

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

CPV TOWANTIC, LLC MOTION TO REOPEN AND	:	DOCKET NO. 192
MODIFY THE JUNE 23, 1999 CERTIFICATE OF	:	
ENVIRONMENTAL COMPATIBILITY AND PUBLIC	:	
NEED BASED ON CHANGED CONDITIONS	:	
PURSUANT TO CONNECTICUT GENERAL STATUTE	:	
§4-181A(B) FOR THE CONSTRUCTION,	:	
MAINTAINENCE AND OPERATION OF A 785 MW	:	MARCH 3, 2015
DUAL-FUEL COMBINED CYCLE ELECTRIC	:	
GENERATING FACILITY LOCATED NORTH OF THE	:	
PROKOP ROAD AND TOWANTIC HILL ROAD	:	
INTERSECTION IN THE TOWN OF OXFORD,	:	
CONNECTICUT	:	

MOTION FOR EXAMINATION OF THE SITE

Town of Middlebury ("Middlebury"), docketed as a Party and an Intervenor, respectfully requests the Connecticut Siting Council ("Council") allow the late-filing of evidence based on the examination of the site by Dean Gustafson, Eric Davison, Michael Klein, and Town of Oxford Wetland Enforcement Officer Andy Ferrillo and such other individuals as the Council approves to more fully supplement the record as to the environmental features, including wetlands, water courses, and/or vernal pools, as well as any wildlife present at the time of the site examination. The record to date provides that the site of the proposed electric generating facility only received a limited examination in June 2014 to otherwise update the findings from 2007.

Pursuant to the policy of the State of Connecticut set forth at General Statute §22a-1 "that the policy of the state of Connecticut is to conserve, improve and protect its natural resources and environment and to control air, land and water pollution in order to enhance the health, safety and welfare of the people of the state. It shall further be the policy of the state to improve and coordinate the environmental plans, functions, powers and programs

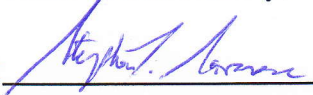
of the state, in cooperation with the federal government, regions, local governments, other public and private organizations and concerned individuals, and to manage the basic resources of air, land and water to the end that the state may fulfill its responsibility as trustee of the environment for the present and future generations.”

Subject to weather, the examination of the site by the qualified experts would provide necessary information to the Council, Parties, Intervenors, and general public. Critical in the Council’s review process is balancing the issues of the application’s environmental compatibility and public need. Middlebury has been unduly burdened and not been able to prepare properly and fully participate in the public hearing scheduled to date because of the partial and incomplete release of pertinent information pursuant to the schedule dated December 11, 2014 (the “Schedule”), as amended from time to time. As an original Party and responding Intervenor to the reopened proceedings, Middlebury would be prejudiced in its review of the applicant’s evidence, right of cross-examination, and submittal of evidence regarding the November 3, 2014 Petition if it is not provided access, by its experts, to the site to conduct further environmental studies. Middlebury has engaged the professional services of Michael S. Klein, PWS who has provided as of this date his report on the applicant’s environmental studies. However, in his professional opinion, which was echoed by Mr. Gustafson and Mr. Davison in their testimony before the Council, the current environmental studies of record are inadequate. Middlebury requests that the Council extend the public hearing schedule to such date as to permit the site examination after March 31, 2015 when it is reasonably expected that the site will be free of the snow pack from the record snow accumulation in Connecticut during February 2015.

Pursuant to Conn. Gen. Stat. §16-50o, Middlebury "shall have the right to present such oral or documentary evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts." As it currently stands, the schedule in this docket over winter months has not permitted Middlebury the opportunity to review important evidence with respect to this proceeding. If the Council denies Middlebury's request for an extension, Middlebury will be unable to provide adequate oral and documentary evidence that permits a full and true disclosure of the facts. Based on the applicant's request for additional time to construct the previously approved power plant and given that the conditions of the site have been virtually unchanged since the initial approval in 1999, no imminent harm will occur if the Council grants Middlebury's request here. Conversely, a denial of Middlebury's request for an extension would significantly prejudice Middlebury and all the Intervenors recently approved.


WHEREFORE, for the foregoing reasons, Middlebury respectfully requests a site examination be scheduled within the next thirty (30) days and late-filed exhibit be allowed regarding the site examination on or before April 14, 2015 in the above-referenced docket.

Respectfully submitted,
Town of Middlebury, Party/Intervenor

By: 
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Juris # 308196

CERTIFICATION

This is to certify that on this 3rd day of March, 2015, the foregoing was sent, via first class mail and/or electronic mail, to the persons on the attached service list.



Stephen L. Savarese

**LIST OF PARTIES AND INTERVENORS
SERVICE LIST**

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	CPV Towantic, L.L.C.	Franca L. DeRosa, Esq. Philip M. Small, Esq. Brown Rudnick LLP 185 Asylum Street Hartford, CT 06103 (860) 509-6500 (860) 509-6501 – fax fderosa@brownrudnick.com psmall@brownrudnick.com
Party	Jay Halpern 58 Jackson Cove Road Oxford, CT 06478 h: 203-888-4976 zoarmonster@sbcglobal.net Peter Thomas 72 Towantic Hill Rd. Oxford, CT 06478 203-720-1536	
Intervenor	Town of Middlebury	Attorney Dana A. D'Angelo Law Offices of Dana D'Angelo, LLC 20 Woodside Avenue Middlebury, CT 06762 (203) 598-3336 (203) 598-7283 – fax Dangelo.middlebury@snet.net Stephen L. Savarese, Esq. 103 South Main Street Newtown, CT 06470 203-270-0077 attystephensavarese@gmail.com
Intervenor	The Connecticut Light and Power Company (CL&P)	Stephen Gibelli, Esq. Associate General Counsel The Connecticut Light and Power Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-5513 (860) 665-5504 –fax gibels@nu.com

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
	CL&P continued...	<p>John R. Morissette Manager-Transmission Siting and Permitting The Connecticut Light and Power Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-2036 morisjr@nu.com</p> <p>Christopher R. Bernard Manager, Regulatory Policy (Transmission) The Connecticut Light and Power Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-5967 (860) 665-3314 – fax bernacr@nu.com</p> <p>Stella Pace, Senior Engineer The Connecticut Light and Power Company Transmission and Interconnection Dept. P.O. Box 270 Hartford, CT 06141-0270 (860) 665-3569 pacess@nu.com</p> <p>Jeffery D. Cochran Northeast Utilities Service Company 107 Selden Street Berlin, CT 06037 860-665-3548 cochrjd@nu.com</p>
Party	Town of Oxford	Kevin W. Condon, Esq. Condon & Savitt PC P.O. Box 570 Ansonia, CT 06401 203-734-2511 condonsavitt@comcast.net
Party	Naugatuck Valley Chapter Trout Unlimited	Robert M. Perrella, Vice President TU Naugatuck/Pomperaug Valley Chapter 278 W. Purchase Road Southbury, CT 06488-1004 johnnytroutseed@charter.net

Intervenor	Town of Southbury	Ed Edelson First Selectman Town of Southbury 501 Main Street Southbury, CT 06488 selectman@southbury-ct.gov (203) 262-0647 (203) 264-9762 – fax
Party	The Pomperaug River Watershed Coalition	Len DeJong, Executive Director Pomperaug River Watershed Coalition 39 Sherman Hill Road, C103 Woodbury, CT 06798 203-263-0076 LDeJong@pomperaug.org
Intervenor (approved 06/07/06)	Raymond Pietrorazio 764 Charcoal Avenue Middlebury, CT 06762-1311 (203) 758-2413 (203) 758-9519 – fax ray@ctcombustion.com	
Intervenor (approved 10/10/06)	GE Energy Financial Services, Inc.	Jay F. Malcynsky The Law Offices of Jay F. Malcynsky, P.C. One Liberty Square New Britain, CT 06051 (860) 229-0301 (860) 225-4627 – fax jmalcynsky@gaffneybennett.com
Intervenor (Approved on November 13, 2014)	Borough of Naugatuck and Borough of Naugatuck Water Pollution Control Authority	Edward G. Fitzpatrick, Esq. Alicia K. Perillo, Esq. Fitzpatrick, Mariano, Santos, Sousa, PC 203 Church Street Naugatuck, CT 06770 203-729-4555 Fitz@fmslaw.org alicia@fmslaw.org Ronald Merancy, Chairman Water Pollution Control Authority 229 Church Street Naugatuck, CT 06770 203-720-7000 Rjm62156@aol.com

Intervenor <i>(Approved on January 8, 2015)</i>	Wayne McCormack 593 Putting Green Lane Oxford, CT 06478 wayne@waynemccormack.com	
Intervenor <i>(Approved on January 8, 2015)</i>	Naugatuck River Revival Group, Inc.	Kevin R. Zak, President Naugatuck River Revival Group, Inc. 132 Radnor Avenue Naugatuck, CT 06770 kznrrg@sbcglobal.net 203-530-7850
Intervenor <i>(Approved on January 8, 2015)</i>	Westover Hills Subdivision Homeowners	Chester Cornacchia Westover Hills Subdivision Homeowners 53 Graham Ridge Road Naugatuck, CT 06770 203-206-9927 cc@necsonline.com
Intervenor <i>(Approved on January 8, 2015)</i>	Westover School	Kate J. Truini Alice Hallaran Westover School 1237 Whittemore Road Middlebury, CT 06762 203-758-2423 ktruini@westoverschool.org ahallaran@westoverschool.org
Intervenor <i>(Approved on January 8, 2015)</i>	Greenfields, LLC and Marian Larkin	Edward S. Hill, Esq. Cappalli & Hill, LLC 325 Highland Avenue Cheshire, CT 06410 203-272-2607 ehill@cappalihill.com
Intervenor <i>(Approved on January 8, 2015)</i>	Lake Quassapaug Association, LLC	Ingrid Manning, Vice President Lake Quassapaug Association, LLC P.O. Box 285 Middlebury, CT 06762 203-758-1692 Ingridmanning2@gmail.com

Intervenor (Approved on January 8, 2015)	Middlebury Land Trust, Inc.	W. Scott Peterson, M.D., President Middlebury Land Trust, Inc. 317 Tranquility Road Middlebury, CT 06762 203-574-2020 wsp@aya.yale.edu
Intervenor (Approved on January 15, 2015)	Quassy Amusement Park	George Frantzis Quassy Amusement Park P.O. Box 1107 Middlebury, CT 06762 203-758-2913 ext 108 george@quassy.com
Intervenor (Approved on January 15, 2015)	Middlebury Bridle Land Association	Nancy Vaughan Middlebury Bridle Land Association 61 Sandy Hill Road Middlebury, CT 06762 203-598-0697 ndzijaughan@gmail.com
Intervenor (Approved on January 15, 2015)	Dennis Kocyla 28 Benz Street Ansonia, CT 06401 203-736-7182 Dennis3141@yahoo.com	
Intervenor (Approved on January 15, 2015)	Naugatuck Valley Audubon Society	Sophie Zyla Jeff Ruhloff Carl Almonte Naugatuck Valley Audubon Society 17 Stoddard Place Beacon Falls, CT 06403 203-888-7945 NVASceditor@mail.com
Intervenor (Approved on January 15, 2015)	Oxford Flying Club	Burton L. Stevens Oxford Flying Club, Inc. P.O. Box 371 Woodbury, CT 06798 203-236-5158 bstevens@snet.net