

PHILIP M. SMALL
ATTORNEY-AT-LAW

Direct: 860-509-6575
Fax: 860-509-6675
psmall@brownrudnick.com

185 Asylum
Street
Hartford
Connecticut
06103
tel 860.509.6500
fax 860.509.6501

November 12, 2015

VIA ELECTRONIC MAIL AND HAND-DELIVERY

Mr. Robert Stein, Chairman
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

Re: Petition No. 1195 – SolarCity Corporation petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction and operation of a 4.05 Megawatt Community Shared Solar Photovoltaic Electric Generating facility located on municipally-owned property at 1240 Poquonnock Road, Groton, Connecticut -- Response to November 5, 2015 Department of Public Health Letter

Dear Chairman Stein:

SolarCity Corporation (“SolarCity”) has reviewed the November 5, 2015 Department of Public Health (“DPH”) letter to the Connecticut Siting Council (“Council”). The DPH letter pointed out that SolarCity’s proposed solar electric generating facility is located within public water supply watershed and therefore a DPH permit.

SolarCity agrees that a DPH permit is necessary. In fact, SolarCity’s Petition expressly acknowledged that a DPH permit is required and that Groton Utilities would file an application with DPH. Specifically, on page 8, SolarCity’s Petition stated “As the Site is adjacent to the Groton Reservoir, portions of the Project Area lie within Class I/II Watershed land. As a result Groton Utilities will be submitting an application to DPH for the approvals necessary to allow the Facility to be constructed.” SolarCity has been working with Groton Utilities to prepare the DPH application, and expects that Groton Utilities will file it within the next week. The application will address the comments in the DPH letter. SolarCity will provide a copy of that application to the Council.

DPH’s letter requests that the Council not act on the Petition until DPH has ruled on Groton Utilities’ use permit application. DPH’s request is not practical because the Council is required by statute to rule on the Petition within 180 days after its filing. Conn. Gen. Stat. §4-176(i). As an alternative, SolarCity has no objection to the Council conditioning its approval upon submission by SolarCity of a DPH change in use permit obtained by Groton Utilities and a revised site plan showing any changes required as a result of the DPH permit. The Council has

b
r
o
w
n
r
u
d
n
i
c
k
.
c
o
m




the statutory authority to condition approvals (which has been upheld by the courts), and has issued similar conditional approvals many times.

Please contact me at 860-509-6575 with any questions or if you need additional information.

Very truly yours,

BROWN RUDNICK LLP

By: _____


Philip M. Small
Counsel for SolarCity Corporation

PMS/jmb
Enclosures