



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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www.ct.gov/csc

VIA ELECTRONIC MAIL

April 15, 2019

TO: Parties and Intervenors

FROM: Melanie Bachman, Executive Director *MAB*

RE: **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. **Court-ordered remand regarding visibility.**

The Connecticut Siting Council (Council) requests that the following format be used for the court-ordered remand evidentiary hearing regarding visibility scheduled on Tuesday, May 14, 2019, in Hearing Room Two, 10 Franklin Square, New Britain, Connecticut, beginning at 1:00 p.m. This format will expedite the hearing procedure without sacrificing an informative record for the Council to obtain the necessary information to clarify whether the Findings of Fact and Opinion of the Council on visibility agree with the evidentiary record.

To save the time and expense of the public, **the Council does not allow direct testimony at the public hearing.** Each party and intervenor is requested to provide all other parties and intervenors a list of witnesses, a list of documents to be administratively noticed, and copies of any available exhibits, including, but not limited to, witness pre-filed testimony, to be offered at the hearing.

Pre-hearing Procedure

1. On or before April 23, 2019, all parties and intervenors are requested to exchange pre-hearing interrogatories with all other parties and intervenors **limited specifically to the court-ordered remand regarding visibility. Pre-hearing interrogatories on topics unrelated to the limited scope of the proceeding will be stricken by the Council.**
2. On or before May 7, 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 **limited specifically to the court-ordered remand regarding visibility. Pre-filed testimony and exhibits on topics unrelated to the limited scope of the proceeding will be stricken by the Council.** 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. 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 original and 15 copies of all filings must be submitted to the Council's office on or before the deadline.** All filings are to 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.



4. Enclosed is a list of the Council's additional administrative notice items for the court-ordered remand regarding visibility. **For the court-ordered remand proceeding, the Council will build upon the existing hearing program for this matter, dated November 14, 2017.**

Hearing Procedure

5. The 1:00 p.m., May 14, 2019, evidentiary hearing session will provide the petitioner, parties, and intervenors with an opportunity to introduce exhibits and witnesses, and cross-examine positions **limited specifically to the court-ordered remand regarding visibility**. 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.
6. All participants are requested to place nameplates on the table in front of each witness at the hearing.
7. The order of appearances and cross-examination will be governed by a hearing program developed by the Council for the proceeding. **For the court-ordered remand proceeding, the Council will build upon the existing hearing program for this matter, dated November 14, 2017.** The Council may issue a draft version of the hearing program to parties and intervenors prior to the hearing.
8. All participants will be encouraged to be brief, concise, non-repetitious, and courteous of all other participants.

Post-hearing procedure

9. A verbatim transcript of the hearing session will be made and deposited with the New Milford, Brookfield, and New Fairfield Town Halls in Connecticut for the convenience of the public.
10. Parties and intervenors will be allowed to submit briefs and proposed findings of fact **limited specifically to the court-ordered remand regarding visibility** within 30 days after the close of the hearing.
11. Deadlines for briefs and proposed findings of fact will be final and no extensions will be granted.

Thank you for your cooperation.

MAB/MP/laf

Enclosure: Additional Administrative Notice List Items



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Additional Administrative Notice List Items
Petition No. 1312 – Court-ordered remand regarding visibility

Connecticut Judicial Branch

CONNECTICUT JUDICIAL BRANCH, Consolidated Cases – Docket No. CV-18-502164-S, *Carl M. Dunham, Jr. v. Connecticut Siting Council* and Docket No. CV-18-6042335-S, *Rescue Candlewood Mountain v. Connecticut Siting Council*, Administrative Appeal Record, List of Exhibits, available at <http://civilinquiry.jud.ct.gov/CaseDetail/PublicCaseDetail.aspx?DocketNo=HHBCV186042335S>

CONNECTICUT JUDICIAL BRANCH, Consolidated Cases – Docket No. CV-18-502164-S, *Carl M. Dunham, Jr. v. Connecticut Siting Council* and Docket No. CV-18-6042335-S, *Rescue Candlewood Mountain v. Connecticut Siting Council*, Administrative Appeal Record, Hearing Transcripts dated December 4, 2018; January 8, 2019; January 9, 2019; and March 5, 2019, available at <http://civilinquiry.jud.ct.gov/CaseDetail/PublicCaseDetail.aspx?DocketNo=HHBCV186042335S>

CONNECTICUT JUDICIAL BRANCH, Consolidated Cases – Docket No. CV-18-502164-S, *Carl M. Dunham, Jr. v. Connecticut Siting Council* and Docket No. CV-18-6042335-S, *Rescue Candlewood Mountain v. Connecticut Siting Council*, Administrative Appeal Record, Remand Order, dated March 5, 2019, available at <http://civilinquiry.jud.ct.gov/DocumentInquiry/DocumentInquiry.aspx?DocumentNo=16468318>

CONNECTICUT JUDICIAL BRANCH, Consolidated Cases – Docket No. CV-18-502164-S, *Carl M. Dunham, Jr. v. Connecticut Siting Council* and Docket No. CV-18-6042335-S, *Rescue Candlewood Mountain v. Connecticut Siting Council*, Administrative Appeal Record, Plaintiff's Supplemental Brief on Remand Issue, dated February 20, 2019, available at <http://civilinquiry.jud.ct.gov/CaseDetail/PublicCaseDetail.aspx?DocketNo=HHBCV186042335S>

CONNECTICUT JUDICIAL BRANCH, Consolidated Cases – Docket No. CV-18-502164-S, *Carl M. Dunham, Jr. v. Connecticut Siting Council* and Docket No. CV-18-6042335-S, *Rescue Candlewood Mountain v. Connecticut Siting Council*, Administrative Appeal Record, Defendant Connecticut Siting Council's Post-Hearing Brief Regarding Aggrievement, dated March 1, 2019, available at <http://civilinquiry.jud.ct.gov/CaseDetail/PublicCaseDetail.aspx?DocketNo=HHBCV186042335S>

CONNECTICUT JUDICIAL BRANCH, Consolidated Cases – Docket No. CV-18-502164-S, *Carl M. Dunham, Jr. v. Connecticut Siting Council* and Docket No. CV-18-6042335-S, *Rescue Candlewood Mountain v. Connecticut Siting Council*, Administrative Appeal Record, Defendant Candlewood Solar, LLC's Memorandum in Opposition to Plaintiff's Brief on Aggrievement, dated March 1, 2019, available at <http://civilinquiry.jud.ct.gov/CaseDetail/PublicCaseDetail.aspx?DocketNo=HHBCV186042335S>