



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

www.ct.gov/csc

VIA ELECTRONIC MAIL

August 31, 2017

TO: Parties and Intervenors

FROM: Melanie Bachman, Executive Director *MAB*

RE: **PETITION NO. 1312** – Candlewood Solar LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance and operation of a 20 megawatt AC (26.5 megawatt DC) solar photovoltaic electric generating facility located on a 163 acre parcel at 197 Candlewood Mountain Road and associated electrical interconnection to Eversource Energy's Rocky River Substation on Kent Road in New Milford, Connecticut.

At a pre-hearing conference held on August 30, 2017, at the Connecticut Siting Council's (Council) office, and attended by William LaMontagne of New Milford Clean Power, Jason Bowsza of the Department of Agriculture, Joel Lindsay of Ameresco Inc., Paul Michaud, Esq., of Murtha Cullina LLP, John Tower, Esq., of Cramer & Anderson LLP and Kirsten Rigney, Esq. and Chris Martin of the Department of Energy and Environmental Protection, the Council requested that the following format be used for the public hearing scheduled on Tuesday, September 26, 2017.

Pre-hearing Procedure

1. On or before September 12, 2017 all parties and intervenors are requested to exchange pre-hearing interrogatories with all other parties and intervenors.
2. On or before September 19, 2017 all parties and intervenors are requested to file responses to pre-hearing interrogatories and exchange pre-filed testimony, exhibits, witness lists, and items to be noticed administratively with the Council and all other parties and intervenors. To save the time and expense of parties, intervenors, and the public, all parties and intervenors are encouraged to resolve discrepancies of these items before the hearing.
3. Any person seeking to be admitted as a party or intervenor to the proceeding is requested to file a written petition with the Council on or before September 19, 2017.
4. All filings are to be in accordance with the State Solid Waste Management Plan and in accordance with Section 16-50j-12 of the Regulations of Connecticut State Agencies the Council requires an original and 15 copies of all filings. The Council is requesting that all filings be submitted on recyclable paper, primarily regular weight white office paper. Please avoid using heavy stock paper, colored paper, and metal or plastic binders and separators.



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5. Pursuant to Section 16-50j-21 of the Regulations of Connecticut State Agencies, at least ten business days prior to the public hearing, the petitioner shall erect and maintain, in a legible condition, at least one sign not less than six feet by four feet at the entrance to the property from a public road where the proposed facility is to be located. The sign shall set forth the name of the petitioner, the type of facility, the public hearing date, and contact information for the Council (Web site and phone number). Information pertaining to the location of the sign(s) shall be submitted to the Council prior to sign installation.
6. Enclosed is a list of items the Council wishes to notice administratively. Objections to any item on the list should be sent to the Council before the hearing.

Hearing Procedure

7. A public field review of the proposed site will be held on Tuesday, September 26, 2017, beginning at 1:30 p.m. The field review will commence at the site entrance at 197 Candlewood Mountain Road. At the field review, the petitioner will provide an overview of the project and hand out recommended driving directions to areas along the perimeter of the project site so that field review attendees can visit points of interest. The petitioner shall submit a driving route at least 10 days prior to the field review.
- ~~8. The 3:00 p.m., September 26, 2017, hearing session will provide the petitioner, parties, and intervenors an opportunity to introduce exhibits and witnesses, and cross-examine positions. The petitioner will be allowed to present its exhibits and witness panel, and then be subject to cross-examination by the Council and all parties and intervenors. All parties and intervenors will then be allowed to introduce their exhibits and witness panels, and be subject to cross-examination by the Council, the petitioner and all other parties and intervenors.~~
9. A continued evidentiary hearing session is scheduled for October 31, 2017, beginning at 11:00 a.m. at the Council's office building in Hearing Room One. The Council will revise the proceeding schedule, including dates for the submission of additional interrogatories and pre-filed testimony, prior to any evidentiary hearing session.
10. All participants are requested to place nameplates on the table in front of each witness at the hearing.
11. The order of appearances and cross-examination will be governed by a hearing program developed by the Council for the proceeding. The Council may issue a draft version of the hearing program to parties and intervenors prior to the hearing.
12. The 6:30 p.m. hearing session on September 26, 2017, will be reserved for the public to make brief statements into the record. The Council requests that the petitioner conduct a brief presentation prior to public comment, using 24-inch by 36-inch diagrams depicting site features, including a map showing abutting properties. The diagrams must be from materials already submitted into the record.
13. If time remains, the 6:30 p.m. hearing session may provide the petitioner, parties, and intervenors an opportunity to continue their appearances and cross-examination that began during the 3:00 p.m. hearing session.
14. The Council will provide public officials who have not been granted party or intervenor status an opportunity to make a statement.
15. The Council may, at its discretion, group parties and intervenors with the same interest.

16. Individuals will be encouraged to participate through their elected officials and other party or intervenor groupings.
17. Any party or intervenor, including those that are members of non-profit corporations or citizens groups, that have attained party or intervenor status in the proceeding are deemed to be represented in the proceeding and may not submit oral or written statements into the record.
18. All participants will be encouraged to be brief, concise, non-repetitious, and courteous of all other participants.

Post-hearing procedure

19. A verbatim transcript of the hearing session will be made and deposited with the Town Clerk's Offices of the Towns of New Milford, Brookfield and New Fairfield, Connecticut for the convenience of the public.
20. Parties and intervenors will be allowed to submit briefs and proposed findings of fact within 30 days after the close of the hearing.
21. Members of the public will be allowed to submit public statements into the record within 30 days after the close of the hearing.

22. Deadlines for briefs, proposed findings of fact, and public statements will be final and no extensions will be granted.

Thank you for your cooperation.

MB/MP/lm

Enclosure: Administrative Notice List

Administrative Notice List
Petition No. 1312

FEDERAL

1. NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES, NATIONAL INSTITUTES OF HEALTH, *EMF, Electric and Magnetic Fields Associated with the Use of Electric Power*, June 2002, available at http://www.niehs.nih.gov/health/materials/electric_and_magnetic_fields_associated_with_the_use_of_electric_power_questions_and_answers_english_508.pdf
2. NATIONAL RESEARCH COUNCIL, *Research on Power-Frequency Fields Completed Under the Energy Policy Act of 1992*, National Academy of Sciences, 1999, available at <http://books.nap.edu/openbook.php?isbn=0309065437>
3. UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION, *Obstruction Marking and Lighting, Advisory Circular AC 70/7460-1L*, December 4, 2015, available at https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_70_7460-1L.pdf
4. Presidential Proclamation No. 8460, *Critical Infrastructure Month*, 74 Fed. Reg. 234, December 8, 2009, available at <http://www.presidency.ucsb.edu/ws/index.php?pid=86954>
5. Presidential Executive Order No. 13636, *Improving Critical Infrastructure Cybersecurity*, 78 Fed. Reg. 11739, February 19, 2013, available at <http://www.archives.gov/federal-register/executive-orders/2013.html>
6. UNITED STATES DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, *National Register of Historic Places*, July 2010, available at <http://www.nps.gov/history/nr/research/index.htm>
7. UNITED STATES DEPARTMENT OF ENERGY, FEDERAL ENERGY REGULATORY COMMISSION AND THE NORTH AMERICAN ELECTRIC RELIABILITY CORPORATION, *Report on Transmission Facility Outages During the Northeast Snowstorm of October 29-30, 2011 – Causes and Recommendations*, available at <http://ferc.gov/legal/staff-reports/05-31-2012-ne-outage-report.pdf>
8. UNITED STATES QUADRENNIAL ENERGY REVIEW TASK FORCE, *Quadrennial Energy Review: Energy Transmission, Storage, and Distribution Infrastructure*, April 2015, available at <http://energy.gov/epsa/downloads/quadrennial-energy-review-full-report>
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10. UNITED STATES ENERGY INFORMATION ADMINISTRATION, *Annual Energy Outlook 2017*, January 5, 2017, available at <https://www.eia.gov/outlooks/aeo/>
11. UNITED STATES FISH AND WILDLIFE SERVICE, Final 4(d) Rule for the Northern Long-eared Bat, January 14, 2016, available at <https://www.fws.gov/Midwest/endangered/mammals/nleb/pdf/FRnlebFinal4dRule14Jan2016.pdf>
12. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, Office of Solid Waste and Emergency Response, *Handbook on Siting Renewable Energy Projects While Addressing Environmental Issues*, available at http://www.epa.gov/renewableenergyland/docs/handbook_siting_repowering_projects.pdf

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14. UNITED STATES DEPARTMENT OF AGRICULTURE, *Solar Energy Use in U.S. Agriculture Overview and Policy Issues*, April 2011, available at <https://www.nal.usda.gov/afsic/solar-energy>
15. UNITED STATES DEPARTMENT OF AGRICULTURE, *Soil Survey Manual, Handbook No. 18*, March 2017, available at https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/soils/ref/?cid=nrcs142p2_054262
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18. UNITED STATES FEDERAL AVIATION ADMINISTRATION, *Interim Policy, FAA Review of Solar Energy System Projects on Federally Obligated Airports (inclusive of Solar Glare Hazard Analysis Tool)*, October 23, 2013, available at <https://www.federalregister.gov/documents/2013/10/23/2013-24729/interim-policy-faa-review-of-solar-energy-system-projects-on-federally-obligated-airports>

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21. ISO-NEW ENGLAND, *2014 Regional System Plan*, November 6, 2014, available at <http://www.iso-ne.com/system-planning/system-plans-studies/rsp>
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30. ISO-NEW ENGLAND, INC., *Finalized Capacity Auction Results Confirm 10th FCA Procured Sufficient Resources, at a Lower Price, for 2019-2020*, February 29, 2016, available at https://www.iso-ne.com/static-assets/documents/2016/02/20160229_fca10_finalresults.pdf
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45. **PETITION NO. 1042** – Somers Solar Center, LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the construction and operation of a 5.0 MW AC Solar Photovoltaic Project located at 458 & 488 South Road, Somers, Connecticut. Record and Final Decision, available at <http://www.ct.gov/csc/cwp/view.asp?a=2397&q=513338>
46. **PETITION NO. 1056** - GRE 314 East Lyme, LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction and operation of a 5.0 MW Solar Photovoltaic Renewable Energy Generating Project located on Grassy Hill Road and Walnut Hill Road, East Lyme, Connecticut. Record and Final Decision, available at <http://www.ct.gov/csc/cwp/view.asp?a=2397&q=517566>
47. **PETITION NO. 1178** – DESRI CT Fusion Acquisition, LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, operation and maintenance of a ground-mounted 20 megawatt solar photovoltaic electric generating facility located on Potash Hill Road, Sprague, Connecticut. Record and Final Decision, available at <http://www.ct.gov/csc/cwp/view.asp?a=2397&Q=568946&PM=1>
48. **PETITION NO. 1247** – C-TEC Solar, LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance, and operation of a 3.75 MW solar photovoltaic electric generating facility located at 1 Ballard Road, Thompson, Connecticut. <http://www.ct.gov/csc/cwp/view.asp?a=2397&Q=582976&PM=1>

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49. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, CONNECTICUT COUNCIL ON SOIL AND WATER CONSERVATION, *Connecticut Guidelines for Soil Erosion and Sediment Control*, DEP Bulletin 34, May 2002, last revised September 2007, available at http://www.ct.gov/dep/cwp/view.asp?a=2720&q=325660&depNav_GID=1654
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54. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Connecticut Noise Control Regulations*, Effective June 15, 1978, Regulations of Connecticut State Agencies §§22a-69-1, et seq., available at <http://www.ct.gov/deep/lib/deep/regulations/22a/22a-69-1through7.pdf>
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Department of Transportation

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TECHNICAL

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