

March 3, 2015

State of Connecticut  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

Attn: Mr. Robert Stein, Chairman

*Re: Docket 192B-Towantic Energy, LLC Motion to Reopen and Modify the June 23, 1999 Certificate of Environmental Compatibility and Public Need based on changed conditions pursuant to Connecticut General Statutes §4-181a(b) for the construction, maintenance and operation of a 785 Megawatt dual-fuel combined cycle electric generating facility located north of the Prokop Road and Towantic Hill Road intersection in the Town of Oxford, Connecticut.*

**2<sup>nd</sup> Request for Extension of Time, per request dated January 14, 2015**

Dear Chairman Stein,

The Connecticut Siting Council (Council) vote of Feb. 10, 2015, denied, in part, a request from Ray Pietrorazio and Town of Middlebury, dated January 14, 2015, for a 90-day extension to provide testimony.

We cannot provide pre-file testimony with respect to the Connecticut Department of Energy and Environmental Protection, and the Federal Aviation Administration, as elicited in our request. These agency finalized reports are forthcoming and do not exist to date, and therefore it is impossible to provide evidentiary testimony before receiving them. In addition, we do not have responses to interrogatories submitted on or before March 3, 2015, nor have we completed cross-examination of the applicant.

Intervenors have not had a fair opportunity to comment and supplement the record thus far in these proceedings. The Town of Middlebury and I fully appreciate the desire of the Council to conclude the hearings. However, great caution should be exercised to assure all parties and intervenors have an adequate period of time to do due diligence and respond in an orderly manner to the process; particularly when the Docket is fifteen years old, and the Certificate holders have, by their own volition, chosen not to build the plant in defiance of Council mandate. Accordingly, it is our position that the Council vote to deny the requested extension under the above conditions is not pursuant to CGS §4-166, Ch.54, 7. **Hearings.**

*“Uniform Administrative Procedure Act (UAPA) manifests legislative intention to limit contested case status to proceedings in which agency is required by statute to provide opportunity for hearing to determine party’s legal rights or privileges”.*

It isn’t every day the Council has on its agenda an 805 MW base-load, fossil fuel burning power plant, with the myriad of complex technical, environmental, and public need

criterion to parley. Further, this application requests Council approval of a significant increase in physical and electrical size from the previous CSC Docket 192, including the site itself. Just about everything has changed from Docket 192 (unlike what the applicant has put forth) requiring considerable in-depth scrutiny. However, whether it be an 805 MW power plant, or a doghouse, the law applies equally. One also might ask why the Council's Decision on this application be so hasty as to preclude key portions of testimony or evidence?

We respectfully ask the Council to re-consider the above Request for Extension of time to allow submission of the elicited additional testimony and evidence.

As an alternative, it may be even more appropriate and fair if the Council were to deny the application unless the applicant grants a 180 day extension to allow sufficient time for ALL the evidence to be properly received, reviewed, remonstrated and rebutted?

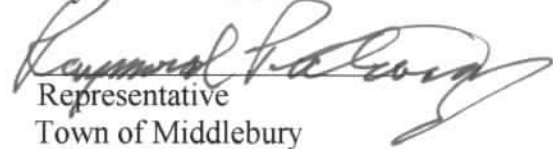
Thank you!

Respectfully,

Raymond Pietrorazio

  
Intervener

Raymond Pietrorazio

  
Representative  
Town of Middlebury

I herewith certify that all Parties and Interveners have been electronically copied, or by US mail. An original and fifteen copies hard copies will be mailed or hand-delivered to the Council.

Thank you for your kind attention.