2015 and the D&M plan approval issued by the Council on September 1, 2016.

Should the Council have any further questions or concerns, please do not hesitate to contact us.

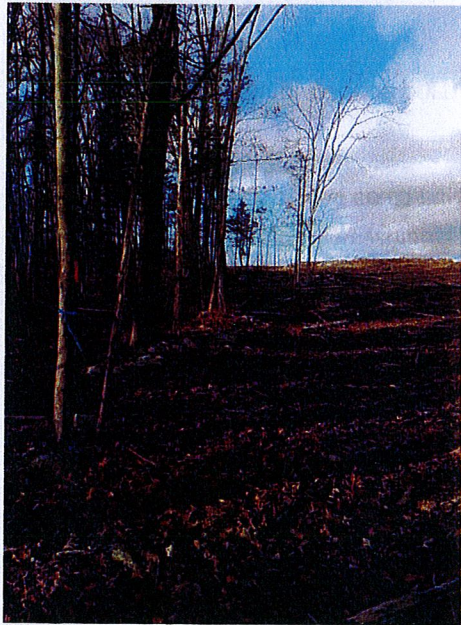
Sincerely,

Fusion Solar Center, LLC

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c/o D.E. Shaw Renewable Investments, L.L.C.
1166 Avenue of the Americas, 9th FL
New York, NY 10036



Tree Clearing Up to Property Boundary marker:



Outlet from Revised Storm Water Pollution Control Plan:

