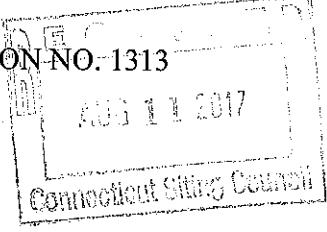


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STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

DWW SOLAR II, LLC PETITION FOR : PETITION NO. 1313
DECLARATORY RULING THAT NO :
CERTIFICATE OF ENVIRONMENTAL :
COMPATIBILITY AND PUBLIC NEED :
IS REQUIRED FOR A 26.4 MEGAWATT :
AC SOLAR PHOTOVOLTAIC ELECTRIC :
GENERATING FACILITY IN SIMSBURY :
CONNECTICUT :
: AUGUST 10, 2017

A rectangular stamp with a double-line border. Inside, the words 'CONNECTICUT SITING COUNCIL' are printed in a serif font, with 'SITING COUNCIL' being slightly larger. Above the stamp, the date 'AUG 11 2017' is handwritten.

**DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION'S MOTION
TO BE PLACED ON SERVICE LIST**

The State of Connecticut Department of Energy and Environmental Protection ("DEEP"), a party to this proceeding, hereby moves to be placed immediately on the Service List in this matter. In support of this motion, DEEP represents as follows:

1. By Notice of Intent to Be a Party, dated August 1, 2017 ("Notice of Intent"), which was filed with the Siting Council and served on all parties on the Service List in effect on that date (the July 20, 2017 Service List), DEEP, pursuant to Conn. Gen. Stat. § 16-50n(a)(2), informed the Siting Council of its intent to be a party to this declaratory ruling proceeding.
2. By statute, DEEP becomes a party to this proceeding upon the filing of the Notice of Intent. Section 16-50n(a) states, "The parties to a . . . declaratory ruling proceeding *shall include*: . . . (2) each person entitled to receive a copy of the application or resolution under section 16-50l, if such person has filed with the council a notice of intent to be a party . . ." (emphasis added).
3. DEEP, a "governmental agency," is a "person" under the statute. Conn. Gen. Stat. § 16-50i(c).

4. DEEP is one of the entities entitled to receive a copy of an application for a certificate filed under Conn. Gen. Stat. § 16-50l: § 16-50l(b)(5) requires that copies of applications for certificates be sent to "each state department, agency and commission named in subsection (h) of section 16-50j . . ."

5. Section 16-50j currently has no subsection (h) because in 2014, subsection (h) of section 16-50j became subsection (g) when former subsection (d) was deleted.

6. Subsection (g) of section 16-50j (formerly subsection (h)) lists the agencies that the Siting Council must consult with and solicit comments from. These agencies include DEEP. Conn. Gen. Stat. § 16-50j(g)(1). Thus, DEEP is one of the entities to which § 16-50n(a) – through § 16-50l(b)(5) and § 16-50j(g) – refers.

7. The as-of-right nature of this party status is not limited to certificate proceedings. When § 16-50n(a) points to § 16-50l, it does so *only to supply the list of entities*. It does not do so in order to confine the proceedings in which a notice of intent automatically gives party status to *certificate* proceedings. The latter reading would make subsection (2) in § 16-50n(a) meaningless in a declaratory ruling proceeding. It would read this provision out of the statute. "It is a basic tenet of statutory construction that the legislature did not intend to enact meaningless provisions." *Office of Consumer Counsel v. Dept. of Pub. Util. Control*, 234 Conn. 624, 646 (1995) (internal citations and quotation marks omitted).

WHEREFORE, DEEP requests that it be placed immediately on the Service List in this matter.

ROBERT KLEE, COMMISSIONER
CONNECTICUT DEPARTMENT OF AGRICULTURE

By:


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Certification of Service

I, Kirsten S. P. Rigney hereby certify that a copy of the foregoing Department of Agriculture's Motion to be Placed on Service List was sent on August 10, 2017, by electronic mail to the following parties on the Service List in this matter:

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