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December 4, 2017

**VIA HAND DELIVERY AND ELECTRONIC MAIL**

Melanie Bachman  
Executive Director/Staff Attorney  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

**Re: Petition of DWW Solar II, LLC for a 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**

Dear Ms. Bachman:

I am writing on behalf of my client, DWW Solar II, LLC, (“DWW”) in connection with the above-referenced Petition. This letter will serve as DWW’s formal request for permission for DWW to file the enclosed Opposition to the filing of new evidence and information by Flaminni et al. (“the Abutters”) through the Abutters’ December 1, 2017 Brief and December 1, 2017 Administrative Notice Items.

DWW is mindful of the Council’s admonition in the Chairman’s closing statement at the last public hearing that “no new information, no new evidence, no argument and no reply briefs without our permission, will be considered by the Council.” Transcript, p. 776. Despite this admonition, and despite the fact that the record closed a month ago, the Abutters are inappropriately seeking to introduce new evidence and information into the record. Moreover, the Town of Simsbury appears to be inappropriately relying on that new evidence in its Brief.

Accordingly, DWW is seeking permission to file its Opposition to this circumvention of the Council’s closing of the evidentiary record. To that end, DWW hereby submits an original and 15 copies of its Opposition. We are also providing an additional copy to be date-stamped upon hand delivery of the Opposition. Should the Siting Council deny the Abutters’ attempt to introduce extra-record evidence into this proceeding, then DWW would respectfully suggest that the Council dismiss this request as moot and take note that the Abutters’ and Town’s briefs are relying on evidence that is not part of the record. If the Council allows for such information to become part of the record, however, then DWW would request that it be permitted to file its Opposition, which is enclosed with this request.

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If you have any questions concerning this submittal, please contact me at your convenience. I certify that copies of this submittal have been provided to all parties on the Petition's service list.

Sincerely,



Lee D. Hoffman

Enclosures