



Daniel F. Caruso  
Chairman

# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

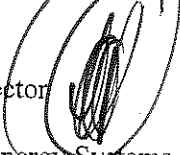
Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: [siting.council@ct.gov](mailto:siting.council@ct.gov)

Internet: [ct.gov/csc](http://ct.gov/csc)

July 9, 2010

TO: Council Members

FROM: S. Derek Phelps, Executive Director 

RE: **DOCKET NO. 225C** - Kleen Energy Systems, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a Electric Generating Facility and Switchyard on River Road, Middletown, Connecticut.

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Enclosed please find a copy of the Council's notice of public hearing.

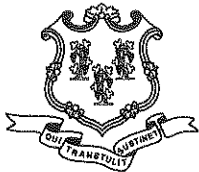
SDP/RDM/laf

Enclosure (1)

c: Secretary of the State (via e-mail service)  
Melanie A. Bachman, Staff Attorney  
Parties and Intervenors  
Application Service Recipients  
Ginger Teubner, DPUC



CONNECTICUT SITING COUNCIL  
Affirmative Action / Equal Opportunity Employer



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### HEARING NOTICE

Pursuant to provisions of General Statutes § 16-50m and Section 16-50j-21 of the Regulations of Connecticut State Agencies, notice is hereby given that the Connecticut Siting Council (Council) will conduct a public hearing on Tuesday, August 3, 2010, beginning at 2:00 p.m., in Hearing Room One, Ten Franklin Square, New Britain, Connecticut, to reopen Docket No. 225 - Kleen Energy Systems, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of an Electric Generating Facility and Switchyard on River Road, Middletown, Connecticut. Kleen Energy seeks an Extension of its Certificate through and including June 30, 2011, due to unforeseen delays caused by an explosion at the site.

Pursuant to Connecticut General Statutes § 4-181a(b) the hearing would be limited to Council consideration of changed conditions and of the attachment of conditions to the certificate consistent with the findings and recommendations contained in the Kleen Energy Plan Investigation Review Panel Final Report. The 2:00 p.m. hearing session will provide the applicant, parties, and intervenors an opportunity to cross-examine positions. The public will be allowed to make brief oral statements into the record. The applicant will be allowed a final rebuttal. Arguments will be entertained in writing after the close of the last hearing session.

Applicable law for this proceeding includes the Public Utility Environmental Standards Act, General Statutes § 16-50g, et seq., and Sections 16-50j-1 through 16-50v-1a of the Regulations of Connecticut State Agencies.

The Council directs that all testimony and exhibits be pre-filed with the Council and all parties and intervenors by July 28, 2010.

Individuals are encouraged to participate through their elected officials, and other party/intervenor groupings.

Any person seeking to be named or admitted as a party or intervenor to the proceeding may file a written request to be so designated at the office of the Connecticut Siting Council, 10 Franklin Square, New Britain, Connecticut 06051, on or before July 29, 2010.

Parties and intervenors will be allowed to submit briefs and proposed findings of fact within 30 days after the close of the hearing.

Any person who is not a party or intervenor to this proceeding may file a written statement with the Council at the hearing or any time up to 30 days thereafter. Such statements will become part of the record. No written statement or any other material, evidence, or other

information will be accepted from any person not a party or intervenor to the proceeding after 30 days following the close of the hearing, except as otherwise prescribed by law or the Council.

A verbatim transcript of the hearing session(s) will be made and deposited with the City Clerk's Office of the City of Middletown Municipal Building and Portland Town Hall for the convenience of the public.

Requests for information in alternative formats or for sign-language interpreter services must be submitted in writing by July 27, 2010.

The applicant of this facility is represented by the following:

**Applicant**

Kleen Energy Systems, LLC

**Its Representative**

Lee D. Hoffman, Esq.  
Pullman & Comley, LLC  
90 State House Square  
Hartford, Connecticut

A copy of the Request for Extension which initiated the reopening is available for review at the Council's office during office hours at 10 Franklin Square, New Britain, Connecticut, (860) 827-2935. The Council has assigned this application docket no. 225C.

July 9, 2010

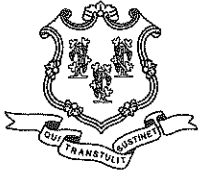
Connecticut Siting Council

**LIST OF PARTIES AND INTERVENORS  
SERVICE LIST**

<b>Status Granted</b>	<b>Status Holder (name, address &amp; phone number)</b>	<b>Representative (name, address &amp; phone number)</b>
<b>Applicant</b>	Kleen Energy Systems, LLC	<p>Mr. William C. Corvo President Kleen Energy Systems, LLC P.O. Box 2696 Middletown, Connecticut 06457 (860) 632-1044 Biagio6539@aol.com</p> <p>Lee D. Hoffman, Esq. Pullman &amp; Comley, LLC 90 State House Square Hartford, Connecticut 06103-3702 (860) 424-4315 (860) 424-4370 - fax</p>
<b>Intervenor</b>	NRG Middletown Power LLC	<p>Alfred E. Smith, Jr. Murtha Cullina LLP Two Whitney Avenue P.O. Box 704 New Haven, CT 06503 (203) 772-7722 (203) 772-7723 – fax asmith@murthalaw.com</p>
<b>Intervenor</b>	The Connecticut Light and Power Company	<p>Associate General Counsel Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-3395 (860) 665-5504 – fax mackadr@nu.com'</p>
<b>Intervenor</b>	City of Middletown	<p>Timothy P. Lynch Deputy City Attorney City Attorney's Office City of Middletown 245 deKoven, P.O. Box 1300 Middletown, CT 06457-1300 (860) 344-3422 (860) 344-3499 - fax Tim.lynch@cityofmiddletown.com</p>

**LIST OF PARTIES AND INTERVENORS**  
**SERVICE LIST**

<b>Status Granted</b>	<b>Status Holder (name, address &amp; phone number)</b>	<b>Representative (name, address &amp; phone number)</b>
<b>Intervenor</b>	Earle Roberts	Earle Roberts 785 Bow Lane Middletown, CT 06457-4810 (860) 346-0068 (860) 344-9327 – fax <a href="mailto:eroberts4675@sbcglobal.net">eroberts4675@sbcglobal.net</a>
<b>Intervenor</b>	Connecticut River Watershed Council, Inc.	Megan Hearne Connecticut River Watershed Council, Inc. DeKoven House Community Center 27 Washington Street Middletown, CT 06457 (860) 704-0057 (860) 704-0057- fax <a href="mailto:mhearne@ctriver.org">mhearne@ctriver.org</a>



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July 8, 2010

TO: Commissioner Amey Marrella  
Department of Environmental Protection

Commissioner F. Philip Prelli  
Department of Agriculture

Commissioner J. Robert Galvin  
Department of Public Health

Karl Wagener, Executive Director  
Council on Environmental Quality

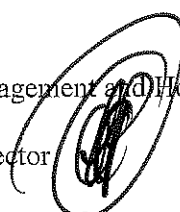
Commissioner Kevin M. DelGobbo, Chairman  
Department of Public Utility Control

Brenda Sisco, Secretary  
Office of Policy and Management

Commissioner Joan McDonald  
Department of Economic and Community Development

Thomas A. Harley, P.E., Chief Engineer  
Bureau of Engineering and Construction  
Department of Transportation

Commissioner Peter J. Boynton  
Department of Emergency Management and Homeland Security

FROM: S. Derek Phelps, Executive Director 

RE: **DOCKET NO. 225C** - Kleen Energy Systems, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a Electric Generating Facility and Switchyard on River Road, Middletown, Connecticut.

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Pursuant to General Statutes § 16-50j(h), the Connecticut Siting Council hereby solicits your written comments and consultation. Your response by or before July 28, 2010 will be appreciated.

A copy of the Request for Extension is enclosed. If you wish to view the Governor's Final Report on the Kleen Energy Explosion, it can be found on the Department of Public Utility Website at <http://www.ct.gov/dpuc/lib/dpuc/kleen/kleenenergyfinalreport.pdf>

SDP/RDM/laf

c: Parties & Intervenors  
Council Members



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Daniel F. Caruso

Chairman

July 9, 2010

TO: Classified/Legal Supervisor  
**225C20100803**  
Middletown Press  
2 Main Street  
Middletown, CT 06457

FROM: Lisa A. Fontaine, Fiscal Administrative Officer

RE: **DOCKET NO. 225C** - Kleen Energy Systems, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a Electric Generating Facility and Switchyard on River Road, Middletown, Connecticut.

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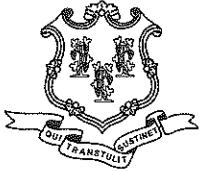
Please publish the attached legal notice for one day on the first day possible from receipt of this notice, except on Saturday, Sunday, or holiday.

Pursuant to General Statutes § 16-50m(c), the general notice to be public shall be published in its entirety in not less than **TEN POINT BOLDFACE TYPE**. If you have any questions concerning the ten point type, please contact me. If your newspaper does not have ten point type, please so state and also state the size type actually used in the legal notice in your affidavit.

Please send affidavit of publication and invoice to: Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

laf

Enclosure (1)



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Daniel F. Caruso  
Chairman

July 9, 2010

The Honorable Susan S. Bransfield  
First Selectman  
Portland Town Hall  
33 East Main Street  
P. O. Box 71  
Portland, CT 06480-0071

RE: Hearing Date - August 3, 2010 in connection with **DOCKET NO. 225C** - Kleen Energy Systems, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a Electric Generating Facility and Switchyard on River Road, Middletown, Connecticut.

Dear Ms. Bransfield:

The Connecticut Siting Council (Council) has scheduled a hearing for the above referenced project in the City of Middletown. Connecticut General Statute § 16-501(p) provides for municipalities within 2,500 feet of a proposed facility to receive adequate notice of the project. The Town of Portland is within 2,500 feet of the proposed facility.

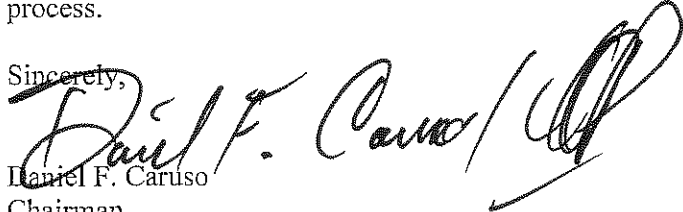
The Council fully understands that municipal input and guidance is absolutely necessary to achieve a thoughtful and balanced decision in matters such as this. Accordingly, I am extending to you my personal invitation to participate in the hearing for this proceeding that is scheduled in the City of New Britain on Tuesday, August 3, 2010.

Your participation at such hearing may take many forms; municipal officials may make opening statements to the Council, present written documents, or may seek Party or Intervenor Status and put on a case with witnesses.

Our staff is available to assist you in understanding our process and your options. In the event you have specific legal questions, please contact our Staff Attorney Melanie Bachman (860 827-2951). Otherwise, you may contact Executive Director S. Derek Phelps (860 827-2935).

The Council weighs many issues before rendering its decisions. It is important that we know the Town's views as part of that decision making process. We hope you will take part in our hearing process.

Sincerely,

  
Daniel F. Caruso  
Chairman  
DFC/SDP/jb





Daniel F. Caruso  
Chairman

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July 9, 2010

Ruth Girolomo  
Post Reporting Service, Inc.  
2015 Dixwell Avenue  
Hamden, CT 06514

RE: **DOCKET NO. 225C** - Kleen Energy Systems, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a Electric Generating Facility and Switchyard on River Road, Middletown, Connecticut.

Dear Ms. Girolomo:

Your attendance will be required at a hearing of the Connecticut Siting Council (Council) regarding the subject docket on:

**Tuesday, August 3, 2010**

**2:00 p.m.**

**Hearing Room One, Ten Franklin Square, New Britain, CT 06051**

The Council will require delivery of the complete transcript, an original and one copy, within one week of the hearing. I am enclosing a copy of the Request for Extension filing and our hearing notice for your convenience. If you have any questions concerning this matter, please call me.

Very truly yours,

Lisa A. Fontaine  
Fiscal Administrative Officer

laf

Enclosure (2)