



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

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Hearing Program

Petition No. 1352

Thursday, January 24, 2019

1:00 p.m.

Hearing Room One, 10 Franklin Square

New Britain, CT 06051

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

### **FEDERAL**

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12. UNITED STATES FISH AND WILDLIFE SERVICE, Final 4(d) Rule for the Northern Long-eared Bat, January 14, 2016, available at <https://www.fws.gov/Midwest/endangered/mammals/nleb/pdf/FRnlebFinal4dRule14Jan2016.pdf>
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22. *Allco Fin. Ltd. v. Klee*, 2014 U.S. Dist. LEXIS 170674 (D. Conn. 2014), affirmed by *Allco Fin. Ltd. v. Klee*, 805 F.3d 89 (2<sup>nd</sup> Cir. 2015)

## **REGIONAL**

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## **STATE**

### **Connecticut Siting Council**

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55. **PETITION NO. 1313** – DWW Solar II, LLC 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. Record and Final Decision, *available at* <https://www.ct.gov/csc/cwp/view.asp?a=2397&Q=594352&PM=1>

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**Department of Public Health**

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**Department of Transportation**

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#### **ENVIRONMENTAL**

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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
10. Petitioner's Late Filed Exhibit A, dated January 17, 2019
11. Petitioner's Late Filed Exhibit's B, C, and D, dated January 17, 2019
12. Petitioner's Response to Town of Enfield's Comments, dated January 23, 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
9. Mitchell Thiem, NextEra Energy Resources, LLC

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

E. Cross Examination.

1. Council
2. Town of Enfield

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III. Appearance by Party:

Town of Enfield

Representative:

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

A. Administrative Notice.

B. Exhibits for Identification.

1. Town of Enfield Motion for Party Status and Request for Public Hearing, dated November 14, 2018
2. Town of Enfield Pre- Filed Testimony, dated January 16, 2019

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