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LEED Green Associate

July 6, 2017

***VIA FEDERAL EXPRESS AND
ELECTRONIC MAIL***

Melanie.bachman@ct.gov
Siting.council@ct.gov

Ms. Melanie A. Bachman, Esq., Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06501

Re: Petition 1313 – 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

Dear Attorney Bachman:

This office represents the Town of Simsbury (“Town”). On behalf of the Town, I have enclosed the following in connection with the above-captioned matter: (1) an Application for Party Status and (2) a Motion for Hearing. In accordance with § 16-50j-12 of the Regulations of Connecticut State Agencies, I have enclosed an original and twenty (20) copies of each.

If you have any questions concerning the objection, please do not hesitate to contact me.

Very truly yours,

Jesse A. Langer

Enclosures

cc: *Service List (via regular mail and electronic mail)*

Updike, Kelly & Spellacy, P.C.
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**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

.....)	
DWW SOLAR II, LLC PETITION FOR)	PETITION NO. 1313
DECLARATORY RULING THAT NO)	
CERTIFICATE OF ENVIRONMENTAL)	
COMPATIBILITY AND PUBLIC NEED)	
IS REQUIRED FOR A 26.4 MEGAWATT)	
AC SOLAR PHOTOVOLTAIC ELECTRIC)	July 6, 2017
GENERATING FACILITY IN SIMSBURY)	
CONNECTICUT)	
.....)	

APPLICATION FOR PARTY STATUS

Pursuant to General Statutes §§ 16-50n and 4-177a, as well as §§ 16-50j-17 and 16-50j-40 of the Regulations of Connecticut State Agencies, the Town of Simsbury (“Town”), through counsel, respectfully requests that the Connecticut Siting Council (“Council”), grant the Town party status in Petition No. 1313 (“Petition”), filed by DWW Solar II, LLC (“Petitioner”). In support of this Application, the Town states as follows:

1. The proposed 26.4 megawatt AC solar photovoltaic electric generating facility (“Project”) is proposed within the legal boundaries of the Town. (*Petition, pp. 1, 5 and 8.*)
2. By virtue of the Home Rule Act, General Statutes § 7-148 *et seq.*, and its organic legislation, the Town is obligated to preserve the public welfare and wellbeing of its inhabitants.
3. The Town has promulgated and continues to enforce land use regulations as well as other environmental regulations in furtherance of its duties.
4. It is the Town’s imperative to ensure that any development, including the proposed Project, comports to and is in harmony with the Town’s land use and environmental regulations as well as other policies of the Town, including, but not limited to, the impact of the

Project on environmental resources, nearby residential neighborhoods, aesthetics and historical preservation.

5. The Town's participation as a Party in this proceeding is necessary to represent the legal rights, duties and privileges of the Town and its inhabitants, which are directly impacted by the Project.

6. The Town seeks to participate fully in the proceedings, including but not limited to, the submission of interrogatories and documentary evidence concerning the Project, as well as present testimony and witnesses in the event the Council elects to conduct a hearing, as well as any posthearing filings or proceedings.

7. The Town would submit evidence concerning the conformity of the Project, or lack thereof, with the Town's land use and environmental regulations, as well as provide information concerning the Project's compliance with General Statutes § 16-50g *et seq.* and impact of the proposed Project on the Town and its inhabitants.

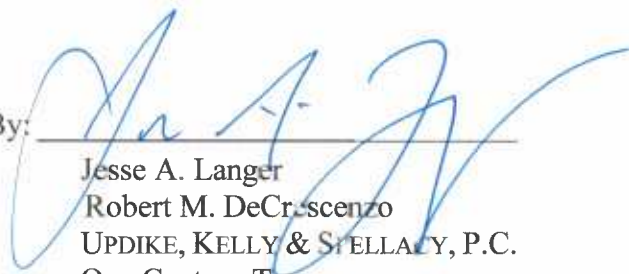
8. The Council is required to designate party status to recipients of notice under General Statutes § 16-50l. General Statutes § 16-50n(a). Hence, the Council is accustomed to granting party status to recipients of notice under General Statutes § 16-50l, which includes the municipality in which the proposed facility would be located. Although the Project does not appear to constitute a "Facility" as defined by General Statutes § 16-50i, the Petitioner is nevertheless obligated to provide notice to the Town in accordance with General Statutes § 16-50l, which it did. Regs., Conn. State Agencies § 16-50j-40(a). Section 16-50l constitutes a legislative mandate that such recipients have a specific and personal legal interest in the subject matter of the proceeding. Accordingly, that legislative pronouncement should be applied to the Town in this proceeding. Additionally, the Town's involvement will aid the Council in reaching

a fair and informed decision in the proceeding and will not interfere with the orderly conduct of the proceedings.

WHEREFORE, the Town respectfully requests that the Council grant it party status in connection with the Petition.

Respectfully submitted by,

THE TOWN OF SIMSBURY

By: 

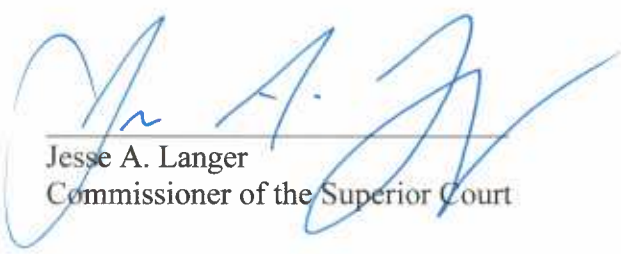
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Email: bdecrescenzo@uks.com

CERTIFICATION

I hereby certify that on this day that the foregoing was delivered by electronic mail and regular mail, postage prepaid, in accordance with § 16-50j-12 of the Regulations of Connecticut State Agencies, to all parties and intervenors of record, as follows:

Counsel for DWW Solar II, LLC

Lee D. Hoffman
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103-3702
lhoffman@pullcom.com



Jesse A. Langer
Commissioner of the Superior Court

**STATE OF CONNECTICUT
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CONNECTICUT)
.....)

MOTION FOR A HEARING

Pursuant to General Statutes § 4-176(e) and § 16-50j-40(b) of the Regulations of Connecticut State Agencies, the Town of Simsbury (“Town”), through counsel, respectfully requests that the Connecticut Siting Council (“Council”) schedule a formal hearing on Petition No. 1313 (“Petition”), filed by DWW Solar II, LLC. In support of this Motion, the Town states as follows:

1. The proposed 26.4 megawatt AC solar photovoltaic electric generating facility (“Project”) is proposed exclusively within the legal boundaries of the Town. (*Petition, pp. 1, 5 and 8.*)

2. The Town has filed an Application for Party Status contemporaneously with this Motion for Hearing, seeking to participate fully in the proceedings, including the submission of evidence concerning the conformity of the Project, or lack thereof, with the Town’s land use and environmental regulations, as well as other policies of the Town, including, but not limited to, the impact of the Project on environmental resources, nearby residential neighborhoods, aesthetics and historical preservation.

3. A formal hearing, consisting of an evidentiary hearing and a public hearing, is necessary to (a) vet the Petition fully, (b) aid the Council in determining whether the Project meets the requirements of General Statutes § 16-50g *et seq.*, and (c) allow the Town's inhabitants to voice their positions both for and against the Petition as the Project has generated robust discourse.

WHEREFORE, the Town respectfully requests that the Council schedule a full evidentiary hearing on the Petition.

Respectfully submitted by,

THE TOWN OF SIMSBURY

By: 

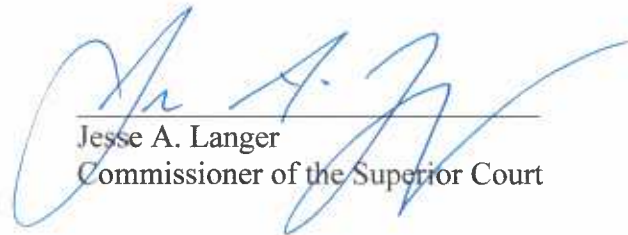
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