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September 26, 2016

VIA FIRST CLASS MAIL
AND ELECTRONIC MAIL

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

**Re: Docket No. 470 – NAPP Response to Request for Clarification Regarding
Request for Party Status and Notice of Intervention**

Dear Attorney Bachman:

While not wishing to appear to be in opposition to NAPP's Petition for Party Status, NTE states in its "Request for Clarification" dated September 22, 2016, that "it question[s] whether Intervention and Party Status for NAPP are provided for by the law." As set forth in NAPP's Petition for Party Status and in this response, NAPP has legal grounds for party status under General Statutes §16-50n (the Connecticut Siting Council ("Siting Council") statutes) and §22a-19 (the Connecticut Environmental Protection Act ("CEPA")).

While NTE appears to question the legal basis for NAPP's party status under both the Siting Council statutes and CEPA, NTE cites only to the definition of "party" under CEPA, §22a-19(a)(1) of the General Statutes. NTE makes no reference to any of the provisions of Chapter 277a, the Public Utility Environmental Standards Act. However, NAPP has requested party status under both CEPA and §16-50n of the General Statutes.

Under §16-50n, party status is granted to any "domestic or qualified nonprofit corporation or association" or to "such other persons as the council may at any time deem appropriate." The Siting Council statutes do not otherwise define the term "domestic or qualified nonprofit corporation or association" and, to the knowledge of the undersigned, there is no provision of state law that defines such term. NAPP is a group, or association, of over 800 persons (as defined in 16-50i(c)), that is nonprofit in nature and is domestically organized. There is no requirement under law for such associations to have officers, directors, members, articles of incorporation or by-laws. And, as set forth in §16-50i(c), "person" as defined in the Siting Council's statutes includes all possible forms of organization, including, "any . . . association . . . and any other entity, public or private, however organized." (Emphasis added.) Thus, NAPP has


Melanie A. Bachman
Acting Executive Director
September 26, 2016
Page 2

put forth a valid legal basis for party status under Chapter 277a. Moreover, under Chapter 277a and the Siting Council's regulations, there is no pre-requisite or condition to party status to demand that NAPP provide a listing of its members or an update each time a person joins or departs the association.

NTE "questions" (but does not oppose) NAPP's party status under CEPA by arguing that an "association or organization" must be a "legal entity." Again, there is no definition in CEPA of what constitutes an "association or organization" and NTE provides no information on what constitutes a "legal organization or association." Regardless, at a minimum NAPP constitutes of persons and persons are parties under CEPA, whether acting alone, or in a group. I do not believe that NTE, or the Siting Council, desires to have multiple separate petitions for party status filed by each and every person and corporation that is a member of NAPP. In fact, under §16-50n(c), the Siting Council has the authority to group parties with the same interests. And with respect to such groups, all that is required is a designated agent for service of notice and documents. There is no requirement for a listing of all members of the group and NAPP has provided the Siting Council with contact information for a representative of NAPP, and the undersigned as counsel to NAPP.

For the reasons set forth in NAPP's Petition for Party status under CEPA and the Siting Council statutes, and the further explanation provided herein, NAPP respectfully requests that the Siting Council grant party status to NAPP under both provisions of law and deny NTE's onerous requests for additional information (and continuously updated information) as set forth in its letter of September 22, 2016.

Very truly yours,

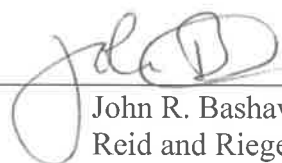


John R. Bashaw

Melanie A. Bachman
Acting Executive Director
September 26, 2016
Page 3

CERTIFICATION OF SERVICE

I hereby certify that copy of the foregoing document was delivered via electronic mail to persons on the attached service list on September 26, 2016.



John R. Bashaw, Esq.
Reid and Riege, P.C.

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. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597 (860) 275-8200 kbaldwin@rc.com</p> <p>Mark Mirabito, Vice President NTE Connecticut, LLC 24 Cathedral Place, Ste. 300 St. Augustine, FL 32804 mmirabito@ntenergy.com kcc.notices@ntenergy.com</p> <p>Chris Rega, Senior Vice President Engineering & Construction NTE Energy, LLC 800 South Street, Ste. 620 Waltham, MA 02453 crega@ntenergy.com</p>