



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

DATE: December 4, 2015

TO: Parties & Intervenors

FROM: Melanie A. Bachman, Acting Executive Director *MAB*

RE: **DOCKET 192C-** Jay Halpern Motion to Reopen and Modify CPV Towantic, LLC's May 20, 2015 Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a 785 MW dual-fuel combined cycle electric generating facility located north of the Prokop Road and Towantic Hill Road intersection in the Town of Oxford, Connecticut based on changed conditions pursuant to Connecticut General Statutes §4-181a(b).

On December 4, 2015, pursuant to the provisions of C.G.S. §4-181a(b), Jay Halpern, a party to the above-referenced docket, filed a Motion to Reopen and Modify the Connecticut Siting Council's (Council) May 20, 2015 issuance of a Modified Certificate of Environmental Compatibility and Public Need (Certificate) to CPV Towantic, LLC for the construction, maintenance and operation of a 785 megawatt dual-fueled combined cycle electric generating facility located north of the Prokop Road and Towantic Hill Road intersection in the Town of Oxford, Connecticut.

The Motion to Reopen and Modify CPV Towantic, LLC's Certificate will be placed on the Council meeting agenda scheduled for January 7, 2016.

Please be advised that as part of this Motion to Reopen and Modify CPV Towantic, LLC's May 20, 2015 Certificate, Mr. Halpern has requested intervenor status for Town of Oxford Selectman, Kathy Johnson. The Town of Oxford has been a party to this docket since 1999. Should Ms. Johnson seek intervenor status in her individual capacity rather than as a town selectman, she should submit her own request for intervenor status. Mr. Halpern has no authority to request intervenor status for another individual unless he is acting as that individual's representative for the above-referenced matter and submits a formal request for intervenor status in accordance with the provisions of C.G.S. §16-50n and Regulations of Connecticut State Agencies §16-50j-15.

Parties and intervenors are requested to submit comments or statements of position in writing to the Council with respect to whether the Motion to Reopen and Modify CPV Towantic, LLC's May 20, 2015 Certificate should be granted or denied by the close of business on or before **December 18, 2015**.

MAB/MP/cm

Mulcahy, Carriann

From: Jay Halpern <zoarmonster@sbcglobal.net>
Sent: Friday, December 04, 2015 9:26 AM
To: Bachman, Melanie; Mulcahy, Carriann; alice hallaran; Alicia Perillo; Annes, Eric; Burton Stevens, Oxford Flying Club; Chester Cornacchia; chris bernard (christopher.bernard@eversource.com); Dana D'Angelo (dangelo.middlebury@snet.net); Dennis Kocyla; DeRosa, Franca L. (FDeRosa@brownrudnick.com); Ed Edelson; Edward Fitzpatrick; Edward S. Hill, Esq.; George Frantzis; Ingrid Manning; jay malcynsky; Jeffery Cochran (jeffery.cochran@eversource.com); john.morissette@eversource.com; Kate J. Truini; Kevin Condon; Kevin R. Zak; Len DeJong; Nancy Vaughan; Naugatuck Valley Audubon Society; Paula Clarke; Pomperaug River Watershed Coalition; Quispe, Marcos; ray pietrorazio; Robert Perrella; Ronald Merancy; Small, Philip M.; Stella Pace; Stephen Gibelli (stephen.gibelli@eversource.com); Stephen Savarese; W. Scott Peterson; Wayne McCormack
Cc: CSC-DL Siting Council
Subject: Re: Docket No. 192b

Good morning, everybody. As intervenor in 192b, I request reopening the docket to take into consideration the changed condition of the imminent insertion of a 4' diameter pipeline into CPV's gas compressor. This NEAccess project (to be called by me going forward Keystone 2) appears to be scheduled for near-simultaneous construction with the power plant, raising significant concerns about environmental impact, traffic management, enhanced likelihood of dangerous human error between dueling construction crews, and increased disturbance of homeowners' lives above and beyond what has already been approved by CSC. What was previously avoidable by CSC is no longer avoidable, and by reopening the docket you will be able conduct your wonted due diligence.

I am also requesting CSC to grant intervenor status to Kathy Johnson, Oxford's new Selectwoman.

As for getting a lawyer, Carriann, between my teaching gigs, social security and medical co-pays, I'm lucky to fill my tank to go to work. The God I worship doesn't pay closing bonuses/commissions for trying to stop the burning of fossil fuels, polluting the air and water and ending human dependence on a dying technology. Mammon treats his acolytes rather differently.

Bye for now, everybody! Shalom!!!

Zoarmonster

"You are given only one little spark of madness. Don't lose it." Robin Williams

"Better pass boldly into that other world, in the full glory of some passion, than fade and wither dismally with age." James Joyce

From: "Bachman, Melanie" <Melanie.Bachman@ct.gov>
To: 'Jay Halpern' <zoarmonster@sbcglobal.net>; "Mulcahy, Carriann" <Carriann.Mulcahy@ct.gov>; alice hallaran <ahallaran@westoverschool.org>; Alicia Perillo <alicia@fmslaw.org>; "Annes, Eric" <Eric.Annes@ct.gov>; "Burton Stevens, Oxford Flying Club" <bstevens@snet.net>; Chester Cornacchia <cc@necsonline.com>; "chris bernard (christopher.bernard@eversource.com)" <christopher.bernard@eversource.com>; "Dana D'Angelo (dangelo.middlebury@snet.net)" <dangelo.middlebury@snet.net>; Dennis Kocyla <dennis3141@yahoo.com>; "DeRosa, Franca L. (FDeRosa@brownrudnick.com)" <FDeRosa@brownrudnick.com>; Ed Edelson <selectman@southbury-ct.gov>; Edward Fitzpatrick <fitz@fmslaw.org>; "Edward S. Hill, Esq." <ehill@cappalihill.com>; George Frantzis <george@quassy.com>; Ingrid Manning <Ingridmanning2@gmail.com>; jay malcynsky <jmalcynsky@gaffneybenett.com>; "Jeffery Cochran (jeffery.cochran@eversource.com)" <jeffery.cochran@eversource.com>; "john.morissette@eversource.com" <john.morissette@eversource.com>; Kate J. Truini <ktruini@westoverschool.org>; Kevin Condon <condonsavitt@comcast.net>; Kevin R. Zak <kznrrg@sbcglobal.net>; Len DeJong <LDeJong@pomperaug.org>; Nancy Vaughan <ndzijavaughan@gmail.com>;

Naugatuck Valley Audubon Society <nvaseditor@mail.com>; Paula Clarke <pclarke@gbact.com>; Pomperaug River Watershed Coalition <info@pomperaug.org>; "Quispe, Marcos" <Marcos.Quispe@ct.gov>; ray pietrorazio <ray@ctcombustion.com>; Robert Perrella <johnnytroutseed@charter.net>; Ronald Merancy <rjm62156@aol.com>; "Small, Philip M." <PSmall@brownrudnick.com>; Stella Pace <paccess@nu.com>; "Stephen Gibelli (stephen.gibelli@eversource.com)" <stephen.gibelli@eversource.com>; Stephen Savarese <attystephensavarese@gmail.com>; W. Scott Peterson <wsp@aya.yale.edu>; Wayne McCormack <wayne@waynemccormack.com>

Cc: CSC-DL Siting Council <Siting.Council@ct.gov>

Sent: Thursday, December 3, 2015 11:09 AM

Subject: RE: Docket No. 192b

Good morning, Jay.

The Access Northeast project pre-application was not pending with FERC at the time of the Docket 192B proceedings nor were any formal studies of the Access Northeast project available. I provided you with the link to the pre-application for the Access Northeast project now pending with FERC where all of the relevant project information and studies for the Access Northeast project may be reviewed. Certainly, FERC has an open and transparent application review process that includes an opportunity for the public to comment on the project impact. Please be advised that under Connecticut General Statutes §16-50p, the Council shall find and determine the nature of the probable environmental impact of the facility alone and cumulatively **with other existing facilities**. During the proceedings on Docket 192B, the Council reviewed and considered the nature of the probable environmental impact of the Towantic facility on the existing Spectra Energy-Algonquin natural gas pipeline. Please refer to the Council's May 20, 2015 Findings of Fact, specifically Nos. 134-142.

If you would like to request the Council to reopen Docket 192B, please submit a formal filing.

Thank you.

Melanie A. Bachman
Staff Attorney/Acting Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051
(860) 827-2951



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From: Jay Halpern [mailto:zoarmonster@sbcglobal.net]

Sent: Thursday, December 3, 2015 10:36 AM

To: Bachman, Melanie; Mulcahy, Carriann; alice hallaran; Alicia Perillo; Annes, Eric; Burton Stevens, Oxford Flying Club; Chester Cornacchia; chris bernard (christopher.bernard@eversource.com); Dana D'Angelo (dangelo.middlebury@snet.net); Dennis Kocyla; DeRosa, Franca L. (FDeRosa@brownrudnick.com); Ed Edelson; Edward Fitzpatrick; Edward S. Hill, Esq.; George Frantzis; Ingrid Manning; jay malcynsky; Jeffery Cochran (jeffery.cochran@eversource.com); john.morissette@eversource.com; Kate J. Truini; Kevin Condon; Kevin R. Zak; Len DeJong; Nancy Vaughan; Naugatuck Valley Audubon Society; Paula Clarke; Pomperaug River Watershed Coalition; Quispe, Marcos; ray pietrorazio; Robert Perrella; Ronald Merancy; Small, Philip M.;

Stella Pace; Stephen Gibelli (stephen.gibelli@eversource.com); Stephen Savarese; W. Scott Peterson; Wayne McCormack

Cc: CSC-DL Siting Council

Subject: Re: Docket No. 192b

I appreciate your response, Melanie. Thank you. However, the fact that the doubling of the diameter of "Keystone 2" (my nickname, of course, for NEAccess) linking to CPV's compressor simultaneously with the construction of the power plant was never discussed or queried about at any of the public hearings, or in the reams of data I received, indicating that nobody at our end of the issue knew anything about this added risk. Your response shows that, yes, it was known to be in the "pipeline" (pun intended) by CSC and CPV, but I feel the public never had an opportunity to address the question of impact on 192b. Traffic studies, environmental impact experts, et al, would, I imagine, have leaped into this void had it been shared with all. Keeping it under the radar just because it was FERC-based is IMHO a sin of omission. It should be rectified with a hearing that amends the 192b certification to include public input and due diligence on the part of CSC to include a thorough impact study of what we in Oxford and environs will soon be facing. If such a document exists, and I've been out of the loop - my bad - please forward that specific "Keystone 2" study to me for my records and the records of our environmental consultants.

Jay

Zoarmonster "You are given only one little spark of madness. Don't lose it." Robin Williams

"Better pass boldly into that other world, in the full glory of some passion, than fade and wither dismally with age." James Joyce

From: "Bachman, Melanie" <Melanie.Bachman@ct.gov>

To: 'Jay Halpern' <zoarmonster@sbcglobal.net>; "Mulcahy, Carriann" <Carriann.Mulcahy@ct.gov>; alicehallaran <ahallaran@westoverschool.org>; Alicia Perillo <alicia@fmslaw.org>; "Annes, Eric" <Eric.Annes@ct.gov>; "Burton Stevens, Oxford Flying Club" <bstevens@snet.net>; Chester Cornacchia <cc@necsonline.com>; "chris bernard (christopher.bernard@eversource.com)" <christopher.bernard@eversource.com>; "Dana D'Angelo (dangelo.middlebury@snet.net)" <dangelo.middlebury@snet.net>; Dennis Kocyla <dennis3141@yahoo.com>; "DeRosa, Franca L. (FDeRosa@brownrudnick.com)" <FDeRosa@brownrudnick.com>; Ed Edelson <selectman@southbury-ct.gov>; Edward Fitzpatrick <fitz@fmslaw.org>; "Edward S. Hill, Esq." <ehill@cappalihill.com>; George Frantzis <george@quassy.com>; Ingrid Manning <Ingridmanning2@gmail.com>; jay malcynsky <jmalcynsky@gaffneybennett.com>; "Jeffery Cochran (jeffery.cochran@eversource.com)" <jeffery.cochran@eversource.com>; "john.morissette@eversource.com" <john.morissette@eversource.com>; Kate J. Truini <ktruini@westoverschool.org>; Kevin Condon <condonsavitt@comcast.net>; Kevin R. Zak <kznrrg@sbcglobal.net>; Len DeJong <LDeJong@pomperaug.org>; Nancy Vaughan <ndzijavaughan@gmail.com>; Naugatuck Valley Audubon Society <nvaseditor@mail.com>; Paula Clarke <pclarke@gbact.com>; Pomperaug River Watershed Coalition <info@pomperaug.org>; "Quispe, Marcos" <Marcos.Quispe@ct.gov>; ray pietrorazio <ray@ctcombustion.com>; Robert Perrella <johnnytroutseed@charter.net>; Ronald Merancy <rjm62156@aol.com>; "Small, Philip M." <PSmall@brownrudnick.com>; Stella Pace <paccess@nu.com>; "Stephen Gibelli (stephen.gibelli@eversource.com)" <stephen.gibelli@eversource.com>; Stephen Savarese <attystephensavarese@gmail.com>; W. Scott Peterson <wsp@aya.yale.edu>; Wayne McCormack <wayne@waynemccormack.com>

Cc: CSC-DL Siting Council <Siting.Council@ct.gov>

Sent: Tuesday, November 24, 2015 1:04 PM

Subject: RE: Docket No. 192b

Good afternoon, Jay.

With regard to Access Northeast, the regional project, which is under the exclusive jurisdiction of FERC, has been known since September 2014 and it is referenced in the 2014 Integrated Resources Plan on page 38. Here is a link to an article about Access Northeast from the New Haven Register on February 18, 2015: <http://www.nhregister.com/business/20150218/national-grid-joins-access-northeast-natural-gas-pipeline->

expansion-plan Algonquin filed a request for approval of pre-filing review with FERC on November 3, 2015. Here is the link to the FERC pre-filing review request for your convenience:
<http://accessnortheastenergy.com/wp-content/uploads/2015/11/20151103-509431004016.pdf> FERC granted the request on November 17, 2015 and designated docket number PF16-1-000. Here is the link to the FERC webpage for the project: <http://elibrary.ferc.gov/idmws/search/results.asp>

With regard to CPV, they are allowed to conduct construction activities in accordance with the Development and Management Plan that was approved by the Siting Council on September 4, 2015 and the Erosion and Sedimentation Control Plan approved on September 18, 2015. CPV provided notice of site clearing activity on October 1, 2015. A copy was sent to all parties and intervenors. There is no prohibition on proceeding with construction in accordance with the Siting Council-approved Development and Management Plan due to the pending lawsuit.

Happy Thanksgiving to you as well.

Thanks.

Melanie A. Bachman
Staff Attorney/Acting Executive Director
Connecticut Siting Council
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(860) 827-2951



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From: Jay Halpern [<mailto:zoarmonster@sbcglobal.net>]
Sent: Tuesday, November 24, 2015 11:13 AM
To: Mulcahy, Carriann; alicehallaran; Alicia Perillo; Annes, Eric; Burton Stevens, Oxford Flying Club; Chester Cornacchia; chris bernard (christopher.bernard@eversource.com); Dana D'Angelo (dangelo.middlebury@snet.net); Dennis Kocyla; DeRosa, Franca L. (FDeRosa@brownrudnick.com); Ed Edelson; Edward Fitzpatrick; Edward S. Hill, Esq.; George Frantzis; Ingrid Manning; jay malcynsky; Jeffery Cochran (jeffery.cochran@eversource.com); john.morissette@eversource.com; Kate J. Truini; Kevin Condon; Kevin R. Zak; Len DeJong; Nancy Vaughan; Naugatuck Valley Audubon Society; Paula Clarke; Pomperaug River Watershed Coalition; Quispe, Marcos; ray pietrorazio; Robert Perrella; Ronald Merancy; Small, Philip M.; Stella Pace; Stephen Gibelli (stephen.gibelli@eversource.com); Stephen Savarese; W. Scott Peterson; Wayne McCormack
Cc: CSC-DL Siting Council
Subject: Re: Docket No. 192b

Thank you for your response, Melanie. There is no doubt that CSC's due diligence was complete re: issues of that time, and I appreciate the listing. Unfortunately, attending hearings to address NEAccess and its ramifications re: docket 192b was impossible WHEN NOBODY KNEW ABOUT THAT PROJECT, not even CSC, judging from your response. RE: the openness of public participation at this time re:NEAccess, as well as your sense that no NEAccess filing has been made with FERC are questionable since filing for Intervenorship is deadlined at 11/27/15. So, what will CSC do to go back to

docket 192b and start considering the issues this FERC project presents as I noted in my posting? And is CPV allowed to start felling trees prior to the first of the year and prior to the resolution of our lawsuit currently filed?

Happy Thanksgiving to all.

Jay Halpern

Zoarmonster "You are given only one little spark of madness. Don't lose it." Robin Williams

"Better pass boldly into that other world, in the full glory of some passion, than fade and wither dismally with age." James Joyce

From: "Mulcahy, Carriann" <Carriann.Mulcahy@ct.gov>
To: alicehallaran <ahallaran@westoverschool.org>; Alicia Perillo <alicia@fmslaw.org>; "Annes, Eric" <Eric.Annes@ct.gov>; "Burton Stevens, Oxford Flying Club" <bstevens@snet.net>; Chester Cornacchia <cc@necsonline.com>; "chris bernard (christopher.bernard@eversource.com)" <christopher.bernard@eversource.com>; "Dana D'Angelo (dangelo.middlebury@snet.net)" <dangelo.middlebury@snet.net>; Dennis Kocyla <dennis3141@yahoo.com>; "DeRosa, Franca L. (FDeRosa@brownrudnick.com)" <FDeRosa@brownrudnick.com>; Ed Edelson <selectman@southbury-ct.gov>; Edward Fitzpatrick <fitz@fmslaw.org>; "Edward S. Hill, Esq." <ehill@cappalihill.com>; George Frantzis <george@quassy.com>; Ingrid Manning <Ingridmanning2@gmail.com>; Jay Halpern <zoarmonster@sbcglobal.net>; jay malcynsky <jmalcynsky@gaffneybennett.com>; "Jeffery Cochran (jeffery.cochran@eversource.com)" <jeffery.cochran@eversource.com>; "john.morissette@eversource.com" <john.morissette@eversource.com>; Kate J. Truini <ktruini@westoverschool.org>; Kevin Condon <condonsavitt@comcast.net>; Kevin R. Zak <kznrrg@sbcglobal.net>; Len DeJong <LDeJong@pomperaug.org>; Nancy Vaughan <ndzijavaughan@gmail.com>; Naugatuck Valley Audubon Society <nvaseditor@mail.com>; Paula Clarke <pclarke@gbact.com>; Pomperaug River Watershed Coalition <info@pomperaug.org>; "Quispe, Marcos" <Marcos.Quispe@ct.gov>; ray pietrorazio <ray@ctcombustion.com>; Robert Perrella <johnnytroutseed@charter.net>; Ronald Merancy <rjm62156@aol.com>; "Small, Philip M." <PSmall@brownrudnick.com>; Stella Pace <paccess@nu.com>; "Stephen Gibelli (stephen.gibelli@eversource.com)" <stephen.gibelli@eversource.com>; Stephen Savarese <attystephensavarese@gmail.com>; W. Scott Peterson <wsp@aya.yale.edu>; Wayne McCormack <wayne@waynemccormack.com>
Cc: CSC-DL Siting Council <Siting.Council@ct.gov>
Sent: Tuesday, November 24, 2015 8:36 AM
Subject: Docket No. 192b

Please see the attached correspondence.

Carriann Mulcahy
Secretary II
Connecticut Siting Council
860-827-2940

Mulcahy, Carriann

To: Bachman, Melanie
Subject: RE: Access NE

From: Jay Halpern [<mailto:zoarmonster@sbcglobal.net>]

Sent: Sunday, November 22, 2015 4:28 PM

To: Bachman, Melanie; Ray Pietrorazio; Kevin R. Zak; Wayne McCormack; W. Scott Peterson; Stephen L. Savarese; Chester Cornacchia; Ingrid Manning; Burton L. Stevens; George Frantzis; Kate J. Truini; Alice Hallaran; Dana A. D'Angelo; Nancy Vaughan; Len DeJong; Naugatuck Valley Audubon Society; Robert Perrella

Subject: Access NE

Hi, Melanie, et. al.:

I've just learned that a FERC-regulated project, Access NE, is going to double the diameter of an existing gas pipeline from approximately two to four feet in diameter, the Oxford portion connecting directly to the Towantic compression station, doubling its capacity. This pipeline will extend from Danbury to Meriden (first phase), ultimately linking up with a Canadian pipeline for compression and shipping for sale offshore. (No sooner is Keystone killed than sneaky little Access wiggles through under the radar.) Melanie, was the CSC informed of this project, and has it been determined to blend with the safety mandates CSC has established? Since the construction of the Towantic disaster will be concurrent with the expansion of the pipeline, has that concurrence been vetted regarding not only safety but increased toxic emissions, unanticipated impact on woodlands, wildlife and the aquifer? Yes, I know FERC is federal, but the implications of this massive implantation should certainly have been vetted prior to any power plant approval (in my humble opinion).

Jay Halpern

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