

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

.....
DWW SOLAR II, LLC PETITION FOR)
DECLARATORY RULING THAT NO) PETITION NO. 1313
CERTIFICATE OF ENVIRONMENTAL)
COMPATIBILITY AND PUBLIC NEED)
IS REQUIRED FOR A 26.4 MEGAWATT)
AC SOLAR PHOTOVOLTAIC ELECTRIC)
GENERATING FACILITY IN SIMSBURY) October 2, 2017
CONNECTICUT)
.....

APPLICATION FOR PARTY STATUS

Pursuant to Conn. Gen. Stat. §4-177a and RCSA §16-50j-14, Christine Kilbourn-Jones asks that she be granted party status in the above-referenced Petition No 1313:

In support of this Application, Ms. Kilbourn-Jones states as follows:

1. She owns real property abutting the proposed electric generating facility and by virtue thereof, her legal rights, duties and privileges will be specifically affected by the Council's decision in this matter.
2. It is Ms. Kilbourn-Jones' contention that issues pertaining to the environmental compatibility and public need for the subject facility are too complex to be adjudicated pursuant to a petition for declaratory ruling; specifically, impacts on (i) land use, including impacts on farmland, (ii) water quality, and (iii) wild life (including Connecticut listed species, i.e. endangered and threatened species and species of special concern), and habitat, and other natural resources, cannot be adequately evaluated in an abbreviated proceeding outside of a full blown proceeding

for certification; moreover, there are significant questions as to whether the proposed use of the generation capacity of this facility to satisfy customer needs in Massachusetts satisfies a “public need”, or is a “public benefit” as that term has been used by the Council in prior proceedings too numerous to name.¹ Also, there are questions as to the adequacy of Petitioner’s consideration of alternative locations for its project, particularly in light of the findings and recommendations of the Connecticut Council on Environmental Quality and the Connecticut Department of Agriculture.

3. It is also Ms. Kilbourn-Jones’ contention that the purported authority for the pursuit of the project stems from a certain Request for Proposal (RFP”), which purportedly involves commitments by the various legislatures of the State of Connecticut, the Commonwealth of Massachusetts, and the State of New Hampshire, one to the other, for the achievement of “shared goals.” Relying upon the purported “shared goals” of these states, the RFP sets forth a detailed process for selection of projects that would advance these “shared goals.” There is no reference to any authority for the establishment of this interstate process by agreement of the several states or otherwise, no interstate compact, other than the generic legislation adopted by each of

¹ See also Conn. Gen. Stat. §16-50p(c)(3), “For purposes of this section, a public benefit exists when a facility is necessary for the reliability of the electric power supply **of the state** or for the development of a competitive market for electricity and a public need exists when a facility is necessary for the reliability of the electric power supply **of the state.**” (emphasis added). Moreover, the Department of Energy and Environmental Protection, in reflecting upon Connecticut’s resource adequacy, stated as follows: “Resources within Connecticut are expected to be sufficient to meet Connecticut’s Local Sourcing Requirement as defined by the Transmission Security Analysis criteria through 2024. Within the Connecticut sub-area specifically, no new capacity will be needed because existing resources, planned transmission, and energy efficiency will exceed the local requirement beyond the ten-year IRP horizon.” *2014 Integrated Resource Plan for Connecticut*, prepared by the Connecticut Department of Energy and Environmental Protection, March 17, 2015, at p. 13.

the three states. Commitments of this sort by groups of states are not valid unless approved by Act of Congress.²

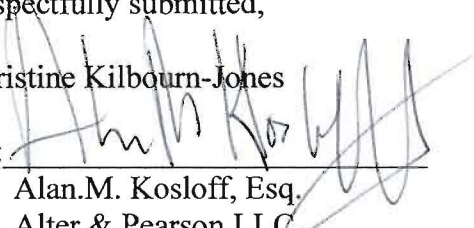
4. Ms. Kilbourn-Jones intends to rely upon much of the evidence to be proffered by other parties to this proceeding, as well as documents to be administratively noticed. She will also seek to introduce evidence pertaining to water quality impacts developed by her experts, evidence pertaining to the relevance of other state laws and municipal regulations,³ as well as other evidence to be determined.
5. She will seek a decision from the Council not to issue the declaratory ruling that petitioner seeks and/or an order from the Council that this matter be set for consideration pursuant to a full certification proceeding in accordance with RCSA § 16-50j-40(c).

WHEREFORE, Ms Kilbourn-Jones respectfully requests that the Council grant her party status in connection with the Petition.

Respectfully submitted,

Christine Kilbourn-Jones

By:


Alan.M. Kosloff, Esq.
Alter & Pearson LLC
Her Attorney

² See Article 1, Section 10, United States Constitution

³ See Conn. Gen. Stat. §16-50x

CERTIFICATION

I hereby certify that on this day that the foregoing was delivered by electronic mail in accordance with RCSA §16-50j-12, to all parties and intervenors of record, as follows:

Counsel for DWW Solar II, LLC

Lee D. Hoffman, Esq.

Pullman & Comley, LLC

90 State House Square Hartford, CT 06103-3702

lhoffman@pullcom.com

Counsel for Town of Simsbury

Jesse A. Langer, Esq.

Robert M. DeCrescenzo, Esq.

Updike, Kelly & Spellacy, P.C.

One Century Tower

265 Church Street New Haven, CT 06510

jlanger@uks.com

bdecrescenzo@uks.com

Counsel for the Department of Energy and Environmental Protection

Kirsten S. P. Rigney

Bureau of Energy Technology Policy

Department of Energy and Environmental Protection

10 Franklin Square

New Britain, CT 06051

Kirsten.Rigney@ct.gov

Counsel for the Connecticut Department of Agriculture

Jason Bowsza

Connecticut Department of Agriculture

450 Columbus Blvd

Hartford, CT 06103

Jason.Bowsza@ct.gov



Alan M. Kosloff

Commissioner of the Superior Court

October 2, 2017