

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE:	:	
	:	
APPLICATION OF NTE CONNECTICUT, LLC	:	DOCKET NO. 470
FOR A CERTIFICATE OF ENVIRONMENTAL	:	
COMPATIBILITY AND PUBLIC NEED FOR	:	
THE CONSTRUCTION, MAINTENANCE AND	:	
OPERATION OF AN ELECTRIC POWER	:	
GENERATING FACILITY OFF LAKE ROAD,	:	
KILLINGLY, CONNECTICUT	:	OCTOBER 11, 2016

OBJECTION TO MOTION TO EXTEND

The applicant, NTE Connecticut, LLC (“NTE”), hereby respectfully objects to the Motion to Extend filed by Not Another Power Plant (“NAPP”) to extend the deadline to submit the pre-filed testimony of its proposed expert, Robert Fagan, from October 27, 2016 to November 10, 2016. Allowing this extension would be unfair to NTE and reward NAPP for delay in preparing for these proceedings.

NAPP’s motion suggests that it has only had since the end of September to retain experts and prepare for the upcoming proceedings, but, in fact, it has a much longer history of involvement in this project. NAPP and several of its members have been involved at the local and state levels since as early as March, 2016, participating in open houses and informational meetings, raising questions, and providing comments and testimony where permitted. Notably, NTE held an open house on March 22, 2016, and held two public information meetings pursuant to its approved Environmental Justice Plan on May 4, 2016 and July 11, 2016. At each of these, individuals believed to be from NAPP were present. In addition, NAPP participated in, and provided input where appropriate at, three Killingly Town Council meetings¹, four Killingly

¹ The Town Council meetings were held on March 8, 2016, September 13, 2016 and October 4, 2016.

Planning and Zoning Commission (“PZC”) meetings², three Killingly Inland Wetlands and Watercourses Commission (“IWWC”) meetings³, and a joint meeting of the PZC and IWWC⁴. Another public information meeting is scheduled for October 19, 2016, based, in part, on interest expressed by members of NAPP.

NAPP now seeks to submit the pre-filed testimony of its proposed energy and economics expert a full week after the Council begins its evidentiary hearing on NTE’s application. The Council should not permit this extension, which could result in delay of the proceedings (and ultimately the project) and put NTE in the unfair position of having to prepare last minute responses to issues not identified in advance of the hearings.

To the extent the Council is inclined to grant NAPP additional time to submit this testimony (and only the testimony of this proposed expert), NTE requests that such extension of time not delay the overall schedule of the proceedings. NTE also requests that NAPP not be permitted to cross-examine NTE on topics covered by this proposed expert until a week following submission of his testimony. Finally, NTE requests that it be provided the same amount of time (one week) to review his testimony that it is afforded under the current schedule.⁵

Therefore, unless the Council denies the Motion in its entirety, NAPP should be required to submit the testimony of this proposed expert not later than November 8, 2016 and should not be permitted to cross-examine NTE on topics covered by his testimony until the hearing currently scheduled for November 15, 2016. NAPP must submit any other testimony within the

² The PZC meetings were held on September 8, 2016, September 19, 2016, September 22, 2016 and October 3, 2016.

³ The IWWC meetings were held on September 12, 2016, September 27, 2016 and October 3, 2016.

⁴ The joint PZC/IWWC meeting was held on July 19, 2016.

⁵ Pre-filed testimony is currently due on October 27, 2016, one week before the start of the evidentiary hearing on November 3, 2016.

deadlines set forth in the current schedule, and examination on topics covered by this other testimony should proceed in accordance with the current schedule.

Respectfully submitted,
NTE CONNECTICUT, LLC


By  _____
Kenneth C. Baldwin, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597
Its Attorneys

CERTIFICATION OF SERVICE

I hereby certify that on this 11th day of October, 2016, a copy of the foregoing was sent via electronic mail and first class mail, postage prepaid, to the following:

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

Sean Hendricks, Town Manager
Town of Killingly
172 Main Street
Killingly, CT 06239
shendricks@killinglyct.org


Kenneth C. Baldwin