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February 26, 2020

VIA E-MAIL: Melanie.Bachman@ct.gov
Ms. Melanie A. Bachman
Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

Re: FOIA Request, dated February 19, 2020

Dear Ms. Bachman:

This is to confirm receipt of your fax dated February 20, 2020 responding to my FOIA request dated February 19, 2020. Thank you for also contacting me by phone on February 20, 2020 in response to my FOIA Request.

In your fax, you indicate that the “entire record of Petition No. 1214” is available online for inspection. You make no mention of the anticipated timing of your making available the other documents responsive to my request. I therefore interpret your fax to mean that it is the position of both you and the Connecticut Siting Council that all documents responsive to my FOIA request are already available online for inspection.

My FOIA request is not limited to, and is much broader than, a request for the documents that you claim constitute the formal “record” of Petition No. 1214. In fact, you confirmed during our phone conversation that you possess emails responsive to my request that are not available for inspection online, but you did not forward same to me. Moreover, the letter you faxed to the Town of Groton dated February 14, 2020 is not posted online, which further confirms my belief that additional documentation outside the “record”, but responsive to my request, is within your possession and not available online for inspection. I hereby reiterate my request that you and the Connecticut Siting Council make available all documents responsive to my FOIA request available for inspection as soon as possible. Please carefully note the date range of the documentation requested.

I also hereby demand that you retract your letter dated February 14, 2020 in its entirety because it is simply not accurate and is wholly inappropriate. You assert in your letter that both Attorney Arasimowicz of Fuel Cell Energy and Mary Gardner, the Tax Assessor of the Town of Groton, contacted you over the “past several months” to inquire about the Siting Council’s jurisdiction with respect to property owned by Groton Fuel Cell 1, LLC in Groton. During our conversation, you

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acknowledged that Ms. Gardner has not been in contact with you in approximately three years. You confirmed, however, that Attorney Arasimowicz did contact in November, 2019 and discussed with you that her company was involved in tax appeal litigation with the Town of Groton concerning the property that is the subject of your letter. The Siting Council rendered its decision regarding the subject property in 2017 and no formal request has been made to re-open or articulate that decision. There was absolutely no need, nor any request by the Town of Groton, for the Siting Council to revisit or issue a letter discussing such decision.

Due to the ambiguity in that your letter appears to be a "decision" by the Siting Council, we will have no choice but to commence a formal request for reconsideration pursuant to C.G.S. § 4-176 and appeal to the Superior Court under C.G.S. § 4-183. The decision is fraught with legal and process issues, including apparent favoritism. If it is the Siting Council's position that your letter is not a "decision" by the Siting Council, please confirm same with me in writing.

Please let me know your position as soon as possible.

Respectfully,



Eric W. Callahan