



# 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](mailto:siting.council@ct.gov)

[www.ct.gov/csc](http://www.ct.gov/csc)

### VIA ELECTRONIC MAIL

August 4, 2017

TO: Parties and Intervenors

FROM: Melanie Bachman, Executive Director *MAB*

RE: **PETITION NO. 1313** – DWW Solar II, LLC petition for a 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.

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At a pre-hearing conference held on August 3, 2017 at the Connecticut Siting Council's (Council) office, the Council requested that the following format be used for the public hearing scheduled on September 12, 2017.

The pre-hearing conference was attended by Lee D. Hoffman, Esq., of Pullman & Comley, LLC, Jesse A. Langer, Esq., of Updike, Kelly & Spellacy, P.C., Lisa Heavner, First Selectwoman of the Town of Simsbury, Paul Michaud of Murtha Cullina, Susan Moberg of VHB, Stephen Anderson of the Department of Agriculture, Jason Bowsza of the Department of Agriculture, Kirsten Rigney, Esq., of the Department of Energy and Environmental Protection, Dylan Levings of DSW Solar II, David Bogan of Locke Lord, and Krista Trousdale, Esq. of the Attorney General's Office.

#### Pre-hearing Procedure

1. On or before August 29, 2017 all parties and intervenors are requested to exchange pre-hearing interrogatories with all other parties and intervenors.
2. On or before September 5, 2017 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 September 5, 2017.
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.



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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, three signs not less than six feet by four feet at conspicuous locations where the Project parcel(s) directly fronts a public road. Tentative locations, subject to property owner approval, include the entrance to the north solar field at County Road adjacent to Munnisunk Brook, Hoskins Road adjacent to the middle and south solar field, and in the area of the Eversource right-of-way along Hopmeadow Street, north of Dorset Crossing. Each 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). Information pertaining to the location of the signs shall be submitted to the Council prior to sign installation.
6. Enclosed is a preliminary 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 project will be held on September 12, 2017 beginning at 1:30 p.m. The field review will commence at the open fields located at the intersection of Hoskins Road and County Road. At the field review, the petitioner will provide an overview of the project and hand out recommended driving directions to areas along the perimeter of the project site so that field review attendees can visit points of interest. The petitioner will consult with the Town of Simsbury regarding recommended points of interest along the driving route. Drone technology may be used to supplement the field review. The petitioner shall submit the selected driving route, and any drone recordings to the Council at least 10-days prior to the field review.
8. The 3:00 p.m., September 12, 2017 evidentiary 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. A continued evidentiary hearing session is scheduled for October 10, 2017, beginning at 11:00 a.m. at the Council's office building in Hearing Room 3. The Council will revise the proceeding schedule, including dates for the submission of additional interrogatories and pre-filed testimony, prior to any evidentiary hearing session.
10. All participants are requested to place nameplates on the table in front of each witness at the hearing.
11. 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.
12. The 6:30 p.m. public comment hearing session on September 12, 2017 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. In addition to the diagrams, other forms of presentation such as a video or PowerPoint presentation may be used. The diagrams or other forms of presentation must be from materials already submitted into the record. If other forms of presentation are used, a copy of the presentation shall be submitted to the Council on or before September 5, 2017.

13. If time remains after the 6:30 p.m. public comment hearing session, the petitioner, parties, and intervenors may have an opportunity to continue their appearances and cross-examination that began during the 3:00 p.m. evidentiary hearing session.
14. The Council will provide public officials who have not been granted party or intervenor status an opportunity to make a statement.
15. The Council may, at its discretion, group parties and intervenors with the same interest.
16. Individuals will be encouraged to participate through their elected officials and other party or intervenor groupings.
17. 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.
18. All participants will be encouraged to be brief, concise, non-repetitious, and courteous of all other participants.

#### **Post-hearing procedure**

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

Thank you for your cooperation.

Enclosure: Administrative Notice List