



**SIERRA
CLUB**

April 16, 2019

Connecticut Siting Council
Attn: Hon. James J. Murphy, Jr., Acting Chairman
10 Franklin Square
New Britain, CT 06051

**RE: Docket No. 470B NTE Connecticut, LLC application for a Certificate of
Environmental Compatibility and Public Need**

Dear Chairman Murphy:

The Sierra Club respectfully requests that the Connecticut Siting Council please recognize Diana Csank as its representative in Docket No. 470B. Her pro hac vice application and the subsequent Connecticut Judicial Branch response are provided as Attachments 1 and 2. With this request, Sierra Club's intends that both Joshua Berman and Diana Csank will serve as its representatives in this docket.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Samantha Dynowski
State Director
Sierra Club Connecticut
P.O. Box 270595, West Hartford, CT 06127
samantha.dynowski@sierraclub.org
860-916-3639

Attachment 1



State of Connecticut Judicial Branch Superior Court E-Filing



Attorney/Firm: **KATHERINE MARIE FIEDLER (439901)**

E-Mail: kfiedler@ctenvironment.org Logout

[Hide Instructions](#)

You have successfully e-filed!

Instructions: This page is a confirmation of your e-filing. At the top of the page under **Payment Information**, you can see the total court fees, the service fee, and the total payment amount for the payment made.

Under **Document Summary**, you can see information about each document that you have filed, the date and time of the filing, the logged-in juris number, the fee for the specific document, and the name and docket number of the case.

The service fee is not broken down for each document filed and paid for in a multiple item transaction. Also, the confirmation number is the same for all documents paid for in the transaction.

Print or save a copy of this page for your records. To print a copy, choose the **Print This Page** button. Once you have printed the copy, you can choose **Return to Superior Court E-Filing Menu**, **Return to Shopping Cart**, **File Additional Documents on This Case** or **Logout** if you do not need to file anything else.

Print This Page

Confirmation of E-filed Transaction (print this page for your records)

For questions regarding this payment: [Contact Us](#)

Payment Information

Confirmation Number: **89689508**

Total Court Fees: **\$620.00**

LexisNexis Service Fee: **\$15.19**

Total Transaction Amount: **\$635.19**

Payment Method: **Credit Card**

Payment Date: **04/03/2019 1:44PM**

Payment By: **KATHERINE FIEDLER (439901)**

Document Summary

[To receive an email when there is activity on this case, click here.](#)

Confirmation Number: **89689508**

Docket Number: **HHB-CV-19-6051690S**

Case Name: **CSANK, DIANA AGNES v. IN RE: PRO HAC VICE APPLICATION**

Type of Transaction: **E-File New Case**

Court Fee: **\$620.00**

Date Filed: **APR-3-2019**

Filed By: **KATHERINE MARIE FIEDLER Juris# 439901**

Document Filed: **APPLICATION FOR PERMISSION FOR ATTORNEY TO APPEAR PRO HAC VICE PB 2-16 AFFIDAVIT OF ATTORNEY RE PRO HAC VICE APPLICATION PB 2-16**

Date and Time of Transaction: **Wednesday, April 3, 2019 1:45:48 PM**

[Return to Superior Court E-Filing Menu](#)

[Return to Shopping Cart](#)

[File Additional Documents On This Case](#)

**APPLICATION FOR PERMISSION FOR ATTORNEY TO APPEAR
PRO HAC VICE BEFORE A MUNICIPAL OR STATE AGENCY,
COMMISSION, BOARD OR TRIBUNAL**

JD-CL-142 New 1-17
P.B. 2-16

STATE OF CONNECTICUT
SUPERIOR COURT
www.jud.ct.gov



Instructions

1. Complete this Application and attach completed Affidavit of Attorney Seeking Permission to Appear Pro Hac Vice (JD-CL-143).
2. File as new case using Case Type M 88 and pay pro hac vice fee electronically.
3. Enter the Out-of-State Attorney's name as the plaintiff and "In Re: Pro Hac Vice Application" as the defendant (select person and use last name field).

ADA NOTICE
The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA.

Judicial district New Britain	Address of court 20 Franklin Square, New Britain, CT 06051
----------------------------------	---

Name of Out-of-State attorney
Diana Agnes Csank **In Re Pro Hac Vice Application**

Name of agency, commission, board or tribunal Connecticut Siting Council	Case number Docket No. 470B
---	--------------------------------

Pursuant to Section 2-16 of the Practice Book, the undersigned, a member in good standing of the Connecticut bar, moves this Court to permit Out-of-State Attorney Applicant Diana Agnes Csank, an attorney who is not a member of the bar of the State of Connecticut, to appear *pro hac vice* on behalf of (client name) Sierra Club in a proceeding before (name of agency, commission, board, or tribunal) the Connecticut Siting Council

In support of this motion, the undersigned represents the following:
The undersigned is a Connecticut attorney with a law office located at: Connecticut Fund for the Environment, 900 Chapel Street, Suite 2202, New Haven, CT 06510

The Out-of-State Attorney Applicant has a law office located at: 50 F St. NW Suite 800, Washington DC 20001

The Out-of-State Attorney Applicant is a member in good standing of the bar(s) of: New York

Good cause exists to permit the Out-of-State Attorney Applicant to represent the client named above in the proceeding before (name of agency, commission, board, or tribunal) the Connecticut Siting Council because:

Sierra Club wishes to draw on Ms. Csank's experience in similar power plant siting matters in other states, including certain cutting-edge factual developments in such matters that can help inform the resolution of this matter in Connecticut.

- The undersigned represents that s/he will, unless excused by the judicial authority,
- a. Be present at all proceedings, including depositions,
 - b. Sign all pleadings, briefs or other papers filed with the court.
 - c. Assume full responsibility for any such filings and for the conduct of the cause or proceeding and of the attorney to whom such privilege is accorded.

Certification (Required for all matters currently pending before any agency, commission, board, or tribunal)

I certify that a copy of this document was or will immediately be mailed or delivered electronically or non-electronically on (date) 4/3/19 to all agencies, commissions, boards, tribunals, attorneys and self-represented parties of record and that written consent for electronic delivery was received from all entities, attorneys and self-represented parties receiving electronic delivery.

Name and address of each party and attorney that copy was mailed or delivered to*
See attached service list

*If necessary, attach additional sheet or sheets with name and address which the copy was mailed or delivered to.

Signed (Signature of filer) <u>Katherine Fiedler</u>	Print or type name of person signing Katherine M. Fiedler	Date signed 4/3/19
Mailing address (Number, street, town, state and zip code) Connecticut Fund for the Environment, 900 Chapel Street, Suite 2202, New Haven, CT 06510		Telephone number (203) 787-0646

**LIST OF PARTIES AND INTERVENORS
SERVICE LIST**

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	<input checked="" type="checkbox"/> E-mail	NTE Connecticut LLC	<p>Kenneth C. Baldwin, Esq. Earl W. Phillips, Jr., Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597 (860) 275-8200 kbaldwin@rc.com ephillips@rc.com</p> <p>Paul R. McCary Murtha Cullina, LLP CityPlace 1 185 Asylum Street Hartford, CT 06103-3469 (860) 240-6037 (860) 240-6150 – fax pmccary@murthalaw.com</p> <p>Tim Eves, Senior Vice President NTE Energy, LLC 24 Cathedral Place, Ste. 300 St. Augustine, FL 32084 teves@nteenergy.com kcc.notices@nteenergy.com</p> <p>Chris Rega, Senior Vice President Engineering & Construction NTE Energy, LLC 800 South Street, Ste. 620 Waltham, MA 02453 crega@nteenergy.com</p> <p>John W. Gulliver, Esq. Pierce Atwood LLP Merrill's Wharf 254 Commercial Street Portland, ME 04101 (207) 791-1296 (207) 415-3400 - mobile jgulliver@pierceanwood.com jwgulliver@gmail.com</p>
Party & CEPA Intervenor (Approved 9/29/16)	<input checked="" type="checkbox"/> E-mail	Not Another Power Plant	<p>John Bashaw, Esq. Mary Mintel Miller, Esq. Reid and Riege, P.C. One Financial Plaza, 21st Floor Hartford, CT 06103 jbashaw@rrlawpc.com mmiller@rrlawpc.com</p>

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Party (Approved 9/29/16)	<input checked="" type="checkbox"/> E-mail	Town of Killingly	Mary Calorio Town Manager Town of Killingly 172 Main Street Killingly, CT 06239 mcalorio@killinglyct.org
Party & CEPA Intervenor (Approved 11/3/16)	<input checked="" type="checkbox"/> E-mail	Sierra Club	Joshua Berman Staff Attorney Sierra Club 50 F Street NW., 8 th Floor Washington, DC 20001 josh.berman@sierraclub.org
Party (Approved 11/3/16)	<input checked="" type="checkbox"/> E-mail	Connecticut Fund for the Environment	Katherine M. Fiedler, Esq. Roger Reynolds, Esq. Connecticut Fund for the Environment 900 Chapel Street, Upper Mezzanine New Haven, CT 06510 kfiedler@ctenvironment.org rreynolds@ctenvironment.org
Party & CEPA Intervenor (Approved 11/3/16)	<input checked="" type="checkbox"/> E-mail	Wyndham Land Trust, Inc.	John Bashaw, Esq. Mary Mintel Miller, Esq. Reid and Riege, P.C. One Financial Plaza, 21 st Floor Hartford, CT 06103 jbashaw@rrlawpc.com mmiller@rrlawpc.com

**AFFIDAVIT OF ATTORNEY SEEKING
PERMISSION TO APPEAR PRO HAC VICE**

JD-CL-143 Rev 5-17
P.B. 2-16

STATE OF CONNECTICUT
SUPERIOR COURT
www.jud.ct.gov



Instructions

Complete Affidavit and deliver to Connecticut attorney making application on your behalf.

Court Information:

Judicial district New Britain	Address of court 20 Franklin Square, New Britain, CT 06051
---	--

If Application is for a Court Case:

Name of case	Docket number
--------------	---------------

If Application is for a proceeding before a State or Municipal Agency, Commission, Board, or Tribunal:

Name of out-of-state attorney Diana Agnes Csank	. In Re Pro Hac Vice Application
Name of agency, commission, board or Tribunal Connecticut Siting Council	Case number 470

Affidavit:

I, Diana Agnes Csank, being duly sworn, do depose and say:

I am over the age of 18 and believe in the duties and obligations of an oath.

I make this Affidavit in support of an Application to appear *pro hac vice* before (name of court, agency, commission, board, or tribunal) the Connecticut Siting Council

for a proceeding regarding (client name) Sierra Club's interests in Siting Council docket no. 470.

I have a law office located at (include firm name, if applicable): 50 F St. NW Suite 800, Washington DC 20001

I am a member in good standing of the bar(s) of: New York

I certify that: There is no grievance pending against me in any jurisdiction, nor have I ever been reprimanded, suspended, placed on inactive status, disbarred or otherwise disciplined, nor have I ever resigned from the practice of law in any jurisdiction.

There is a grievance pending against me, or I have been disciplined as follows (explain):

I have paid the Client Security Fund Fee due for June of 2019, the calendar year in which the application is made.

I hereby designate the Chief Clerk for the Judicial District of New Britain as my agent upon whom process and service of notice may be served.

I agree to register with the Statewide Grievance Committee in accordance with the provisions of Chapter 2 of the Connecticut Rules of Practice while appearing in the matter in this State and for two years after the completion of the matter in which I have appeared *pro hac vice* and will notify the Statewide Grievance Committee of the expiration of the two year period.

I have appeared (n/a) times *pro hac vice* in the superior court or in any other proceedings in the State of Connecticut since I first appeared *pro hac vice* in this state; the case names and docket numbers of those proceedings are:

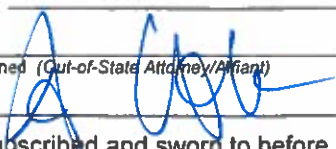
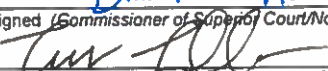
I have previously been assigned Juris Number (n/a) as a *pro hac vice* attorney in Connecticut.

I understand that, unless excused by the judicial authority, Connecticut Attorney Katherine Fiedler, who submitted the Application on my behalf, must be present at all proceedings, including depositions in a proceeding, and must sign all pleadings, briefs and other papers filed with the court, agency, commission, board, or tribunal named above, and assume full responsibility for them and for the conduct of the cause or proceeding and of this Affiant.

Good Cause exists to permit me to represent the client named in this Affidavit in the proceeding before the above named court, agency, commission, board, or tribunal.

(Describe the facts or circumstances affecting the personal or financial welfare of the client that establish "good cause"):

I am an attorney on Sierra Club's staff and have litigated similar power plant siting matters in other states. Therefore, good cause exists to permit me to represent Sierra Club, because I have unique knowledge of Sierra Club's interests and unique expertise to help represent those interests in this Connecticut matter.

Signed (Out-of-State Attorney/Affiant) 	Print name <u>DIANA ARNES CRANE</u>	Date signed <u>4-2-19</u>
Subscribed and sworn to before me:	Signed (Commissioner of Superior Court/Notary Public) 	Date signed <u>4/2/19</u>



ADA NOTICE
The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA.

TESS FIELDS
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires January 14, 2023

Attachment 2

CONNECTICUT JUDICIAL BRANCH (AE04)
DIRECTOR OF COURT OPERATIONS
225 Spring Street - 2nd Floor
Wethersfield, CT 06109

TO: PHV DIANA AGNES CSANK

DATE: 04/04/2019

You have been assigned JURIS number 440457 at the following address:

SIERRA CLUB
50 F STREET NW SUITE 800
WASHINGTON DC 20081

Please be aware of the following:

You should immediately prepare and file an appearance in the Court for which you were permitted to appear pro hac vice. The appearance form (JD-CL-12) is available at the Connecticut Judicial Branch website (www.jud.ct.gov).

Practice Book Section 2-16 requires you "to register with the Statewide Grievance Committee in accordance with the provisions of this chapter while appearing in the matter in this state and for two years after the completion of the matter". You will receive your registration form in the mail in the near future. It will be your responsibility to comply with this state's registration and change of information requirements (see Practice Book Sections 2-26 and 2-27(d)) and to notify the Statewide Grievance Committee in writing at the conclusion of your involvement in the matter for which you were permitted to appear pro hac vice. That notification should be sent to:

Statewide Grievance Committee
287 Main Street, Second Floor, Suite Two
East Hartford, CT 06118-1885

Please email questions to Attorney.Registration@jud.ct.gov or call (860) 568-5157.

Effective January 1, 2012, all attorneys permitted to appear pro hac vice shall be responsible to pay the annual Client Security Fund fee. See Practice Book Section 2-16.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of April, 2019, a copy of the foregoing was sent via electronic mail to all parties in this docket.

/s/ Diana A. Csank
Diana A. Csank
Staff Attorney
Sierra Club
50 F St NW, 8th Fl
Washington, DC 20001
202-548-4595
diana.csank@sierraclub.org