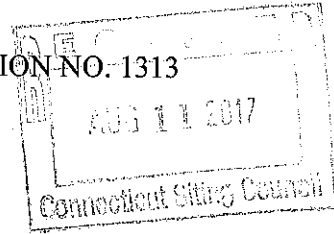


**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

DWW SOLAR II, LLC PETITION FOR
DECLARATORY RULING THAT NO
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED
IS REQUIRED FOR A 26.4 MEGAWATT
AC SOLAR PHOTOVOLTAIC ELECTRIC
GENERATING FACILITY IN SIMSBURY
CONNECTICUT

:
:
:
:
:
:
:
:
:
:
:

PETITION NO. 1313



AUGUST 10, 2017

**DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION'S MOTION
TO BE PLACED ON SERVICE LIST**

The State of Connecticut Department of Energy and Environmental Protection ("DEEP"), a party to this proceeding, hereby moves to be placed immediately on the Service List in this matter. In support of this motion, DEEP represents as follows:

1. By Notice of Intent to Be a Party, dated August 1, 2017 ("Notice of Intent"), which was filed with the Siting Council and served on all parties on the Service List in effect on that date (the July 20, 2017 Service List), DEEP, pursuant to Conn. Gen. Stat. § 16-50n(a)(2), informed the Siting Council of its intent to be a party to this declaratory ruling proceeding.
2. By statute, DEEP becomes a party to this proceeding upon the filing of the Notice of Intent. Section 16-50n(a) states, "The parties to a . . . declaratory ruling proceeding *shall include*: . . . (2) each person entitled to receive a copy of the application or resolution under section 16-50l, if such person has filed with the council a notice of intent to be a party" (emphasis added).
3. DEEP, a "governmental agency," is a "person" under the statute. Conn. Gen. Stat. § 16-50i(c).

4. DEEP is one of the entities entitled to receive a copy of an application for a certificate filed under Conn. Gen. Stat. § 16-50l: § 16-50l(b)(5) requires that copies of applications for certificates be sent to "each state department, agency and commission named in subsection (h) of section 16-50j"

5. Section 16-50j currently has no subsection (h) because in 2014, subsection (h) of section 16-50j became subsection (g) when former subsection (d) was deleted.

6. Subsection (g) of section 16-50j (formerly subsection (h)) lists the agencies that the Siting Council must consult with and solicit comments from. These agencies include DEEP. Conn. Gen. Stat. § 16-50j(g)(1). Thus, DEEP is one of the entities to which § 16-50n(a) – through § 16-50l(b)(5) and § 16-50j(g) – refers.

7. The as-of-right nature of this party status is not limited to certificate proceedings. When § 16-50n(a) points to § 16-50l, it does so *only to supply the list of entities*. It does not do so in order to confine the proceedings in which a notice of intent automatically gives party status to *certificate* proceedings. The latter reading would make subsection (2) in § 16-50n(a) meaningless in a declaratory ruling proceeding. It would read this provision out of the statute. "It is a basic tenet of statutory construction that the legislature did not intend to enact meaningless provisions." *Office of Consumer Counsel v. Dept. of Pub. Util. Control*, 234 Conn. 624, 646 (1995) (internal citations and quotation marks omitted).

WHEREFORE, DEEP requests that it be placed immediately on the Service List in this matter.

ROBERT KLEE, COMMISSIONER
CONNECTICUT DEPARTMENT OF AGRICULTURE



By:

Kirsten S. P. Rigney
Bureau of Energy Technology Policy
Department of Energy & Environmental Protection
10 Franklin Square
New Britain, CT 06051
Tel.: (860) 827-2984
Fax: (860) 827-2806
Kirsten.Rigney@ct.gov

Certification of Service

I, Kirsten S. P. Rigney hereby certify that a copy of the foregoing Department of Agriculture's Motion to be Placed on Service List was sent on August 10, 2017, by electronic mail to the following parties on the Service List in this matter:

Petitioner, DWW Solar II, LLC

Lee D. Hoffman, Esq.
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103-3702
Tel.: (860) 424-4315
Fax: (860) 424-4370
lhoffman@pullcom.com

Aileen Kenney
Deepwater Wind, LLC
VP, Permitting & Environmental Affairs
56 Exchange Terrace, Suite 300
Providence, RI 02903
Tel.: (401) 648-0607
akenney@dwwind.com

Town of Simsbury

Jesse A. Langer, Esq.
Robert M. DeCrescenzo, Esq.
Updike, Kelly & Spellacy, P.C.
One Century Tower
265 Church Street
New Haven, CT 06510
Tel.: (203) 786-8310
jlanger@uks.com
bdecrescenzo@uks.com

**Connecticut Department of
Agriculture**

Jason Bowza
450 Columbus Boulevard
Hartford, CT 06103
Tel.: (860) 713-2526
Fax: (860) 713-2514
Jason.Bowsza@ct.gov



Kirsten S. P. Rigney