



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

March 7, 2019

TO: Parties and Intervenors

FROM: Melanie Bachman, Executive Director *MAB*

RE: **DOCKET NO. 470B** – NTE Connecticut, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 550-megawatt dual-fuel combined cycle electric generating facility and associated electrical interconnection switchyard located at 180 and 189 Lake Road, Killingly, Connecticut. Reopening of this application based on changed conditions pursuant to Connecticut General Statutes §4-181a(b).

At a pre-hearing conference held on March 6, 2019, at the Connecticut Siting Council's (Council) office and attended by Josh Berman of The Sierra Club, Katherine Fiedler, Esq., of Connecticut Fund for the Environment, Mary Miller, Esq. of Reid and Reige, P.C., Kenneth C. Baldwin, Esq. of Robinson & Cole LLP, and Tim Eves of NTE Energy, LLC, the Council requested that the following format be used for the public hearing scheduled on Thursday, April 4, 2019.

Pre-hearing Procedure

1. On or before March 21, 2019, all parties and intervenors are requested to exchange pre-hearing interrogatories with all other parties and intervenors.
2. On or before March 28, 2019, all parties and intervenors are requested to file responses to pre-hearing interrogatories and exchange pre-filed testimony, exhibits, witness lists, and items to be noticed administratively with the Council and all other parties and intervenors. To save the time and expense of parties, intervenors, and the public, all parties and intervenors are encouraged to resolve discrepancies of these items before the hearing.
3. Any person seeking to be admitted as a party or intervenor to the proceeding is requested to file a written petition with the Council on or before March 28, 2019.
4. All filings are to be in accordance with the State Solid Waste Management Plan and in accordance with Section 16-50j-12 of the Regulations of Connecticut State Agencies. The Council is requesting that all filings be submitted on recyclable paper, primarily regular weight white office paper. Please avoid using heavy stock paper, colored paper, and metal or plastic binders and separators.
5. Pursuant to Section 16-50j-21 of the Regulations of Connecticut State Agencies, at least ten business days prior to the public hearing, the applicant shall erect and maintain, in a legible condition, a sign not less than six feet by four feet at the entrance to each property from a public road where the proposed facility is to be located. The signs shall set forth the name of the applicant, the type of facility, the public hearing date, and contact information for the Council (Web site and phone number). **The signs shall not be removed from the site until after the commencement of the evening public comment session.**



6. Enclosed is a list of items the Council wishes to notice administratively. Objections to any item on the list should be sent to the Council before the hearing.

Hearing Procedure

7. A public field review of the proposed site will be held on Thursday, April 4, 2019, beginning at 1:30 p.m.
8. The 3:00 p.m., April 4, 2019, hearing session will provide the applicant, parties, and intervenors an opportunity to introduce exhibits and witnesses, and cross-examine positions. The applicant will be allowed to present its exhibits and witness panel, and then be subject to cross-examination by the Council and all parties and intervenors. All parties and intervenors will then be allowed to introduce their exhibits and witness panels, and be subject to cross-examination by the Council, the applicant and all other parties and intervenors.
9. All participants are requested to place nameplates on the table in front of each witness at the hearing.
10. The order of appearances and cross-examination will be governed by a hearing program developed by the Council for the proceeding. The Council may issue a draft version of the hearing program to parties and intervenors prior to the hearing.
11. The 6:30 p.m. hearing session on April 4, 2019, will be reserved for the public to make brief statements into the record. The Council requests that the applicant conduct a brief presentation prior to public comment, using 24-inch by 36-inch diagrams depicting site features, including a map showing abutting properties. The diagrams must be from materials already submitted into the record.
12. If time remains, the 6:30 p.m. hearing session may provide the applicant, parties, and intervenors an opportunity to continue their appearances and cross-examination that began during the 3:00 p.m. hearing session.
13. The Council will provide public officials who have not been granted party or intervenor status an opportunity to make a statement.
14. The Council may, at its discretion, group parties and intervenors with the same interest.
15. Individuals will be encouraged to participate through their elected officials and other party or intervenor groupings.
16. Any party or intervenor, including those that are members of non-profit corporations or citizens groups, that have attained party or intervenor status in the proceeding are deemed to be represented in the proceeding and may not submit oral or written statements into the record.
17. All participants will be encouraged to be brief, concise, non-repetitious, and courteous of all other participants.

Post-hearing procedure

18. A verbatim transcript of the hearing session will be made and deposited with the Town Clerk's Offices, in Killingly, Pomfret and Putnam, Connecticut for the convenience of the public.
19. Parties and intervenors will be allowed to submit briefs and proposed findings of fact within 30 days after the close of the hearing.
20. Members of the public will be allowed to submit public statements into the record within 30 days after the close of the hearing.
21. Deadlines for briefs, proposed findings of fact, and public statements will be final and no extensions will be granted.

Thank you for your cooperation.

MB/MP/lm

Administrative Notice List
Docket No. 470B

FEDERAL

1. NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES, NATIONAL INSTITUTES OF HEALTH, *EMF, Electric and Magnetic Fields Associated with the Use of Electric Power*, June 2002, available at [http://www.niehs.nih.gov/health/materials/electric and magnetic fields associated with the use of electric power questions and answers english 508.pdf](http://www.niehs.nih.gov/health/materials/electric_and_magnetic_fields_associated_with_the_use_of_electric_power_questions_and_answers_english_508.pdf)
2. NATIONAL RESEARCH COUNCIL, *Research on Power-Frequency Fields Completed Under the Energy Policy Act of 1992*, National Academy of Sciences 1999, available at <http://books.nap.edu/openbook.php?isbn=0309065437>
3. UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION, *Obstruction Marking and Lighting, Advisory Circular AC 70/7460-1L*, December 4, 2015, as amended, available at [https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_70_7460-1L .pdf](https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_70_7460-1L.pdf)
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8. Presidential Executive Order No. 13636, Improving Critical Infrastructure Cybersecurity, 78 FED. REG. 11739, February 19, 2013, available at <http://www.archives.gov/federal-register/executive-orders/2013.html>
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10. UNITED STATES DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, *National Register of Historic Places*, available at <https://www.nps.gov/subjects/nationalregister/index.htm>
11. UNITED STATES DEPARTMENT OF ENERGY, FEDERAL ENERGY REGULATORY COMMISSION AND THE NORTH AMERICAN ELECTRIC RELIABILITY CORPORATION, *Report on Transmission Facility Outages During the Northeast Snowstorm of October 29-30, 2011 – Causes and Recommendations*, available at <http://ferc.gov/legal/staff-reports/05-31-2012-ne-outage-report.pdf>

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27. ISO-NEW ENGLAND, INC., *2017 Regional Electricity Outlook*, January 2017, available at <https://www.iso-ne.com/about/regional-electricity-outlook/>
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51. **DOCKET NO. 189** - Lake Road Generating Company, LLC Certificate of Environmental Compatibility and Public Need for an electric generating project located off of Lake Road in Killingly, Connecticut. Record and Final Decision, *available at* <https://www.ct.gov/csc/cwp/view.asp?a=949&Q=247906>
52. **DOCKET NO. 189A** - Lake Road Generating Company, LLC Certificate of Environmental Compatibility and Public Need for the Lake Road Generating Project located off of Lake Road, Killingly, Connecticut. Reopening of this docket pursuant to Connecticut General Statutes § 4-181a(b) to Modify the Decision and Order in Docket 189 to Allow Lake Road Generating Company to Suspend its Backup Fuel System Based on Changed Conditions. Record and Final Decision, *available at* <https://www.ct.gov/csc/cwp/view.asp?a=962&Q=489758&PM=1>
53. **DOCKET NO. 192B** - CPV Towantic, LLC Motion to Reopen and Modify the June 23, 1999 Certificate of Environmental Compatibility and Public Need based on changed conditions pursuant to Connecticut General Statutes §4-181a(b) 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. Record and Final Decision, *available at* <https://www.ct.gov/csc/cwp/view.asp?a=962&Q=556110&PM=1>
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55. **DOCKET NO. 470** – NTE Connecticut, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 550-megawatt dual-fuel combined cycle electric generating facility and associated electrical interconnection switchyard located at 180 and 189 Lake Road, Killingly, Connecticut. Record and Final Decision, *available at* <https://www.ct.gov/csc/cwp/view.asp?a=962&Q=583908&PM=1>
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Other State Agencies

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