

**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	wrobelcj@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

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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.<sup>1</sup> 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

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<sup>1</sup> 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.<sup>2</sup>

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,<sup>3</sup> 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).

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<sup>2</sup> See Article I, Section 10, United States Constitution

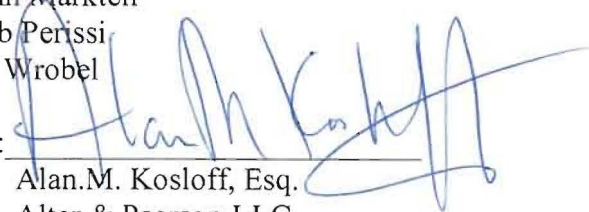
<sup>3</sup> See Conn. Gen. Stat. §16-50x

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:

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Alan M. Kosloff  
Commissioner of the Superior Court  
August 28, 2017