



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

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November 25, 2015

Mr. Antonio J. Matta  
City Architect  
City of Hartford  
Department of Public Works  
50 Jennings Road  
Hartford, CT 06120

**RE: PETITION NO. 1200** – 2015 ESA Project Company, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the construction, operation and maintenance of an 800 Kilowatt Fuel Cell Facility to be located at Parkville Community Elementary School, 1755 Park Street, Hartford, Connecticut.

Dear Mr. Matta:

The Connecticut Siting Council (Council) is in receipt of your correspondence dated November 25, 2015 requesting the Council to review the above-referenced petition at the Council's regular meeting scheduled for December 10, 2015.

Please be advised that the Council cannot legally review this petition at its December 10, 2015 meeting as this would constitute a violation of due process and of the provisions of the state of Connecticut Uniform Administrative Procedure Act (UAPA). Under Council regulations, the petitioner is required to provide notice to each owner of property that abuts the proposed site and to municipal and government agencies listed under Connecticut General Statute §16-50j. Municipal and government agencies include, but are not limited to, the Attorney General, each member of the legislature in whose assembly or district the facility is to be located, and state departments, agencies and commissions listed under Connecticut General Statute §16-50j(g).<sup>1</sup> 2015 ESA Project Company, LLC provided this required notice on November 12, 2015.

Pursuant to the UAPA, an agency is required to give notice of the petition to all persons to whom notice is required by any provision of law and to all persons who have requested notice of declaratory rulings on the subject matter of the petition within 30 days after receipt of a petition for a declaratory ruling. The Council received this petition on November 13, 2015. The Council provided notice of the petition on November 19, 2015. Generally, courts have determined that a 30-day notice period prior to making a decision on a matter is reasonable. Unfortunately, 30 days from November 19, 2015 is December 19, 2015, which is the earliest date

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<sup>1</sup> (g) Prior to commencing any hearing pursuant to section 16-50m, the council shall consult with and solicit written comments from (1) the Department of Energy and Environmental Protection, the Department of Public Health, the Council on Environmental Quality, the Department of Agriculture, the Public Utilities Regulatory Authority, the Office of Policy and Management, the Department of Economic and Community Development and the Department of Transportation, and (2) in a hearing pursuant to section 16-50m, for a facility described in subdivision (3) of subsection (a) of section 16-50i, the Department of Emergency Services and Public Protection, the Department of Consumer Protection, the Department of Administrative Services and the Labor Department.

upon which the Council could review this petition. Furthermore, under the UAPA, state agencies have 180 days from the date a petition is received to render a decision. Had the petition been submitted earlier than November 13, 2015, this petition could have been reviewed at the Council's December 10, 2015 meeting.

Although the Council appreciates the City of Hartford's willingness to waive the remainder of its 30-day comment period, there are other individuals and entities who were required to be notified that are entitled to the full 30-day comment period under the UAPA and their due process rights would be violated if the Council renders a decision on the petition prior to the conclusion of the 30-day comment period. Our next regular meeting is scheduled for January 7, 2016. This petition may be taken up at that time.

Our assigned staff analyst will be coordinating a public field review of the proposed site for which additional notice is required as soon as possible. A copy of the field review notice will be provided to you. We sincerely apologize for any inconvenience this may cause the City and hope that the project, if approved, can be completed prior to the Virtual Net Metering deadline of May 22, 2016.

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

Thank you.

Sincerely,



Melanie A. Bachman  
Acting Executive Director/Staff Attorney

cc: Philip M. Small, Esq., Brown Rudnick, Counsel for 2015 ESA Project Company, LLC  
Amy Shanahan, Bloom Energy Corporation  
The Honorable Pedro E. Segarra, Mayor, City of Hartford  
The Honorable Scott Slifka, Mayor, Town of West Hartford  
Khara Dodds, Planning Division Director, City of Hartford  
Todd Dumais, Town Planner, Town of West Hartford



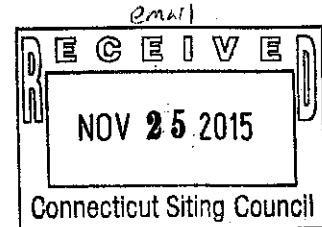
# CITY OF HARTFORD

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Hon. Pedro E. Segarra, Mayor  
Keith Chapman, Interim Director of Public Works

Ms. Melanie Bachman, Acting Executive Director  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051



Re: Petition for fuel cell at 1755 Park Street, Hartford CT

Dear Ms. Bachman:

The purpose of this letter is to request that the CT Siting Council review the petition for the 2015 ESA Project Company, LLC to construct a fuel cell system at 1755 Park Street, Hartford, Connecticut at the **December 10, 2015** meeting. The City has been working closely with the Bloom Energy team to develop this facility as part of DEEP's Microgrid Program. The project has already received approval by the City of Hartford Planning and Zoning Department. It is critical that this project be reviewed at the December 10<sup>th</sup> meeting to avoid financial damages to the City.

The City of Hartford will be harmed by any delay to this project due to a Virtual Net Metering deadline of May 22, 2015. If the project is not commissioned by that date the City will be responsible for an additional cost of nearly \$300,000 as a penalty to extend the deadline. Based on the current timelines required to complete this project, any delay in construction threatens that timeline.

To help facilitate this request, the City will have no further comments on the petition and waives the remainder of its 30 day comment period. As we have previously communicated, the 800 kilowatt Bloom Energy Server facility is a critical piece of our microgrid strategy. This facility was specifically selected by the City, in coordination with Eversource as part of DEEP's Microgrid Program. It was also a winning bidder in Eversource's "Low and Zero Emissions Renewable Energy Credit Program."

I am available to answer any questions you may have on this project, but I would like to respectfully request timely approval by the Connecticut Siting Council at your December 10<sup>th</sup> meeting to ensure we can meet necessary deadlines.

Sincerely,

Antonio J. Matta  
City Architect