



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

July 7, 2014

Jennifer D. Arasimowicz
Fuel Cell Energy, Inc.
3 Great Pasture Road
Danbury, CT 06810

RE: **PETITION NO. 1109** – UB Fuel Cell, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the construction and operation of a 1.4 MW Fuel Cell facility to be located at the University of Bridgeport located at 446 University Avenue, Bridgeport, Connecticut.

Dear Ms. Arasimowicz:

The Connecticut Siting Council (Council) is in receipt of your e-mail correspondence dated July 3, 2014 regarding the deficiency in notice pursuant to regulatory requirements for the above-referenced petition for a declaratory ruling.

You indicate in your response that the map referenced in the Council's July 2, 2014 letter notifying the petitioner of a deficiency in notice was provided by the Council. This is incorrect. The subject map, which appears to be from the City of Bridgeport Geographic Information System per the map legend, was submitted to the Council as part of the Sound Level Assessment included in the petition behind the first yellow divider.¹ In fact, the map is entitled, "Overview of the Analyzed Area showing **campus boundary and non-university parcels within the boundaries**" (emphasis added).

Clearly, by outlining on the submitted map the non-university parcels in pink within the boundaries of the university property, which is outlined in purple, the author of the Sound Level Assessment intended to draw attention to those non-university parcels within the boundaries of the university property. It is also clear, according to the City Assessor's cards submitted with your July 3, 2014 response, that the University of Bridgeport is not the owner of the non-university parcels within the university boundaries.

There is established Council precedent for the provision of notice to abutting property owners of a petition for a declaratory ruling for a proposed facility on a site that is to be located within the boundaries of a university property. That precedent is Petition No. 1005 - New Britain Renewable Energy, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the installation of a 1.4 MW fuel cell located at Central Connecticut University, New Britain, Connecticut.

Please be advised that the Council endeavors to ensure all interested persons have been provided ample notice and an opportunity to be heard on all matters pending before the Council. This is a basic due process requirement that is clearly contemplated in the provisions of Section 16-50j-40 of the Regulations of Connecticut State Agencies and Section 4-176 of the Connecticut General Statutes.

¹ Of note, the Sound Level Assessment submitted as part of the petition for a declaratory ruling is marked "Proprietary and Confidential" on every page. Unless submitted under seal with an accompanying Motion for a Protective Order that is granted by a Council vote, the materials submitted with the petition for a declaratory ruling are of public record.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Melanie A. Bachman".

Melanie A. Bachman
Acting Executive Director/Staff Attorney

Cc: Ben Toby, UB Fuel Cell, LLC