



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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October 17, 2016

Dawn Mahoney, Esq.
General Counsel
Doosan Fuel Cell America, Inc.
195 Governor's Highway
South Windsor, CT 06074

RE: **PETITION NO. 1257** – Doosan Fuel Cell America, Inc. petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the construction, maintenance, and operation of a 440-kilowatt customer-side combined heat and power fuel cell facility to be located at Eastern Connecticut State University Science Building, 83 Windham Street, Willimantic (Windham), Connecticut.

Dear Attorney Mahoney:

The Connecticut Siting Council (Council) received the petition for the above-referenced facility on October 14, 2016.

According to Section 16-50j-39a of the Regulations of Connecticut State Agencies, “no declaratory ruling shall be issued to any person until a complete petition containing all information relevant by the Council has been filed.”

Staff has reviewed this petition for completeness and has identified a deficiency in notice to the Town of Windham and appropriate municipal officials, state elected officials and state agencies. Pursuant to Section 16-50j-40 of the Regulations of Connecticut State Agencies, “Prior to submitting a petition for a declaratory ruling to the Council, the petitioner shall, where applicable, provide notice to each person other than the petitioner appearing as record as an owner of property which abuts the proposed primary or alternative sites of the proposed facility, each person appearing of record as an owner of the property or properties on which the primary or alternative proposed facility is to be located, and the appropriate municipal officials and government agencies. Proof of such notice shall be submitted with the petition for declaratory ruling. **These notice requirements are applicable to proposed facilities that, by statute, are required to be approved by a declaratory ruling in lieu of a certificate under Section 16-50k of the Connecticut General Statutes**, and to petitions for a declaratory ruling that the subject of the petition does not constitute a facility. The term “appropriate municipal officials and government agencies” means, in the case of a facility required to be approved by declaratory ruling, the same officials and agencies to be noticed in the application for a certificate under Section 16-50j of the Connecticut General Statutes.”

Therefore, the petition is incomplete at this time. The Council recommends that the petitioner provide proof of service of a copy of the petition for a declaratory ruling on the Town of Windham including appropriate municipal officials, state elected officials and government agencies, including the Department of Emergency Services and Public Protection, the Department of Consumer Protection, the Department of Administrative Services and the Labor Department on or before October 31, 2016.

Thank you for your attention to this matter. Should you have any questions, please feel free to contact me at 860-827-2951.

Sincerely,

Melanie A. Bachman
Acting Executive Director/Staff Attorney

c: Council Members

