



November 27, 2017

Melanie Bachman, Esq.
Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

RE: PETITION NO. 1323 – Windham 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 three 2.0 Megawatt AC and two 1.0 Megawatt AC solar photovoltaic electric generating facilities on an approximate 43 acre parcel located at 134 Bilton Road, Somers, Connecticut.

Dear Attorney Bachman:

Please find enclosed fifteen (15) copies of Windham Solar LLC's response to the Siting Council's interrogatory requests (Set 1) for Petition No. 1323, which were submitted by the Siting Council to Windham Solar on November 14, 2017.

Regards,

Christopher Little
Vice President
Chris.Little@ecosrenewable.com
(651) 268-2053

Petition No. 1323
Interrogatory
Set One
November 14, 2017

Q1. Pursuant to Connecticut General Statutes §16-50k(a), has the petitioner obtained a letter from the Connecticut Department of Energy and Environmental Protection (DEEP) that the proposed facility will not materially affect the status of core forest or a letter from the Connecticut Department of Agriculture (DOAg) that the proposed facility will not materially affect the status of prime farmland? Please submit any correspondence submitted to and/or received from DEEP and/or DOAg relative to the proposed facility.

A1. Petitioner submitted a letter to the DEEP's Forestry Division on September 29, 2017 requesting a determination as to whether the proposed project would materially affect the status of a core forest, a copy of which is attached to this response as Exhibit A. On October 24, 2017, Petitioner held a conference call with DEEP to discuss the proposed project. Participants on that call included Mr. Christopher Martin, Director of Forestry; Ms. Kirsten S. P. Rigney, Legal Director of Bureau of Energy Technology Policy; and Mr. Robert LaFrance, Director – Office of Law and Policy for Environmental Conservation. During that call, participants inquired about various aspects of the project presumably to help them determine whether the project would materially affect the status of the core forest.

On November 14, 2017, Petitioner e-mailed Mr. Martin informing him of this Interrogatory Request and the November 28th deadline to respond. Mr. Martin responded by informing Petitioner that Mr. LaFrance would be the point of contact for Petitioner's request moving forward. On November 22, 2017, Petitioner held a conference call with Mr. LaFrance to discuss the status of the request and the November 28th deadline associated with this Interrogatory Request. During that call, Mr. LaFrance informed Petitioner that DEEP would not be able to provide a response by November 28th because DEEP has not yet formulated its official rules and policies regarding how to evaluate and respond to requests from solar developers who are proposing to develop solar facilities within core forest areas. Mr. LaFrance indicated on the call that he expected that DEEP would have their rules and policies in place within the next 60 days, but could not commit to that timeframe. Enclosed with this response is an e-mail from Mr. LaFrance, attached as Exhibit B, indicating that DEEP would not be making a written determination to Petitioner's request by the November 28th deadline.

During Petitioner's initial discussions with Mr. Martin and Mr. LaFrance, both have indicated that DEEP would likely not consider solar development within a small core forest to be a material impact, although this is not DEEP's official policy/rule at the moment. A small core forest is defined as a contiguous core forest area under 250 acres in size. The core forest in which Petitioner has proposed its solar project(s) is approximately 106.64 acres in size and would be considered a small core forest under DEEP's definition. Of this small core forest, Petitioner is proposing to develop 3.71 acres of the core forest.

Despite considerable effort by Petitioner to obtain a determination from DEEP, Petitioner is unable to provide a letter from DEEP to the Siting Council with this response. Although DEEP has indicated that they will be able to issue a response within the next 60 days, it's unclear whether this will be sufficient time since they've been unwilling to commit to any timeframe to provide a response.

Notwithstanding the above discussion regarding a determination from DEEP as to the impact to core forests, the two (2) proposed projects that are one (1) megawatt in size should not be subject to Connecticut General Statutes §16-50k(a) since these projects are less than the statutory two (2) megawatt threshold. Each of these projects has its own separate point of interconnection, are separately metered and will have their own separate contracts to sell the RECs. In fact, all of the projects being proposed in Petition 1323 have separate interconnection, meters and contracts and should be deemed as separate projects. Petitioner is prepared to reduce the size of the three 2.0 megawatt projects to 1.99 megawatts each.

EXHIBIT "A"



September 29, 2017

Chris Martin
Department of Energy and Environmental Protection
Forestry Division
79 Elm St, 6th Floor
Hartford, CT 06106

Re: Petition for Declaratory Ruling (Petition No. 1323); Three – 2.0 megawatt AC and two – 1.0 megawatt AC solar electric generating facilities (“Solar Projects”); Request for determination of impact to core forest

Dear Mr. Martin:

I am writing on behalf of Windham Solar LLC regarding the above referenced Petition for Declaratory Ruling (“Petition”) to determine whether the Solar Projects proposed in the Petition will materially affect the status of the underlying land as core forest. As you’re aware, effective July 1, 2017, under Public Act 17-218, Connecticut General Statutes §16-50k(a) requires, “...for solar photovoltaic facility with a capacity of 2 or more megawatts, to be located on forestland,...the Department of Energy and Environmental Protection (“DEEP”) [must] represent, in writing, to the Council, that such project will not materially affect the status of such land as core forest...” I am writing to request such a determination from DEEP.

The proposed Solar Projects would be located near 134 Bilton Road in the Town of Somers, Connecticut (“Property”) and have been sited to occupy approximately 39.27 acres of the Property. Enclosed with this letter is a map of the site with the University of Connecticut Land Cover and Forest Fragmentation dataset overlaid on top of the site boundaries. As can be seen in the map, the Property encroaches into a small portion of “small core” forest (< 250 ac), but does not encumber any areas designed as “medium core” (250-500 ac) or “large core” (500+ ac). The small core forest which the Property encroaches into is approximately 106 acres. 3.7 acres of the small core forest will need to be cleared to accommodate the Solar Projects. For additional reference, included is a copy of the site plan for the Solar Projects which contains a location map of the Property.

Based upon the information provided in this correspondence, I would like to request that the DEEP make a determination as to whether or not the proposed Solar Projects would materially affect the status of the land as core forest. **The Connecticut Siting Council has issued a deadline of October 4th for Windham Solar to provide a written response from DEEP. If you’re unable to respond by this time, please notify me by e-mail or phone prior to October 4th so that I may request an extension.**



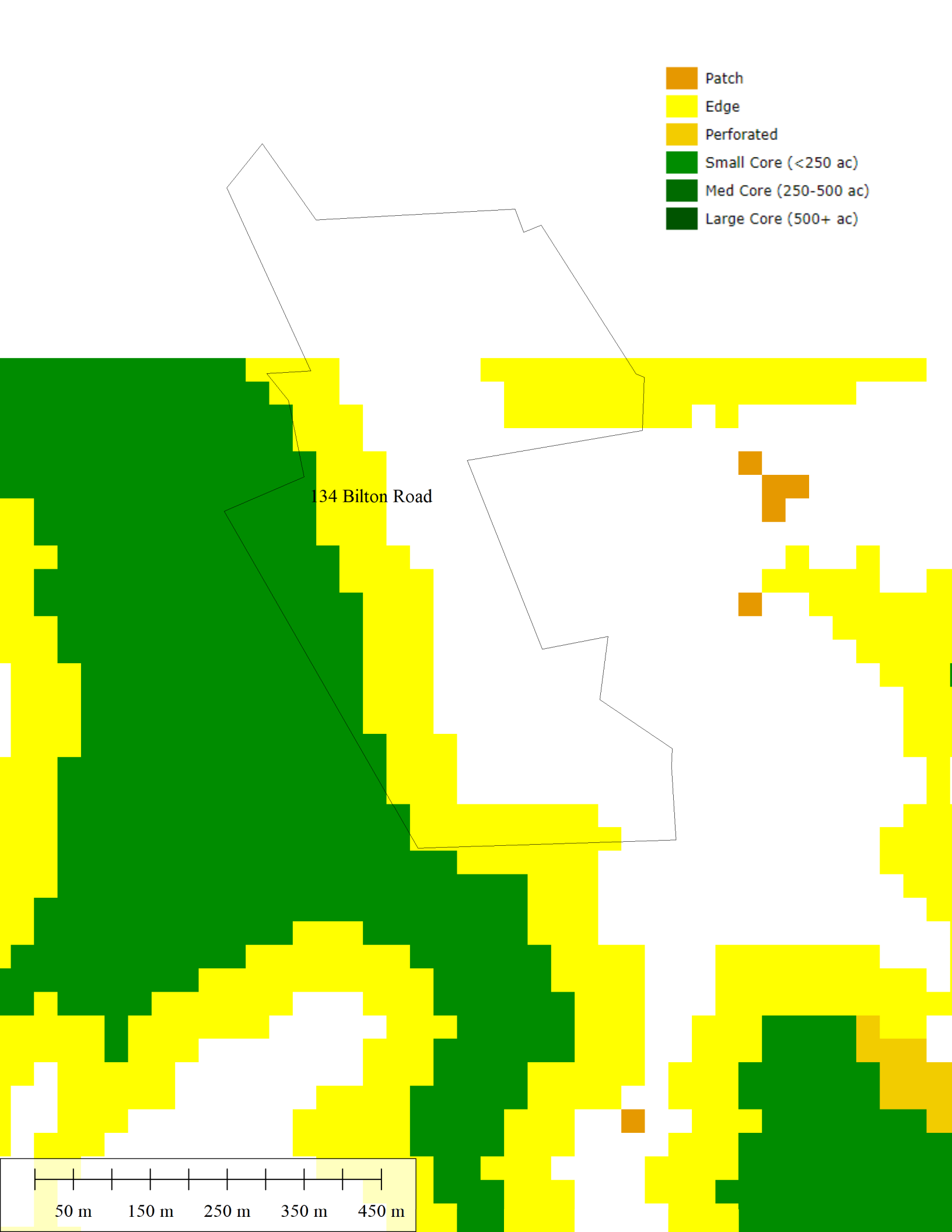
Should you have any questions or require any additional information, please contact me at (651) 268-2053 or by e-mail at chris.little@ecosrenewable.com.

Regards,

A handwritten signature in black ink that reads 'Chris Little'.

Chris Little

Vice President, Windham Solar LLC and Ecos Energy LLC



AERIAL SITE PLAN:

Westwood



Ruler



Line Path Polygon Circle 3D path 3D polygon

Measure the distance or area of a geometric shape on the ground

Perimeter: 2,011.59 Feet

Area: 3.71 Acres

☒ Mouse Navigation

Save

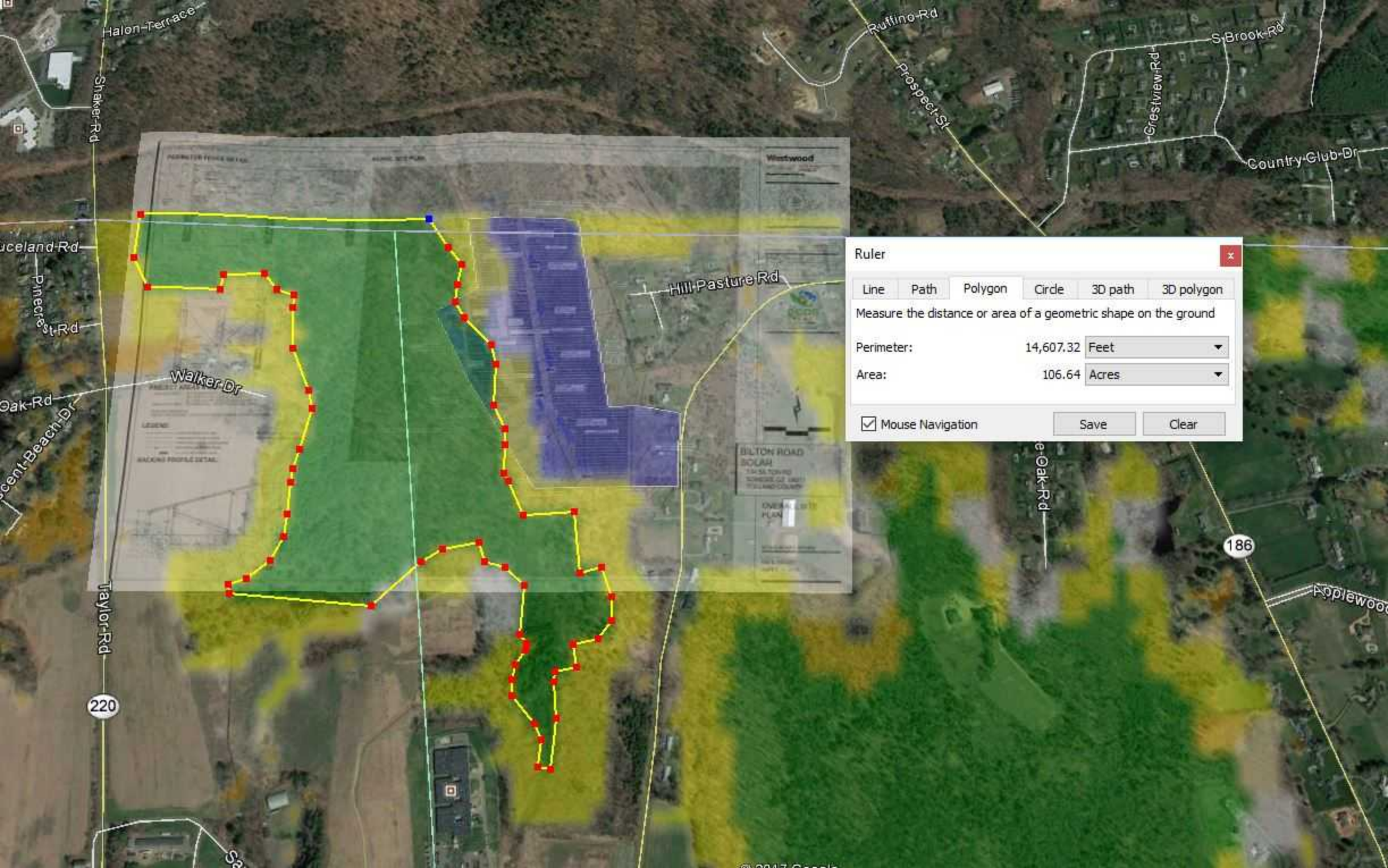
Clear

**BILTON ROAD
SOLAR**

134 BILTON RD
SOMERS, CT 06071
TOLLAND COUNTY

**OVERALL SITE
PLAN**

SITING BOARD REVIEW



Ruler ✕

Line

Path

Polygon

Circle

3D path

3D polygon

Measure the distance or area of a geometric shape on the ground

Perimeter:

14,607.32

Feet

▼

Area:

106.64

Acres

▼

☒ Mouse Navigation

Save

Clear

EXHIBIT "B"

Christopher Little

From: LaFrance, Robert <Robert.Lafrance@ct.gov>
Sent: Wednesday, November 22, 2017 11:36 AM
To: Christopher Little
Cc: Martin, Christopher
Subject: RE: Bilton Road Solar - Request for Determination

Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Little:

As requested in our phone conversation this morning I am following up with an email.
DEEP will not be making the written determination you have requested by the November 28th deadline noted in your email.
We will continue our efforts to review your request.

Thanks,

Robert

Robert LaFrance, Esq.
Director - Office of Law and Policy for Environmental Conservation
Office of the Commissioner
Connecticut Department of Energy and Environmental Protection
Third Floor
79 Elm Street, Hartford, CT 06106-5127
P: 860.424.3401 | F: 860.424.4053 | E: Robert.LaFrance@ct.gov



www.ct.gov/deep

***Conserving, improving and protecting our natural resources and environment;
Ensuring a clean, affordable, reliable, and sustainable energy supply.***

DEEP Laws and Regulations:

http://www.ct.gov/deep/cwp/view.asp?a=2704&q=323512&deepNav_GID=1511

From: Christopher Little [mailto:chris.little@ecosrenewable.com]
Sent: Wednesday, November 15, 2017 10:24 AM
To: LaFrance, Robert
Cc: Tom Melone Gmail; Martin, Christopher
Subject: FW: Bilton Road Solar - Request for Determination

Robert,

I understand you're now the point of contact related to the attached request related to our Bilton Solar Project located in the Town of Somers. As you're now aware, the Siting Council has imposed a deadline of November 28th for us to provide a written determination from DEEP related to its view on the impact of the proposed Bilton Solar Project to the core forest area that would be encumbered by the project (approximately 3.7 acres). Could you please let me know the status of your review and let me know if you can provide this determination prior to November 28th? Also please let me know if you need any additional information in order to make your determination or if you'd like to schedule a conference call to discuss this further.

Chris Little

O: (651) 268-2053

F: (612) 677-3274

chris.little@ecosrenewable.com

Ecos Energy | www.ecosrenewable.com

222 South 9th Street, Ste 1600

Minneapolis, MN 55402

From: Martin, Christopher [mailto:Christopher.Martin@ct.gov]
Sent: Tuesday, November 14, 2017 2:48 PM
To: Christopher Little <chris.little@ecosrenewable.com>
Cc: LaFrance, Robert <Robert.Lafrance@ct.gov>
Subject: FW: Bilton Road Solar - Request for Determination

Hi Chris,

Rob LaFrance is taking the lead on this. You'd be best served by contacting him directly.

I have cc'd Rob on this email.

Robert LaFrance, Esq.
Director - Office of Law and Policy for Environmental Conservation
Office of the Commissioner

From: Christopher Little [mailto:chris.little@ecosrenewable.com]
Sent: Tuesday, November 14, 2017 2:27 PM
To: Martin, Christopher
Subject: Bilton Road Solar - Request for Determination

Chris,

The Connecticut Siting Council has served me with the attached interrogatory request in connection with our request for determination from DEEP as to the impact of the Bilton Solar farm on the core forest areas. The deadline to respond to this interrogatory is November 28th. Would it be possible to issue a determination prior to the 28th of this month?

Chris Little

O: (651) 268-2053
F: (612) 677-3274
chris.little@ecosrenewable.com

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