

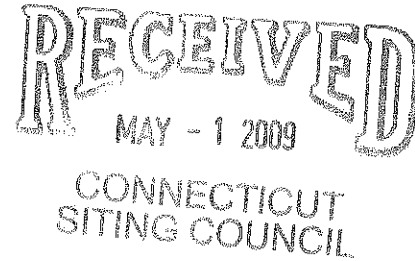


TOWN OF BERLIN
Office Of The Town Manager

DENISE M. McNAIR
Town Manager

April 28, 2009

Mr. S. Derek Phelps, Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051



RE: Docket #370B, NRG Energy, Inc.

Dear Mr. Phelps:

I am in receipt of your letter dated April 17, 2009. This letter asked the Town for its legal opinion as to whether the Council would ... "be compelled to dismiss NRG's application because of its failure to timely consult with municipalities, as called for under C.G.S. 16a-7c(e)". I offer the following comments:

- NRG contacted the Town to request a meeting regarding the project and the application currently before the Siting Council. A meeting of Town staff and NRG representatives was held on April 20, 2009.
- The Town of Berlin does not have Counsel that specializes in the matters before the Siting Council, therefore, we decline to provide a legal opinion on the question that you pose. We will rely on the expertise of the Council to make the proper decision in this matter.

Thank you for the consideration of these comments.

Sincerely,

Denise McNair
Town Manager