



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

www.ct.gov/csc

VIA ELECTRONIC MAIL

August 29, 2017

Allan M. Kosloff, Esq.
Alter & Pearson, LLC
701 Hebron Avenue
P.O. Box 1530
Glastonbury, CT 06033
akosloff@alterpearson.com

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.

Dear Attorney Kosloff:

The Connecticut Siting Council (Council) is in receipt of your letter of August 28, 2017, requesting Party status for the abutting residents of Simsbury in Petition No. 1313.

Your request will be placed on the August 31, 2017 meeting agenda, a copy of which is attached. Your attendance is welcome, but is not required. You will be notified of the Council's determination immediately thereafter.

All documents filed to date are available at the Council's office or on our website under pending matters.

Please contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Melanie A. Bachman".

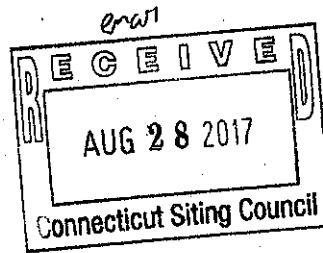
Melanie A. Bachman
Executive Director

MB/RDM/lm

c: Council Members
Parties and Intervenors

ALTER
PEARSON, LLC
ATTORNEYS AT LAW

Alan M. Kosloff *Of Counsel*
akosloff@alterpearson.com



701 Hebron Avenue
P.O. Box 1530
Glastonbury, CT 06033

860.652.4020 TELEPHONE
860.652.4022 FAX/STUDIO

**VIA FEDERAL EXPRESS AND
ELECTRONIC MAIL**

August 28, 2017

Melanie.bachman@ct.gov
Siting.council@ct.gov

Ms. Melanie A. Bachman, Esq., Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06501

Re: Petition 1313 – DWW Solar II, LLC Petition for 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 Attorney Bachman:

This office represents the following residents of Simsbury, Connecticut:

Michael Flammini	3 Kilbourn Farms	mflamini@comcast.net
Laura Nigro	4 Kilbourn Farms	nigro.laura@hotmail.com
Linda Lough	8 Kilbourn Road	loughlinda@gmail.com
Lisabeth Shlansky	44 Berkshire Way	lshlansk@stfranciscare.org
Zhenkui Zhang	1 Kilbourn Farms	zhenkuizhang@gmail.com
John Marktell	10 County Road	jmarckte@hotmail.com
Rob Perissi	11 Flintlock Ridge	robperissi@gmail.com
Ed Wrobel	100 Hoskins Road	wrobelecj@comcast.net

Each of these residents owns real estate that abuts the site of the above-referenced proposed electric generating facility. I have enclosed the following in connection with this matter: an Application for Party Status as to the above-referenced residents. In accordance with RCSA §16-50j-12, I have enclosed an original and twenty (20) copies of the Application. Please enter our appearance on behalf of these individuals

Very truly yours,

Alan M. Kosloff, Esq.

Enclosures

cc: Service List (via regular and electronic mail)

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) August 28, 2017
CONNECTICUT)
.....

APPLICATION FOR PARTY STATUS

Pursuant to Conn. Gen. Stat. §4-177a and RCSA §16-50j-14, the following individuals ask that they be granted party status in the above-referenced Petition No 1313:

Michael Flammini	3 Kilbourn Farms	mflamini@comcast.net
Laura Nigro	4 Kilbourn Farms	nigro.laura@hotmail.com
Linda Lough	8 Kilbourn Road	loughlinda@gmail.com
Lisabeth Shlansky	44 Berkshire Way	lshlansk@stfranciscare.org
Zhenkui Zhang	1 Kilbourn Farms	zhenkuizhang@gmail.com
John Marktell	10 County Road	jmarckte@hotmail.com
Rob Perissi	11 Flintlock Ridge	robperissi@gmail.com
Ed Wrobel	100 Hoskins Road	wrobelecj@comcast.net

In support of this Application, the Applicants state as follows:

1. Each and every one of the Applicants owns real property abutting the proposed electric generating facility and by virtue thereof, the Applicants' legal rights, duties and privileges will be specifically affected by the Council's decision in this matter.
2. It is the contention of the Applicants 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 the contention of the Applicants 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

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.

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

4. The Applicants intend to rely upon much of the evidence to be proffered by other parties to this proceeding, as well as documents to be administratively noticed. They will also seek to introduce evidence pertaining to water quality impacts developed by their experts, evidence pertaining to the relevance of other state laws and municipal regulations,³ as well as other evidence to be determined.

5. The Applicants 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).

² See Article I, Section 10, United States Constitution

³ See Conn. Gen. Stat. §16-50x

WHEREFORE, the Applicants respectfully request that the Council grant them party status in connection with the Petition.

Respectfully submitted,

Michael Flammini
Laura Nigro
Linda Lough
Lisabeth Shlansky
Zhenkui Zhang
John Marktell
Rob Perissi
Ed Wrobel

By: 

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

CERTIFICATION

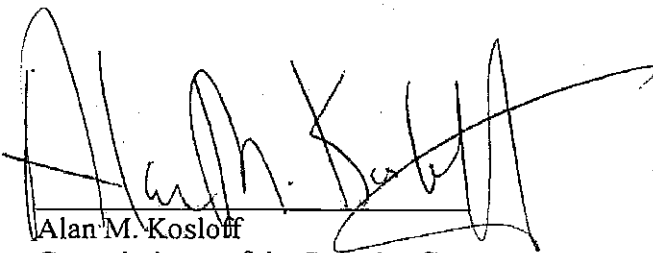
I hereby certify that on this day that the foregoing was delivered by electronic mail and regular mail, postage prepaid, in accordance with RCSA §16-50j-12, to all parties and intervenors of record, as follows:

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
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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
August 28, 2017



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

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DATE: August 24, 2017

TO: Council Members

FROM: Robert Stein, Chairman *RS/MB*

RE: Connecticut Siting Council Energy/Telecommunications Meeting

An Energy/Telecommunications meeting of the Connecticut Siting Council will be held on August 31, 2017, at 1:00 p.m. in Hearing Room Two, Ten Franklin Square, New Britain, Connecticut.

AGENDA

1. Minutes of July 20, 2017
2. **DOCKET NO. 472** - Celco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at Bridgeport Tax Assessor's Map 85, Block 2805, Lot 29, 541 Broadbridge Road, Bridgeport, Connecticut. Draft Findings of Fact, Opinion, Decision and Order.
3. **DOCKET NO. 473** - Homeland Towers, LLC and Celco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 515 Morehouse Road, Easton, Connecticut. Draft Findings of Fact.
4. **DOCKET NO. 475** - Celco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located adjacent to the maintenance building at the Skungamaug Golf Course, south of Folly Lane, at Coventry Tax Assessor's Map 006, Block 0026, Lot 0101, Coventry, Connecticut. Motion for Protective Order.
5. **DOCKET NO. 476** - Eco-Site, Inc. and T-Mobile Northeast, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 248 Hall Hill Road, Somers, Connecticut. Completeness Review, Schedule, Deposition of Transcript.
6. **PETITION NO. 1078** - CTS Energy, LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the installation of a 4.98 megawatt fuel cell facility located at 245 Chapel Road, South Windsor, Connecticut. Request for Modification.
7. **PETITION NO. 1137** - Windham Solar, LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction and operation of five 1.0 MW and one 1.1 MW Solar Photovoltaic Renewable Energy Generating facilities located at 1 Williams Crossing Road, Lebanon, Connecticut. Request for Modification.

8. **PETITION NO. 1224** - Woods Hill Solar, LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance and operation of a 17.61 Megawatt AC Solar Photovoltaic Electric Generating facility located at 90 and 101 Woods Hill Road, Pomfret, Connecticut. Development and Management Plan.
9. **PETITION NO. 1311** - Celco Partnership d/b/a Verizon Wireless petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed installation of a wireless telecommunications facility on the roof of the existing Yarnall Athletic Center and Bookstore at Mitchell College located at 40 Debiasi Drive, New London, Connecticut. Decision.
10. **PETITION NO. 1312** - Candlewood Solar 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 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. DEEP Notice of Intent to be a Party. DEEP Motion to be placed on the Service List. Department of Agriculture Notice of Intent to be a Party. Department of Agriculture Motion to be placed on the Service List.
11. **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. Town of Simsbury Motion to Continue Hearing. Department of Agriculture Motion to Continue Hearing. DEEP Notice of Intent to be a Party. DEEP Motion to be placed on the Service List. Department of Agriculture Notice of Intent to be a Party. Department of Agriculture Motion to be placed on the Service List.
12. **PETITION NO. 1314** - The Connecticut Light and Power Company d/b/a Eversource Energy petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed 1555 Line Rebuild Project consisting of the structure and conductor replacements on its existing 115-kilovolt electric transmission line extending approximately 6.6 miles within existing Eversource electric transmission line right-of-way between the existing Bulls Bridge Substation located at 781 Kent Road and the existing Rocky River Junction located off Boardman Road in New Milford, Connecticut and related substation improvements. Decision.
13. **PETITION NO. 1315** - Celco Partnership d/b/a Verizon Wireless petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for proposed modifications to an existing community antenna television (CATV) tower located at 7 Colburn Road, Canterbury, Connecticut. Decision.
14. **PETITION NO. 1316** - Celco Partnership d/b/a Verizon Wireless petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed installation of a small cell telecommunications facility on the roof of an existing commercial building located 1245 Farmington Avenue, West Hartford, Connecticut. Request for party status. Set date for Decision.

15. **TS-CING-017-170613** - AT&T Wireless PCS LLC request for an order to approve tower sharing at an existing telecommunications facility located at 383 Middle Street, Bristol, Connecticut. Decision.

16. **Administrative Matters.**

- ***Regular Items***

- > Upcoming Calendar Events:

- Docket No. 461A, Tuesday, September 5, 2017, **continued evidentiary hearing session** beginning at **1:00 p.m.** at the Connecticut Siting Council, Hearing Room 1, 10 Franklin Square, New Britain, Connecticut.
- Petition No. 1313, Tuesday, September 12, 2017, **public hearing** beginning with a **1:30 p.m. public field review, a 3:00 p.m. evidentiary session, and a 6:30 p.m. public comment session** at the Eno Memorial Hall Auditorium, 754 Hopmeadow Street, Simsbury, Connecticut.
- Energy/Telecommunications meeting, Thursday, September 14, 2017, beginning at **1:00 p.m.**, in Hearing Room Two, Ten Franklin Square, New Britain, Connecticut.
- Petition No. 1310, Tuesday, September 19, 2017, **public hearing** beginning with a **1:30 p.m. public field review, a 3:00 p.m. evidentiary session, and a 6:30 p.m. public comment session** at the Brooklyn Community Center Main Room, 31 Tiffany Street, Brooklyn, Connecticut.
- Petition No. 1312, Tuesday, September 26, 2017, **public hearing** beginning with a **1:30 p.m. public field review, a 3:00 p.m. evidentiary session, and a 6:30 p.m. public comment session** at the Roger Sherman Town Hall, E. Paul Martin Room, 10 Main Street, New Milford, Connecticut.
- Energy/Telecommunications meeting, Thursday, September 28, 2017, beginning at **1:00 p.m.**, in Hearing Room Two, Ten Franklin Square, New Britain, Connecticut.

cc: Secretary of the State