



**FuelCell Energy**

Ultra-Clean, Efficient, Reliable Power

May 6, 2015

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

**RE: PETITION NO. 922 – UIL Distributed Resources, LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the installation of a Fuel Cell generating facility located at 1835 Hebron Avenue, Glastonbury, Connecticut.**

Dear Ms. Bachman:

FuelCell Energy, Inc., (“FCE”) as general contractor and agent for UIL Distributed Resources, LLC, owner of the above-captioned project (the “Project”), is writing to advise the Council, and request approval of, two (2) de minimis changes to the Project’s construction as follows:

1. Per the November 9, 2009 Petition and as noted in the December 3, 2009 staff report, the turbo expander and support infrastructure were to be installed within the existing gate station compound, while the fuel cell, switchgear/transformer, water treatment and water tank components would be located within an approximate 85-foot by 75-foot fenced compound north of the existing gate station. Subsequent to the initial petition and Council decision in this matter, a decision was made by the gate station owner to expand the existing gate station buildings into the area where the turbo expander was to be located. Thus, the turbo expander and support infrastructure had to be moved to be co-located with the fuel cell components. A request for de minimis change was submitted to the Council on December 9, 2014, attaching the latest general arrangement drawing as a final construction drawing. The request was approved by the Council on January 12, 2015.

2. Prior to the commencement of construction, but subsequent to the Siting Council amendment submission, as part of continuing surveys and site due diligence, FCE discovered that the gate station owner had granted an easement to Algonquin within the footprint of the Project. In order to avoid encroaching on the easement, the determination was made to shift the Project 55 feet to the North. It was assumed by Project management personnel for FCE (incorrectly) that no Siting Council review was necessary. The original construction drawings submitted did not contain geographic coordinates and therefore Project management personnel

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believed that resubmission of a shift of 55 feet was required. Had the Project been built farther South, the Project would be several feet taller and the North retaining wall would have been more difficult to screen. Project management personnel decided out of an abundance of caution to submit the revised plans to the Glastonbury Wetlands Commission to ensure no encroachment on the wetlands. Of course, the submission of the change should have been submitted to the Siting Council. Nevertheless, upon approval from the Town of Glastonbury and issuance of building permits, construction commenced on February 26, 2015.

3. Most recently, it has been determined that due to the shift of the Project, the topography of the site and other factors, the final height of the exhaust stack, originally reported in the 2009 Siting Council submission and approval to be 25 feet high will be 29 feet 3 inches above the top of the finished concrete slab. For reference, the outside diameter of the stack will be 36 inches. FCE respectfully submits that this increase of 4 feet 3 inches is also de minimis.

4. FCE, on behalf of UIL Distributed Resources, LLC, herein respectfully requests that the Siting Council approve as a de minimis change the shifting of the Project by 55 feet in order to avoid encroachment on Algonquin's easement and the increase in the exhaust stack height by 4 feet 3 inches. By way of comparison, the prior shift of the ERG unit from the gate station compound to the fuel cell compound that was approved as a de minimis change was a shift of 95 feet. Submitted herewith are complete construction plans for Siting Council review.

FuelCell Energy, Inc. and UIL Distributed Resources, LLC respectfully request that the de minimis changes identified herein be placed on the agenda of the Council's next regularly scheduled meeting for discussion and approval.

If you have any questions with respect to the foregoing, please contact the undersigned. Thank you for your consideration.



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Respectfully submitted,

FUELCELL ENERGY, INC.  
On behalf of  
UIL DISTRIBUTED RESOURCES, LLC

By:   
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Vice President, Commercial Counsel

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c: Richard J. Johnson, Town Manager, Town of Glastonbury  
Bruce McDermott, Esq., UIL Distributed Resources, LLC