

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES**

**NOTICE OF ADJUDICATION
NOTICE OF PUBLIC COMMENT HEARING**

NextSun Energy LLC
D.P.U. 19-133

Notice is hereby given that NextSun Energy LLC (the “Company”) has filed with the Department of Public Utilities (the “Department”) a petition pursuant to the provisions of G.L. c. 40A, § 3, seeking individual and comprehensive zoning exemptions from the operation of the Town of Dartmouth Zoning Bylaws (“Petition). The zoning exemptions are requested in connection with the Company’s proposed construction and operation of a dual-use, ground-mounted solar array and energy storage facility (“Project”) located at 293 Flag Swamp Road (the “Site”) in the Town of Dartmouth, Massachusetts (the “Town” or “Dartmouth”). The Petition has been docketed as D.P.U. 19-133. The Department will review the Petition to determine whether the zoning exemptions should be granted, and if the proposed use of the land or structure is reasonably necessary for the convenience or welfare of the public, pursuant to G.L. c. 40A, § 3.

The Department will conduct a public comment hearing on the proposed Project:

March 2, 2020, at 7:00 p.m.

***Dartmouth Middle School Auditorium
366 Slocum Road, Dartmouth, MA 02747***

At the public comment hearing, the Company will present an overview of the proposed Project. Public officials and the public will then have an opportunity to ask questions and make comments about the Project. The public comment hearing will be recorded by a court reporter. The Siting Board will also accept written comments on the proposed Project. The public may also file written comments through **March 16, 2020**, at the physical or email addresses listed below. To file comments, please see the Section titled “Filing Instructions” toward the end of this Notice.

Description of the Project

The proposed Project Site is situated on approximately 44 acres within cranberry bog land in Dartmouth, at 293 Flag Swamp Road identified as Dartmouth Property ID 79-34-1. The Project is a 2.0 megawatt alternating current/ 6.2-megawatt direct current dual-use, agricultural ground-mounted solar array and a 24 megawatt-hour energy storage facility. The solar array will consist of 16,770 370-watt solar modules, mounted on approximately 4,200 piers, single-axis tracking equipment, two inverters, and a

transformer. The single-axis tracker design tracks the sun east to west throughout the day to maximize generation. The solar panels will be installed in rows spaced 21 feet on center and will be ten feet above the cranberry bogs when in horizontal position. The energy storage system will consist of battery modules, enclosures to house the batteries, converters and ancillary equipment. The batteries will be installed in six battery container enclosures, each located on a concrete pad. The entire energy storage system and associated equipment, and the two inverters and transformer for the solar array, will be located in an approximately 5,000 square foot area immediately adjacent to the south-west portion of the solar array. The Project will connect to the existing 13.2 kilovolt (“kV”), 3-phase distribution circuit approximately 0.25 miles south of the Project site on Flag Swamp Road via a 13.2 kV feeder that will be extended from the existing circuit to the Project site.

Public Review of the Company’s Petition

The Company’s Petition, supplemented by additional information provided by the Company, as well as a full record of the case is available on the Department’s Website, <https://eeaonline.eea.state.ma.us/DPU/Fileroom/dockets/bynumber/19-133>

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, or audio format) contact the Department’s ADA coordinator at DPUADACoordinator@mass.gov or (617) 305-3500.

The Company’s Petition and supplemental information are also available in hard-copy format for public inspection at the following locations, at least fourteen days before the public comment hearing:

- the offices of the Department of Public Utilities, One South Station, Boston, Massachusetts
- Dartmouth Town Clerk’s office, 400 Slocum Road, Room 203, Dartmouth, MA,
- Southworth Library, 732 Dartmouth Street, South Dartmouth, MA,
- North Branch Library, 211 Cross Road, North Dartmouth, MA.

Intervention and Participation

Persons or groups who wish to be involved in the Department proceeding beyond providing comments at the public comment hearing may seek to intervene as a party or to participate as a limited participant. Intervention as a party allows the person or organization to participate in the evidentiary phase of this proceeding, including evidentiary hearings in Boston, and includes the right to appeal a final decision. A limited participant may receive many of the documents that will be submitted to the Department and may present written argument to the Department after evidentiary hearings conclude. A limited participant, however, may not participate in the evidentiary phase of the proceeding and has no right to appeal a decision.

Any person interested in intervening as a party or participating as a limited participant in this proceeding must file a written petition with the Hearing Officer by **March 16, 2020**. Petitions must satisfy the timing and substantive requirements of 220 CMR 1.03, the Department's procedural rules including the requirement that a petition to intervene must state the manner in which the petitioner is "substantially and specifically affected" by the Company's proposed Project. The regulations pertaining to intervention and limited participation can be found on the Department's website at:

<https://www.mass.gov/how-to/file-a-petition-to-intervene-in-an-efsb-or-dpu-siting-case>

Filing Instructions

A written comment or a petition to intervene or participate as a limited participant must be filed in three places.

First, the petition or comment must be filed in hard copy with the Hearing Officer, Robert J. Shea, Department of Public Utilities, One South Station, Boston, Massachusetts, 02110, no later than the close of business (5:00 p.m.) on March 16, 2020.

Second, the petition or comment must be filed with the Department in electronic format by e mail attachment to dpu.efiling@mass.gov and to robert.j.shea@mass.gov . The text of the email must specify: (1) the docket number of the proceeding (D.P.U. 19-133); (2) the name of the person or entity submitting the filing; and (3) a brief description of the document. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing.

Third, the petition or written comment must be sent to counsel for NextSun Energy – John A. DeTore, Esq. at detorej@gtlaw.com .

Reasonable accommodations at public or evidentiary hearings for people with disabilities are available upon request. Include a description of the accommodation you will need, including as much detail as you can. Also include a way we can contact you if we need more information. Please provide as much advance notice as possible. Last minute requests will be accepted, but may not be able to be accommodated. Contact the Department's ADA coordinator at DPUADACoordinator@mass.gov or (617) 305-3500.

Interpretation services for those with limited English language proficiency are available upon request. Include in your request the language required, and a way to contact you if we need more information. Please provide as much advance notice as possible, by **February 24, 2020**, if possible. Last minute requests will be accepted, but may not be able to be accommodated.

Any person desiring further information regarding this Notice, including information regarding intervention or participating in the adjudicatory proceeding, may contact the

Hearing Officer at the address, telephone number, or email address set forth below:

Robert J. Shea, Hearing Officer
Massachusetts Department of Public Utilities
One South Station, 5th Floor
Boston, MA 02110
617-305-3514
robert.j.shea@mass.gov