

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Petition of The United Illuminating Company	:	Petition No. 1104
for a Declaratory Ruling that No Certificate	:	
of Environmental Compatibility and Public	:	
Need is Required for the Construction,	:	
Operation and Maintenance of a 2.2 MW AC	:	
Solar Photovoltaic Facility and a 2.8 MW	:	
AC Fuel Cell Facility on Seaside Landfill	:	September 4, 2014
Located at 350 Waldemere Avenue,	:	
Bridgeport, Connecticut	:	

OPPOSITION OF
THE UNITED ILLUMINATING COMPANY
TO ENRIQUE TORRES' REQUEST FOR INTERVENOR STATUS

The United Illuminating Company ("UI") files this Opposition to Mr. Enrique Torres' ("Torres") petition to obtain intervenor status in Connecticut Siting Council ("Council") Petition No. 1104 ("Proposed Project"). Torres filed his petition on August 28, 2014. For the reasons set forth herein, UI objects to the petition, and respectfully requests that the Council deny Torres' petition to obtain intervenor status but rather allow Torres to make a limited appearance.

I. Factual Background

On May 23, 2014, UI filed a petition with the Council requesting a declaratory ruling that a certificate of environmental compatibility and public need is not required for the construction, operation, and maintenance of both a 2.2 MW AC solar photovoltaic facility and a 2.8 MW AC fuel cell facility on Seaside Landfill in Bridgeport, Connecticut. Prior to the filing, UI sought and obtained various approvals from the City of Bridgeport City Council, of which Torres is a member.

II. The Petitioner Failed to Comply with the Requirements of R.C.S.A. § 16-50j-15 and Connecticut General Statute § 4-177a

Torres failed to comply with the requirements of the Council's Rules of Practice (R.C.S.A. § 16-50j-15(b)) as well as Connecticut General Statute § 4-177a and the Council is therefore precluded from granting him status as an intervenor. The Council's Rules of Practice specifically provide what is to be included in a petition to be designated an intervenor:

The petition shall provide a summary of the petitioner's contentions concerning the issues in the proceeding; the relief sought by the petition in the proceeding and the legal authority therefore; and the nature of the evidence, if any, that the petitioner intends to present in the event that the petition is granted.

Torres' petition fails to meet any of the forgoing. Torres only states that a part of his district overlooks the Proposed Project and that he "has worked hard over the years to protect the city's historical past against administrative decisions which have resulted in damaging that legacy." Having failed to set forth any facts demonstrating how his participation will assist the Council in resolving the issues of the case (*see* R.C.S.A. § 16-50j-15(d)) Torres' petition must be denied.

Additionally, subpart (b) of Connecticut General Statute § 4-177a is clear in its grant of authority: "The presiding officer may grant any person status as an intervenor in a contested case if that officer finds that: (1) Such person has submitted a written petition to the agency **and mailed copies to all parties**, at least five days before the date of hearing." Conn. Gen. Stat. § 4-177a (emphasis added). Torres has not provided UI with his request for intervenor status via U.S. mail as required by statute. This failure to comply with the requirements of § 4-177a precludes the Council from granting Mr. Torres such a status.

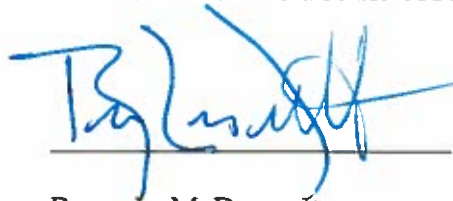
Nowhere in Mr. Torres' request does he state how his participation will assist the Council in resolving the issues in the case, is in the interest of justice and will not impair the orderly

conduct of the proceeding as required by R.C.S.A. § 16-50j-15 and Connecticut General Statute § 4-177a(b). Instead, he states that he is a member of the Bridgeport City Council and that “[t]his facility directly overlooks most of the South side of my district.” Granting Mr. Torres intervenor status based on this claim will not further the interests of justice as (i) those residents with views of the proposed site, as noted by Torres, are represented by the City of Bridgeport, already a Party to this proceeding; and (ii) all concerned citizens, including those with views of the facility and Torres himself, will have the opportunity to speak at the public hearing, and can voice their concerns.

Additionally, Torres states that “as a resident of Bridgeport [he is] directly affected as a person who has worked hard over the years to protect the city’s historical past against administrative decisions which have resulted in damaging that legacy.” The Council’s purpose is not to examine the legacy of Bridgeport’s city government, or even the process by which it considered the Proposed Project, but the merits of UI’s Petition that is before the Council. Having failed to demonstrate to the Council why his participation in this docket will assist the Council in its decision- making, Torres’ request must be denied.

Respectfully submitted,

THE UNITED ILLUMINATING COMPANY



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CERTIFICATION

This is to certify that on this 4th day of September, 2014, the foregoing was delivered via electronic mail and by hand to the Connecticut Siting Council, 10 Franklin Square, New Britain, CT and one (1) copy was delivered via electronic mail and U.S. mail, postage prepaid, to all other known parties and petitioners.



Bruce L. McDermott