

PETITION NO. 1042 – Somers Solar Center, LLC Petition for a } Connecticut
Declaratory Ruling that no Certificate of Environmental }
Compatibility and Public Need is required for the construction } Siting
and operation of a 5.0 MW AC Solar Photovoltaic Project located }
at 458 & 488 South Road, Somers, Connecticut. } Council

March 21, 2013

Decision and Order

Pursuant to the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the construction and operation of a 5.0 MW AC Solar Photovoltaic Project located at 458 & 488 South Road in Somers, Connecticut would not have a substantial adverse environmental effect, would meet all applicable U.S. Environmental Protection Agency and Connecticut Department of Energy and Environmental Protection (DEEP) Ambient Air Quality Standards and Water Quality Standards, would be in accordance with stated goals of Public Act No. 11-80: *An Act Concerning the Establishment of the Department of Energy and Environmental Protection and Planning for Connecticut's Energy Future*; and therefore, would not require a Certificate of Environmental Compatibility and Public Need.

The facility shall be constructed, operated, and maintained substantially as specified in the Council's record in this matter, and is subject to the following conditions:

1. The Petitioner shall prepare a Development and Management (D&M) Plan for this site in compliance with Sections 16-50j-75 through 16-50j-77 of the Regulations of Connecticut State Agencies. The D&M Plan shall be served on the Town of Somers for comment, and all parties and intervenors as listed in the service list, and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
 - a) a final plan(s) of site development to include specifications for the solar panels, supporting infrastructure, electrical equipment, equipment compound, access and maintenance roads, utility connections, and landscaping;
 - b) and construction plans for site clearing, grading, landscaping, water drainage, and erosion and sedimentation controls consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.
2. The Petitioner shall provide the Council with written notice of commencement of site clearing, foundation construction, and commencement of site operation.
3. The Petitioner shall submit a first year operating report within three months after the conclusion of the first year of operation that includes a discussion of the number of hours of operation and the amount of energy generated by the facility.
4. Unless otherwise approved by the Council, this Decision and Order shall be void if all construction authorized herein is not completed within four years of the effective date of this Decision and Order or within four years after all appeals of this Decision and Order have been resolved.

5. The Petitioner shall provide the Council with not less than 30 days written notice that the facility plans to cease operation.
6. The Petitioner, or its successor, shall cause all equipment and appurtenances of the project to be dismantled and removed from the host property within one year after the cessation of project operations.
7. Any request for extension of the time period referred to in Condition 6 shall be filed with the Council not later than 60 days prior to the expiration date of said time period and shall be served on all parties and intervenors, as listed in the service list, and the Town of Somers. Any such request for extension shall state the reason(s) for which an extension is being sought.
8. This Declaratory Ruling may be transferred, provided both the facility owner/operator/transferor and the transferee are current with payments to the Council for their respective annual assessments and invoices under Conn. Gen. Stat. §16-50v. In addition, both the facility owner/operator/transferor and the transferee shall provide the Council with a written agreement as to the entity responsible for any quarterly assessment charges under Conn. Gen. Stat. §16-50v(b)(2) that may be associated with this facility.

By this Decision, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with Section 16-50j-17 of the Regulations of Connecticut State Agencies.

The parties and intervenors to this proceeding are:

Petitioner	Somers Solar Center, LLC	Nelson Teague Somers Solar Center, LLC c/o HelioSage LLC 117 4 th Street, SE, Ste. B Charlottesville, VA 22902 434-293-7589 Craig Wetmore Somers Solar Center, LLC c/o Clean Path Ventures 3 Embarcadero Center, Ste. 1420 San Francisco, CA 94111 415-529-3063 Joey Lee Miranda, Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, Connecticut 06103-3597 860-275-8200
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