



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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Hearing Program

Petition No. 1352

Thursday, January 10, 2019

3:00 p.m. and 6:30 p.m.

Enfield Town Hall Council Chambers

820 Enfield Street, Enfield, CT 06082

- I. Opening by Council
 - A. Statement read by Chair.
 - B. Comments by Public Officials
 - C. Motions
 - D. Administrative Notice taken by Council

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3. UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION, *Obstruction Marking and Lighting, Advisory Circular AC 70/7460-1L*, December 4, 2015, as amended, available at https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_70_7460-1L.pdf
4. Presidential Proclamation No. 8460, Critical Infrastructure Month, 74 Fed. Reg. 234, December 8, 2009, available at <http://www.presidency.ucsb.edu/ws/index.php?pid=86954>
5. Presidential Executive Order No. 13636, Improving Critical Infrastructure Cybersecurity, 78 Fed. Reg. 11739, February 19, 2013, available at <http://www.archives.gov/federal-register/executive-orders/2013.html>
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96. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Northern long-eared bat areas of concern in Connecticut to assist with Federal Endangered Species Act Compliance*, last updated February 1, 2016, available at [http://www.ct.gov/deep/lib/deep/endangered species/images/nleb approved2 16.pdf](http://www.ct.gov/deep/lib/deep/endangered%20species/images/nleb_approved2_16.pdf)
97. UNIVERSITY OF CONNECTICUT, CONNECTICUT ENVIRONMENTAL CONDITIONS ONLINE, *Connecticut Critical Habitats and Open Space*, last updated November 28, 2012, available at <http://cteco.maps.arcgis.com/home/item.html?id=a1bf59798c5b45a98aeaeb97dafd60b9>
98. CONNECTICUT FOREST & PARK ASSOCIATION, CONNECTICUT WALK BOOK 20TH ED. 2017, available at <http://www.ctwoodlands.org/connecticut-walk-book-20th-edition>
99. NATIONAL AUDUBON SOCIETY, *Connecticut Important Bird Areas*, available at <https://www.audubon.org/important-bird-areas/state/connecticut>
100. STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION, *Connecticut Official State Tourism Map*.
101. MAIL-A-MAP STREET MAP, Enfield/Somers, available at [http://mailamap.com/street maps](http://mailamap.com/street%20maps)
102. UNITED STATES GEOLOGICAL SURVEY, Connecticut Topographic Map Collection, Broad Brook Quadrangle 1984 and Ellington Quadrangle 1984, available at [http://magic.lib.uconn.edu/topographic maps.html](http://magic.lib.uconn.edu/topographic_maps.html)
103. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Northern Long-eared Bat Areas of Concern in Connecticut to Assist with Federal Endangered Species Act Compliance*, February 1, 2016, available at [http://www.ct.gov/deep/lib/deep/endangered species/images/nleb approved2 16.pdf](http://www.ct.gov/deep/lib/deep/endangered%20species/images/nleb_approved2_16.pdf)

E. State Agency comments

1. Department of Energy and Environmental Protection Comments, dated November 29, 2018
2. Connecticut Airport Authority Comments, dated December 12, 2018

F. Public Official Comments

1. Representative Carol Hall, Representative Greg Stokes and Senator John Kissel Request for Hearing, dated November 14, 2018

G. Municipal comments

1. Fire Commissioner Richard Tkacz, Hazardville Fire Department Comments, dated November 30, 2018
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II. Appearance by Petitioner

Petitioner: Nutmeg Solar, LLC

Representatives: David W. Bogan, Esq.
Kathryn E. Boucher, Esq.
Locke Lord LLP

A. Administrative Notice.

STATE

Connecticut General Assembly

1. STATE OF CONNECTICUT GENERAL ASSEMBLY, *An Act Concerning Energy Independence, Public Act 05-1*, available at <https://www.cga.ct.gov/2005/ACT/PA/2005PA-00001-R00HB-07501SS1-PA.htm>
2. STATE OF CONNECTICUT GENERAL ASSEMBLY, *An Act Concerning Connecticut Global Warming Solutions, Public Act 08-98*, available at <https://www.cga.ct.gov/2008/ACT/PA/2008PA-00098-R00HB-05600-PA.htm>
3. STATE OF CONNECTICUT GENERAL ASSEMBLY, *An Act Concerning Affordable and Reliable Energy, Public Act 15-107*, available at <https://www.cga.ct.gov/2015/ACT/PA/2015PA-00107-R00SB-01078-PA.htm>

Department of Energy and Environmental Protection

4. BUREAU OF ENERGY AND TECHNOLOGY POLICY, *Final Determination on Small Scale Procurement*, June 27, 2017, [http://www.dpuc.state.ct.us/DEEPEnergy.nsf/c6c6d525f7cdd1168525797d0047c5bf/b7b7160310442fda85258079005c2534/\\$FILE/2017.06.27_FINAL%20Small%20Scale%20RFP%20Decision.pdf](http://www.dpuc.state.ct.us/DEEPEnergy.nsf/c6c6d525f7cdd1168525797d0047c5bf/b7b7160310442fda85258079005c2534/$FILE/2017.06.27_FINAL%20Small%20Scale%20RFP%20Decision.pdf)

Public Utilities Regulatory Authority (PURA)

5. PUBLIC UTILITIES REGULATORY AUTHORITY, *Docket 17-01-11, PURA Review of Public Act 15-107(b) Small-Scale Energy Resource Agreements, Final Decision*, September 7, 2017, available at <http://www.dpuc.state.ct.us/dockcurr.nsf/8e6fc37a54110e3e852576190052b64d/55e1a6ff05cfe85f85258194004b16bb?OpenDocument>

B. Exhibits for Identification.

1. Petition for a Declaratory Ruling filed by Nutmeg Solar, LLC, received October 19, 2018
2. Petitioner's Responses to Council Interrogatories, Set One, dated December 7, 2018
3. Petitioner's Amended Exhibit F-Specification Sheets for 400 watt Solar Modules, dated December 7, 2018
4. Petitioner's Phase 1B Report Cultural Resources Reconnaissance Survey of Proposed Nutmeg Solar Facility in Enfield, Connecticut, dated December 12, 2018

5. Petitioner's Update to Item #4 of Petition Exhibit N-Nutmeg Solar Project Outreach Log, dated December 31, 2018
6. Petitioner's Revised Response to Council Interrogatory No.14, dated January 2, 2019
7. Petitioner's Revised Response to Council Interrogatory No. 45, dated January 2, 2019
8. Petitioner's Responses to Council Interrogatories, Set Two, dated January 3, 2019
9. Petitioner's Responses to Council Interrogatories, Set Three, dated January 3, 2019

C. Swear Witnesses

1. Matthew Singer, NextEra Energy Resources, LLC
2. Neil Watlington, NextEra Energy Resources, LLC
3. Katelin Nickerson, PWS, CWS, Tetra Tech, Inc.
4. Dr. Kevin Ryan, Ph.D., FB Environmental
5. Jonathan Gravel, NextEra Energy Resources, LLC
6. Charles Asheim, NextEra Energy Resources, LLC
7. Briony Angus, AICP, Tighe & Bond
8. Brian Huntley, PE, Tighe & Bond

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
2. Town of Enfield

III. Appearance by Party:

Town of Enfield

Representative:

Maria S. Elsdon, Esq.
Acting Town Attorney
Town of Enfield

A. Administrative Notice.

- 1.

B. Exhibits for Identification.

1. Town of Enfield Motion for Party Status and Request for Public Hearing, dated November 14, 2018

C. Swear Witnesses

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
2. Petitioner

IV. Closing or Continuation by Connecticut Siting Council