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Also admitted in Massachusetts

March 28, 2019

Via Hand Delivery and Electronic Mail

Melanie A. Bachman, Esq.
Executive Director/Staff Attorney
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: Docket No. 470B – Application of NTE Connecticut, LLC for a Certificate of Environmental Compatibility and Public Need for the Construction, Maintenance and Operation of an Electric Power Generating Facility at 180 and 189 Lake Road, Killingly, Connecticut - Reopening of this application based on changed conditions pursuant to Connecticut General Statutes §4-181a(b)

Dear Ms. Bachman:

Enclosed is the original and fifteen (15) copies of the following:

1. A Sign Posting Affidavit from Timothy Eves dated March 26, 2019, confirming that NTE Connecticut, LLC (“NTE”) posted two (2) public notice signs at the subject parcel in accordance with Council’s guidelines; and
2. A Determination of No Hazard To Air Navigation dated March 25, 2019, supplementing information provided in NTE’s response to the Siting Council’s Interrogatories (Set One) Question No. 41, dated March 15, 2019.

Robinson+Cole

Melanie A. Bachman, Esq.
March 28, 2019
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If you have any questions or need any additional information regarding this information please do not hesitate to contact me.

Sincerely,



Kenneth C. Baldwin

KCB/kmd
Enclosures
Copy to:
Parties and Intervenors of Record

CERTIFICATION OF SERVICE


I hereby certify that on this 28th day of March, 2019, a copy of the foregoing was sent via electronic mail, to the following:

Mary Mintel Miller, Esq.
Reid and Riege, P.C.
One Financial Plaza, 21st Floor
Hartford, CT 06103
mmiller@rrlawpc.com

Mary Calorio, Town Manager
Town of Killingly
172 Main Street
Killingly, CT 06239
mcalorio@killinglyct.gov

Joshua Berman, Staff Attorney
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50 F Street NW., 8th Floor
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Katherine Fiedler, Esq.
Connecticut Fund for the Environment
900 Chapel Street
Upper Mezzanine
New Haven, CT 06510
kfiedler@ctenvironment.org



Kenneth C. Baldwin



Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2019-ANE-646-OE
 Prior Study No.
 2019-ANE-571-OE

Issued Date: 03/25/2019

Tim Eves
 NTE Connecticut, LLC
 24 Cathedral Place
 Suite 302
 St. Augustine, FL 32084

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Stack Revised KEC Stack
 Location: Dayville, CT
 Latitude: 41-51-46.47N NAD 83
 Longitude: 71-55-02.23W
 Heights: 318 feet site elevation (SE)
 150 feet above ground level (AGL)
 468 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination expires on 09/25/2020 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (817) 222-5922, or debbie.cardenas@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2019-ANE-646-OE.

Signature Control No: 398288471-400427918
Debbie Cardenas
Technician

(DNE)