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June 22, 2010

VIA ELECTRONIC MAIL AND U.S. MAIL

S. Derek Phelps
Executive Director
Connecticut Siting Council
10 Franklin Sq.
New Britain, CT 06051


Re: Kleen Energy Systems, LLC Application for a Certificate of Environmental Compatibility and Public Need for an Electric Generating Facility on River Road, Middletown, Connecticut Docket No. 225B

Dear Mr. Phelps:

Kleen Energy Systems, LLC ("Kleen Energy") hereby submits a request for an Extension of its Certificate in the above-referenced Docket. If you have any questions concerning this submittal, please contact the undersigned at your convenience.

Please return a date-stamped copy of this filing in the enclosed envelope. Thank you in advance for your assistance.

Respectfully submitted
KLEEN ENERGY SYSTEMS, LLC

By: 

Lee D. Hoffman
Its Attorney

cc: Service List for Docket 225
Melanie A. Bachman (via electronic mail)
Robert Mercier (via electronic mail)

RECEIVED
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**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

**APPLICATION OF KLEEN ENERGY
SYSTEMS, LLC FOR A CERTIFICATE
OF ENVIRONMENTAL COMPATIBILITY
AND PUBLIC NEED FOR AN ELECTRIC
GENERATING FACILITY AND
SWITCHYARD IN MIDDLETOWN**

DOCKET NO. 225

JUNE 22, 2010

REQUEST FOR EXTENSION OF CERTIFICATE

As the Siting Council is well aware, Kleen Energy Systems, LLC ("Kleen") received a Certificate of Environmental Compatibility and Public Need for the construction, operation and maintenance of an electric generating facility and switchyard in Middletown, Connecticut by Decision and Order of the Council dated November 21, 2002 (the "Approval"). Pursuant to the Decision and Order in this docket, Kleen's certificate was originally set to expire on November 21, 2006. Prior to the expiration of that certificate, the Council granted extensions of that certificate through and including November 21, 2010. For the reasons set forth in greater detail below, Kleen formally requests that the Council extend Kleen's certificate through and including June 30, 2011.

BACKGROUND

By Findings of Fact, Opinion and Decision and Order dated November 21, 2002, Kleen received a Certificate for a 620 MW natural-gas fired combined cycle electric generating facility (the "Facility") on River Road in Middletown, Connecticut (the "Site"). On February 7, 2010, the Kleen Facility experienced an explosion caused by the release and combustion of natural gas during the

process known as “gas blows,” which were undertaken for the purpose of cleaning debris from the newly constructed natural gas lines located between the gas compressor station and the heat recovery steam generators. Since the time of the explosion, Kleen has been cooperating with federal, state, and local authorities as they have been conducting investigations regarding the cause of the explosion.

The damage to the facility is being thoroughly assessed, although such assessments will not be fully completed until July. The primary contractor for the project, O&G Industries, Inc (“O&G”), has begun repairs of the project while the damage assessments continue. Based on the information that has been received to date, O&G has informed Kleen that it estimates that it will be able to complete the Facility and turn it over to Kleen on or about April 4, 2011. While this anticipated date of completion is still subject to change, it represents the best estimate of completion. Accordingly, Kleen respectfully requests that its certificate be extended through and including June 30, 2011, to accommodate the repair and restoration schedule detailed below.

I. Investigations and Site Control and Access

Since the explosion occurred, Kleen has fully cooperated with federal, state, and local investigating authorities. From the early moments after the explosion until February 26, 2010, the site was controlled by the Middletown Police Department and the Middletown South Fire District, after which time site control was relinquished to the U.S. Chemical Safety Board (“CSB”) and subsequently to the federal Occupational Safety and Health Administration

("OSHA"). OSHA, along with other federal, state and local authorities, limited access to, and control of, the Site by Kleen and O&G in order to conduct their investigations.

In addition, Kleen and the Facility have been the subject of several personal injury law suits associated with the explosion. As part of this on-going litigation, Judge Holzberg, sitting in the Superior Court for the Judicial District of Middletown, issued an order that limited access to certain parts of the facility to allow plaintiffs' attorneys and experts to view an undisturbed site. Agreements were reached with the plaintiffs' attorneys which allowed this restriction to be lifted during the second week of April.

Since that time, federal and state investigators have largely demobilized, and O&G has been granted access to the entire Site and control with respect to the entire Site, with one exception. The CSB has not relinquished control of the above ground fuel gas piping system, which is located between the gas compression station and the heat recovery steam generators. The CSB anticipates conducting a low pressure nitrogen gas test of this system on June 29, 2010, after which the entire Site will be returned to the sole care and custody of O&G. This limited piece of CSB control at the site has not had an adverse impact on O&G's repair operations at the site, and is not anticipated to affect the repair schedule.

II. DAMAGE ASSESSMENT

During the month of May, several vendors for the project, including material equipment suppliers such as Siemens Power Generation, Vogt Power

International, SPX and Flowserve, have been at the Project to provide detailed damage assessments of the equipment at the facility. As the Council is aware, these are complex systems, and the assessments can take from several weeks to more than a month to complete. These vendors are in the process of completing their respective assessments of the Project's primary equipment, including the combustion and steam turbines, heat recovery steam generators, boiler feedwater pumps, and cooling tower. While the final evaluations are still pending, these vendors have provided detailed field reports, which include lists of required replacement parts, so that parts may be ordered as quickly as possible. In addition, several vendors have started in-field and off-site repairs where required. At this juncture, none of these vendors have identified any material damage which would adversely impact the anticipated April 4, 2011 project turnover date.

Other contractors and vendors have also conducted their damage assessments during the months of May and June, and these assessments are ongoing. The full nature and extent of damage will be more accurately known once the vendors have concluded their inspection work and provided full reports to Kleen and O&G. It is anticipated that it will take approximately one month after the field work is completed for all of the assessment teams to provide O&G with final damage assessment reports.

In addition to assessment work, O&G has completed its demolition work, removing damaged structures and clearing debris. Restoration, rebuilding and completion work commenced in earnest during the month of May. To this end,

the water treatment building, the ammonia storage and the water demineralization building were all rebuilt in whole or part during the month.

O&G has continued to near completion on many other construction activities in undamaged areas, including the water treatment plant, fuel oil tank and delivery systems and water intake structures. At the time of the explosion, the Project was approximately 93% complete. As of June 1, 2010, O&G was reporting the Project at approximately 80% complete with 350 craft workers back on site participating in the completion of the Project.

At this juncture, O&G has not yet attempted any refinements to the initial restoration and completion schedule it provided to Kleen. The schedule targets a project turnover date of on or about April 4, 2011. Kleen anticipates further refinement of the completion schedule may occur in the coming weeks as the vendor assessments conclude and any associated damage and procurement needs become available.

It should also be noted that Kleen and O&G are working closely with the CSB to finalize an alternative procedure with respect to the cleaning of the balance of natural gas pipelines at the facility. This will be required before the Project can be completed. The balance of the natural gas pipeline remaining to be cleaned is primarily small gauge pipeline, which can be cleaned without using high pressure natural gas. O&G is currently working with the CSB to determine whether compressed air can be used in conjunction with pipe "pigging" as an alternative method to perform the necessary cleaning of pipes. Both Kleen and O&G are committed to working with the CSB and other applicable agencies to

ascertain alternative methods that will allow the balance of the pipes at the Project to be cleaned without using high pressure natural gas as a cleaning agent.

Regardless of the new alternative that is selected, O&G will not use natural gas to perform any gas blows in connection with the completion of the Project contemplated in this request. Although O&G has not yet selected the methodology it will use, it is committed to utilizing a methodology that will not use natural gas to conduct gas blows. Kleen is also cognizant of the findings of the Final Report of the Governor's Commission Regarding the Kleen Energy Explosion, chaired by Alan H. Nevas. Kleen has no objections to the findings contained in the Report, and shares the Commission's desire to ensure that the events of February 7, 2010 are not repeated in the State of Connecticut.

To that end, O&G is using its best efforts to meet or exceed the applicable recommendations found in the Commission's Report. For example, O&G has committed to conducting gas blows at the Project by utilizing materials other than natural gas. In addition, O&G is working with federal officials to finalize standards for conducting the remaining pipe cleaning activities at the site, and Kleen supports O&G's efforts in this regard. In short, both Kleen and O&G are committed to completing the activities at the Project as safely as possible and have no objections to the findings of the Commission's Report.

The repair and restoration work at the Facility has been taking place since the February 7, 2010 incident, and significant progress has been made. In order for the Council to better understand the current status of the Kleen Energy Facility, this filing includes several pictures that were taken during the past two weeks that show the current status of the Facility.



Kleen Energy auxiliary boiler system



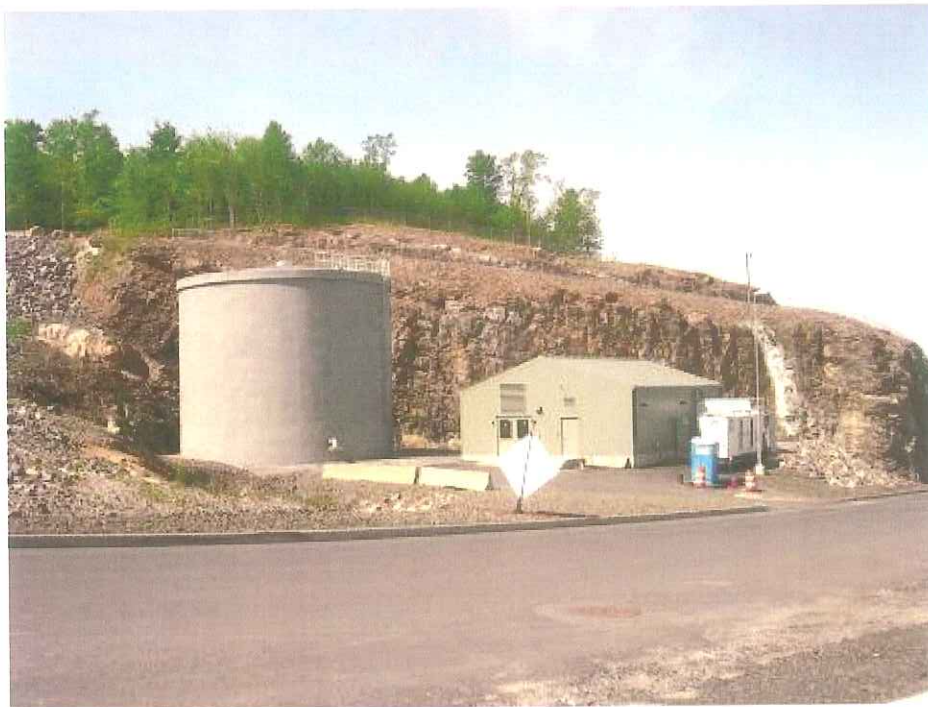
Kleen Energy power island



Kleen Energy water wells on Connecticut River



Kleen Energy water emergency generator facility



Kleen Energy water booster pump system



Kleen Energy oil tank farm facility



Kleen Energy – Algonquin natural gas facility off River Road

CONCLUSION

As can be seen by these pictures, Kleen Energy is committed to repairing the project safely and completing it as expeditiously as possible. Based on the foregoing and in order to accommodate the repair and construction work detailed above, Kleen Energy respectfully requests that its Certificate be extended through and including June 30, 2011.

KLEEN ENERGY SYSTEMS, LLC

By:  _____

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Its Attorneys

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of June, 2010, a copy of the foregoing was delivered by U.S. Mail, first class postage prepaid, to all parties and intervenors of record as follows:

NRG Middletown Power LLC
Alfred E. Smith, Jr.
Aimee Hoben
Murtha Cullina LLP
Two Whitney Avenue
New Haven, CT 06503

The Connecticut Light and Power Company
Office of the General Counsel
Northeast Utilities Service Company
P.O. Box 270
Hartford, CT 06141-0270

The City of Middletown
Timothy P. Lynch
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Connecticut River Watershed Council, Inc.
c/o Christopher Joyell
DeKoven House Community Center
27 Washington Street
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Earle Roberts
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Middletown, CT 06457



Lee Hoffman