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VIA ELECTRONIC AND FIRST CLASS MAIL

Robert Stein, Chairman
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

Re: Docket No. 190B -- Meriden Gas Turbines, LLC Certificate of Environmental Compatibility and Public Need for a 530 MW Combined Cycle Generating Plant in Meriden, Connecticut. Reopening of this Docket Pursuant to Connecticut General Statutes § 4-181a(b) Limited to Council Consideration of Changed Conditions and a Decommissioning Plan -- Request for Extension of Briefing Schedule and Deadline for Decision

Dear Chairman Stein:

On August 9, 2013, the City of Meriden (the "City") informed the Siting Council that the City and Meriden Gas Turbines, LLC ("MGT") were engaged in settlement discussions, and the City and MGT jointly requested an extension of the briefing schedule to allow the parties additional time to reach an agreement in principle. The Siting Council extended the deadline in this docket for filing briefs and proposed findings of fact by two weeks until August 30, 2013.

The settlement negotiations have been constructive, and the City and MGT are optimistic that they will finalize a settlement agreement within the next thirty (30) days. The settlement would resolve both the issues currently before the Siting Council in this proceeding and those before the Superior Court related to a property tax payment dispute. Given this progress, the parties do not believe it would be productive to file briefs or for the Siting Council to commence deliberations in this docket while the details of the settlement agreement are being negotiated.

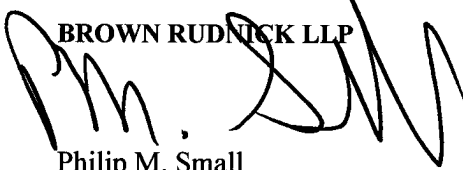
Consequently, pursuant to Conn. Agencies Regs. § 16-50j-6, the City requests that the Siting Council further extend the briefing schedule until September 30, 2013. We have discussed this request for an extension of time with Attorney Lord, MGT's counsel, and MGT again joins the City in this request to further extend the briefing schedule. There is good cause for the extension because additional time will allow the parties to finalize a settlement agreement and obtain judicial approval. Further, such an extension is not precluded by statute.

In addition, the City, with the agreement of MGT, requests that the Siting Council extend the date by which the Siting Council will issue a final decision in this docket. The Siting Council, in its May 2, 2013 scheduling memorandum, established an October 15, 2013 deadline for issuing a decision in this docket. If the Siting Council grants the request to extend the briefing schedule until September 30, 2013, the Siting Council will not have adequate time to deliberate and issue a decision by October 15, 2013.

The Siting Council has the statutory authority to extend its deadline to issue a decision. Specifically, the Siting Council may issue a decision in this docket up to ninety (90) days after the submission of briefs. Under Conn. Gen. Stat. § 4-181a(b), which governs this proceeding, the “procedure set forth in this chapter [the Uniform Administrative Procedures Act (“UAPA”)] for contested cases shall be applicable to any proceeding in which such . . . modification of any final decision is to be considered.” In contested cases, the UAPA requires the Siting Council to issue decisions within ninety days following the close of evidence or the due date for the filing of briefs, whichever is later. Conn. Gen. Stat. § 4-180(a).

By extending the briefing schedule until September 30, 2013, the Siting Council will, by statute, have until December 29, 2013 to issue a decision in this docket. The City, therefore, requests that, in addition to extending the briefing schedule until September 30, 2013, the Siting Council establish a deadline of November 29, 2013, for issuing a decision in this docket.

Very truly yours,


BROWN RUDNICK LLP
Philip M. Small
Counsel for the City of Meriden

cc: Service List

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