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Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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DATE: May 15, 2009

TO: Parties & Intervenors

FROM: S. Derek Phelps
Executive Director

RE: **Docket 370B** – NRG Energy, Inc. application pursuant to C.G.S. §16-50(a)(3) for consideration of a 530 MW combined cycle generating plant in Meriden, Connecticut.

At a public meeting of the Connecticut Siting Council (Council), held on Thursday, May 7, 2009, the Council reviewed and considered two procedural matters with respect to the above-referenced application and its associated proceeding. The first related to whether the application is consistent with the requirements of C.G.S. §16a-7c(e) which requires the applicant to demonstrate specific forms of municipal consultation. The second issue involved certain questions, raised by Council for CL&P, related to whether the application alleges, on its face, a suitable non-transmission alternative to warrant review by the Council in the overall consolidated proceeding.

With respect to the first issue of municipal consultations with the Town of Berlin and the City of Meriden, the Council determined that the application in the above-referenced docket is complete.

With respect to the second issue, in consideration of the comments received thereto, the Council deemed that a determination on need, at this juncture in the proceeding, would be premature and is only appropriately subject to review during the consolidated evidentiary hearing process.

The Council concludes that the legislative intent of the Connecticut Energy Advisory Board (CEAB) request for proposal (RFP) statute contemplates concurrent consideration of all of the proposed alternatives to meet the identified needs in a consolidated hearing process. C.G.S. §16-50m(a) states in pertinent part, “Applications that are *common to a request for proposal* shall be heard under a consolidated public hearing process.” (Emphasis added). The Council notes that in this docket the applications are common to a request for proposal issued by the CEAB; CL&P’s application triggered the RFP and NRG Energy Inc.’s (NRG) application was filed in response to that RFP.

The legislature further notes that the intent of the CEAB RFP statute requires the Council to evaluate all alternatives presented that could address part or all of the claimed needs identified in the triggering application and to determine which project, or combination of projects, meets the proposed needs in the most cost effective manner. To that end, the Council’s evaluation of the CL&P and NRG applications shall be in accordance with C.G.S. §16-50p(a)(3)(F), which states “In the case of *an* application that was heard under a consolidated hearing process *with other*

applications that were common to a request for proposal, that the facility in the subject application represents the most appropriate alternative among such applications based on the findings and determinations pursuant to this subsection..." (Emphasis added).

Therefore, in light of the above the Council finds, without prejudice, that NRG's application is complete and will properly evaluate the issue of need during the consolidated hearing process according to the findings and determinations under C.G.S. §16-50p. The parties will have an opportunity to revisit the issue of need in their post-hearing briefs, subsequent to the evidentiary hearings.

SDP/MB/laf

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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"/> U.S. Mail	The Connecticut Light & Power Co. P.O. Box 270 Hartford, CT 06141-0270	Robert E. Carberry, Manager NEEWS Projects Siting and Permitting Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-6774 carbere@nu.com
	<input checked="" type="checkbox"/> E-mail		Duncan MacKay, Esq. Legal Department Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-3495 mackadr@nu.com
	<input checked="" type="checkbox"/> U.S. Mail		Jeffrey Towle, Project Manager Transmission, NEEWS Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-3962 towlejm@nu.com
	<input checked="" type="checkbox"/> U.S. Mail		Anthony M. Fitzgerald, Esq. Brian T. Henebry, Esq. Carmody & Torrance LLP P.O. Box 1950 New Haven, CT 06509 (203) 777-5501 afitzgerald@carmodylaw.com bhenebry@carmodylaw.com
Intervenor (granted on February 19, 2009) Competing Applicant as of 03/19/2009	<input checked="" type="checkbox"/> U.S. Mail	NRG Energy, Inc.	NRG Energy, Inc. c/o Julie L. Friedberg, Senior Counsel – NE 211 Carnegie Center Princeton, NJ 08540
	<input checked="" type="checkbox"/> U.S. Mail		Andrew W. Lord, Esq. Murtha Cullina LLP CityPlace I, 185 Asylum Street Hartford, CT 06103-3469 (860) 240-6180 (860) 240-5723 – fax alord@murthalaw.com

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<p style="text-align: center;">Party (granted November 20, 2008)</p>	<input checked="" type="checkbox"/> U.S. Mail	Town of Suffield	Edward G. McAnaney, Esq. McAnaney & McAnaney Suffield Village 68 Bridge Street Suffield, CT 06078 (860) 668-2000 (860) 668-2666 – fax Mcananey-mcananey@att.net
	<input checked="" type="checkbox"/> U.S. Mail		The Honorable Scott R. Lingenfelter First Selectman Suffield Town Hall 83 Mountain Road Suffield, CT 06078
<p style="text-align: center;">Intervenor (granted December 4, 2008)</p>	<input checked="" type="checkbox"/> E-mail	ISO New England Inc.	Anthony M. Macleod Whitman Breed Abbott & Morgan LLC 500 West Putnam Avenue, P.O. Box 2250 Greenwich, CT 06830-2250 (203) 862-2458 amacleod@wbamct.com
	<input checked="" type="checkbox"/> U.S. Mail		Kevin Flynn, Esq. Regulatory Counsel ISO New England One Sullivan Road Holyoke, MA 01040 (413) 535-4177 kflynn@iso-ne.com
<p style="text-align: center;">Party (granted on January 8, 2009)</p>	<input checked="" type="checkbox"/> U.S. Mail	Office of Consumer Counsel	Mary J. Healey Consumer Counsel Ten Franklin Square New Britain, CT 06051 Mary.healey@ct.gov
	<input checked="" type="checkbox"/> E- Mail		Bruce C. Johnson Principal Attorney Office of Consumer Counsel Ten Franklin Square New Britain, CT 06051 Bruce.johnson@ct.gov

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<p align="center">Party (granted on April 7, 2009)</p>	<input checked="" type="checkbox"/> U.S. Mail	<p align="center">City of Meriden</p>	<p>Deborah L. Moore, City Attorney Meriden City Hall Department of Law 142 East Main St. Meriden, CT 06450 (203) 630-4045 (203) 630-7907 – fax dmoore@ci.meriden.ct.us</p>
	<input checked="" type="checkbox"/> U.S. Mail		<p>Lawrence J. Kendzior, City Manager Meriden City Hall 142 East Main St. Meriden, CT 06450 lkendzior@ci.meriden.ct.us</p>
<p align="center">Party (granted on April 7, 2009)</p>	<input checked="" type="checkbox"/> U.S. Mail	<p align="center">The United Illuminating Company (UI)</p>	<p>John J. Prete The United Illuminating Company 157 Church Street New Haven, CT 06506-1904 (203) 499-3701 (203) 499-3728 uiregulatory@uinet.com</p>
	<input checked="" type="checkbox"/> U.S. Mail		<p>Linda L. Randell Senior Vice President, General Counsel and Corporate Secretary UIL Holdings Corporation 157 Church St., P.O. Box 1564 New Haven, CT 06506-0901 (203) 499-2575 (203) 499-3664 Linda.randell@uinet.com</p>
	<input checked="" type="checkbox"/> E-Mail		<p>Bruce L. McDermott Wiggin and Dana LLP One Century Tower New Haven, CT 06508-1832 (203) 498-4340 (203) 782-2889 bmcdermott@wiggin.com</p>

