



Daniel F. Caruso  
Chairman

# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

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September 1, 2010

TO: Parties and Intervenors

FROM: Linda Roberts  
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. Reopening of this docket pursuant to Connecticut General Statutes § 4-181a(b) 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 Final Report issued by the Kleen Energy Plant Investigation Review Panel.

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The Connecticut Siting Council (Council) is in receipt of correspondence from Susan Bysiewicz, Secretary of the State, dated August 27, 2010 concerning the above-referenced application.

This correspondence shall become part of the record in this proceeding in the form of a limited appearance.

Therefore, copies of this correspondence are being distributed to all participants in this proceeding.

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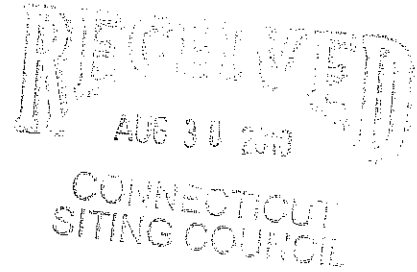


ORIGINAL

Susan Bysiewicz  
SECRETARY OF THE STATE  
CONNECTICUT

August 27, 2010

Mr. Daniel F. Caruso, Esq., Chairman  
Connecticut Siting Council  
Ten Franklin Square  
New Britain, Connecticut 06051



Dear Chairman Caruso and Members of the Connecticut Siting Council:

I am writing on behalf of some residents of Middletown and Portland, Connecticut to urge you to apply stricter standards as you consider the extension of Kleen Energy Systems LLC's Certificate of Environmental Compatibility and Public Need beyond November 21, 2010. Specifically, we ask that you adopt and implement, as necessary, the directives to be issued by the Thomas Commission and that if at all possible you apply these directives as part of your review of Kleen Energy Systems LLC's extension request. In light of the many public safety concerns and violations highlighted in the Kleen Energy Plant Investigation Review Panel report and the federal OSHA investigation and report, that would be the prudent course of action to ensure public safety. Lastly, the victims and residents affected should be compensated by Kleen Energy Systems LLC as soon as possible.

The consequences of the Kleen Energy power plant explosion on February 7 were devastating: loss of six human lives, life threatening injuries to over thirty people, grief to families and friends, serious risks to public safety, damage to and decline in value of many homes, and anxiety and fear caused by uncertainty and distrust. I had the honor of knowing Ron Crabb and Ray Dobratz, two of the victims, both wonderful family men and outstanding leaders in their communities. I saw their families at the memorial service and cannot begin to tell you how painful this loss has been to them and their friends and neighbors.

As you know, the Kleen Energy Plant Investigation Review Panel released its report (Nevas Report) on June 3, 2010 which makes several recommendations to guide the work of a Second Panel also convened by Governor Rell. This second panel--the Thomas Commission--has begun its work and will be expected to submit final directives for the future construction and oversight of power plants in the state. One of the most important areas the Thomas Commission will address is the need for a regulatory scheme to address a serious deficiency, namely the fact that no federal or state agency has oversight with regard to the process known as "cleaning" or "blowing" of the natural gas pipeline, a necessary step in the construction of any natural gas-fueled power plant. The Thomas Commission is expected to look into existing federal and other state regulatory structures that may be adopted by Connecticut. It may very well recommend that the Siting Council impose strict safety conditions and issue binding regulations upon any entity constructing a power plant in the state that will employ the "gas blowing" cleaning process. If so, these would become relevant in your review of the Kleen Energy Systems LLC certificate extension request.

While, in its extension request, Kleen Energy Systems LLC states that "O&G [Industries Inc., the primary contractor for the power plant project] has committed to conducting gas blows at the project by utilizing materials other than natural gas," there are other significant issues at stake.

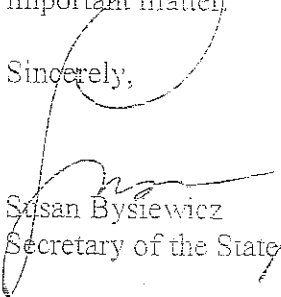
First, the Federal OSHA has issued a report with thirty citations, most of them for serious violations, against seventeen companies involved in the Kleen Energy Power Plant construction project. These citations follow several others that the federal agency has issued in the past against Kleen Energy Systems LLC. In response to as many as 371 workplace violations, OSHA has imposed fines in the amount of \$16.6 million dollars. Hence, it is imperative that Kleen Energy Systems LLC adopt the necessary safety measures and procedures as required by the OSHA. Full compliance with these federal regulations should be taken into account as the Siting Council considers the extension of the Kleen Energy Systems power plant certificate in Connecticut.

In addition, a class action suit against Kleen Energy Systems LLC has been filed by thirty-five residents who suffered significant damage to their homes and loss of property value as a result of the explosion. Several lawsuits have also been filed against Kleen Energy Systems LLC by families of the victims and employees injured in the explosion. Compensation to victims and homeowners should be made as soon as possible; and this should also be taken into account in your review of this matter.

The safety and well-being of the Kleen Energy Power Plant employees and residents of Middletown and Portland should be our foremost concern. We owe it to the six men who lost their lives and their families to ensure that no other such tragedy occurs again in our state. Therefore, I strongly urge the Connecticut Siting Council to do its part by ensuring that all safety measures are followed by Kleen Energy Systems LLC including all relevant directives issued by the Thomas Commission while you review the extension request.

Please feel free to call me at (860) 509-6200 if you wish to speak to me about this important matter.

Sincerely,

  
Susan Bysiewicz  
Secretary of the State

cc. The Honorable Susan Bransfield, First Selectwoman of Portland  
The Honorable Sebastian Giuliano, Mayor of Middletown  
The Honorable James M. Thomas, Commissioner, Department of Public Safety

**LIST OF PARTIES AND INTERVENORS  
SERVICE LIST**

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
<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 <a href="mailto:Biagio6539@aol.com">Biagio6539@aol.com</a></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 <a href="mailto:lhoffman@pullcom.com">lhoffman@pullcom.com</a></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 <a href="mailto:asmith@murthalaw.com">asmith@murthalaw.com</a></p>
<b>Intervenor</b>	The Connecticut Light and Power Company	<p>Duncan R. Mackay, Esq. Vincent P. Pace, Esq. The Connecticut Light &amp; Power Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-5000 (860) 665-5504 – fax <a href="mailto:mackadr@nu.com">mackadr@nu.com</a> <a href="mailto:pacevp@nu.com">pacevp@nu.com</a></p> <p>John R. Morissette Manager-Transmission Siting and Permitting The Connecticut Light &amp; Power Company P.O. Box 270 Hartford, CT 06141-0270 (860) 655-2036 (860) 665-2611 – fax <a href="mailto:morisjr@nu.com">morisjr@nu.com</a></p>

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<b>Intervenor</b>	The Connecticut Light and Power Company	Christopher R. Bernard Manager-Regulatory Policy (Transmission) The Connecticut Light & Power Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-5967 (860) 665-3314 – fax <a href="mailto:bernacr@nu.com">bernacr@nu.com</a>
<b>Intervenor</b>	City of Middletown	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 <a href="mailto:Tim.lynch@cityofmiddletown.com">Tim.lynch@cityofmiddletown.com</a>
<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.	Jacqueline Talbot 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:jtalbot@ctriver.org">jtalbot@ctriver.org</a>

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Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
<p style="text-align: center;"><b>Party (granted on July 29, 2010)</b></p>	<p>Town of Portland</p>	<p>Jean M. D'Aquila D'Aquila Law Offices, LLC 100 Riverview Center, Suite 205 Middletown, CT 06457 (860) 704-0290 (860) 704-0545 <a href="mailto:jmd@daquilalaw.com">jmd@daquilalaw.com</a></p> <p>Susan S. Bransfield, First Selectwoman Town of Portland 33 East Main Street P.O. Box 71 Portland, CT 06480 (860) 342-6715 (860) 342-6714 <a href="mailto:sbransfield@portlandct.org">sbransfield@portlandct.org</a></p>
<p style="text-align: center;"><b>Intervenor (granted on July 29, 2010)</b></p>	<p>The Honorable Eileen M. Daily State Senator - 33<sup>rd</sup> District 103 Cold Spring Drive Westbrook, CT 06498 (860) 240-0462 (860) 240-0036 fax <a href="mailto:daily@senatedems.ct.gov">daily@senatedems.ct.gov</a></p>	
<p style="text-align: center;"><b>Intervenor (granted on July 29, 2010)</b></p>	<p>The Honorable James A. O'Rourke State Representative – 32<sup>nd</sup> District Legislative Office Building, Room 4108 Hartford, CT 06106-1591 (860) 635-2992 (860) 240-8585 (860) 240-0206 fax <a href="mailto:Reporourke@att.net">Reporourke@att.net</a></p>	

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