

One State Street  
Hartford, CT 06103  
Main (860) 275-8200  
Fax (860) 275-8299  
kbaldwin@rc.com  
Direct (860) 275-8345

Also admitted in Massachusetts  
and New York

November 21, 2024

**Via Electronic Mail**

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

**Re: Docket No. 527 – Application of Windham Energy Center, LLC, for a Certificate of Environmental Compatibility and Public Need for the Construction, Maintenance and Operation of a 325 MW Battery Energy Storage System Facility at 189 Lake Road in Killingly, Connecticut**

Dear Attorney Bachman:

This letter is in response to the Siting Council's November 7, 2024 determination that the application filed by Windham Energy Center, LLC ("WEC") in Docket No. 527 was incomplete. In response to that action, WEC sent the attached letter to Stephanie Clarkson, the last known point of contact for NTE Connecticut LLC ("NTE"), and signatory to the Certificate of Cancellation for NTE, notifying her that the WEC application was filed and is currently pending before the Connecticut Siting Council. That letter was sent Certified Mail, Return Receipt Requested on November 19, 2024. We will track this notice and alert the Council when it is delivered or returned as undeliverable for one reason or another.

Thank you in advance for your assistance and cooperation.

Sincerely,



Kenneth C. Baldwin

Enclosure

30802494-v1

One State Street  
Hartford, CT 06103  
Main (860) 275-8200  
Fax (860) 275-8299  
kbaldwin@rc.com  
Direct (860) 275-8345

Also admitted in Massachusetts  
and New York

***Via Certified Mail Return Receipt Requested***

November 19, 2024

Stephanie Clarkson, Managing Partner  
NTE Connecticut, LLC  
24 Cathedral Place  
St. Augustine, FL 32084

**Re: Notice of Filing of an Application for a Certificate of Environmental Compatibility and Public Need by Windham Energy Center, LLC for a Battery Energy Storage Facility at 189 Lake Road, Killingly, Connecticut**

Dear Ms. Clarkson:

We are writing to you as the last known contact person for NTE Connecticut, LLC (“NTE”) and signatory to the Certificate of Cancellation of Limited Liability Company for NTE, filed with the State of Delaware’s Secretary of State on December 27, 2023 and a Statement of Withdrawal Registration for NTE, filed with the Connecticut Secretary of State on March 3, 2023. As you know, in 2019 the Connecticut Siting Council issued to NTE a Certificate of Environmental Compatibility and Public Need (“Certificate”) to construct, operate and maintain a 650-megawatt (“MW”) dual fuel combined cycle electric generating facility (the “NTE Project”) on property at 180 and 189 Lake Road in Killingly, Connecticut (the “Property”).

Windham Energy Center, LLC (“WEC”) has filed an application for a Certificate of Environmental Compatibility and Public Need to construct, maintain and operate a 325MW battery energy storage facility (“WEC Project”) at 189 Lake Road in Killingly, Connecticut. The application and related materials can be accessed through Docket No. 527 maintained on the Connecticut Siting Council website.<sup>1</sup> Since the WEC Project would be constructed on some of the same Property that would have hosted the NTE Project, we are providing notice of this

---

<sup>1</sup> Available at: [https://portal.ct.gov/csc/1\\_applications-and-other-pending-matters/applications/4\\_docketnos500s/docket-no-527](https://portal.ct.gov/csc/1_applications-and-other-pending-matters/applications/4_docketnos500s/docket-no-527).

Stephanie Clarkson  
November 19, 2024  
Page 2

application so that you, NTE, and/or NTE's successors in interest can advise as to whether the Certificate issued to NTE should be an impediment to the WEC Project.

It is our understanding that NTE is unable to make use of the Certificate, and will not construct the NTE Project, for at least three reasons:

1. *NTE no longer exists.* NTE filed a Statement of Withdrawal Registration of a foreign limited liability company filed with the Secretary of the State of Connecticut on March 3, 2023, by which NTE certified that it was not transacting business in Connecticut and surrenders its registration to do so. Furthermore, NTE filed in the State of Delaware a Certificate of Cancellation of Limited Liability Company documenting that NTE Connecticut, LLC was created as a Delaware limited liability company on December 30, 2015 and was voluntarily cancelled on December 27, 2023.
2. *NTE no longer has control of the Property.* The agreement by which NTE secured access to the Property is no longer in effect, and NTE no longer has any legal right to own or occupy the Property. WEC now holds an option to purchase the Property.
3. *The NTE Projects Capacity Supply Obligation and Interconnection Agreement are no longer valid.* ISO-NE submitted a termination of NTE's Capacity Supply Obligation to the Federal Energy Regulatory Commission in November 2021, which was effective in March 2022. On July 11, 2023, ISO-NE and Eversource jointly submitted a Notice of Termination notifying FERC that the Interconnection Agreement had been terminated due to NTE's breach of certain obligations under the Interconnection Agreement. FERC accepted the notice of termination on August 31, 2023.

As it is not possible for NTE to construct the NTE Project, NTE's Certificate should not be an impediment to WEC's application for the WEC Project.

If you have any questions please contact me.

Sincerely,



Kenneth C. Baldwin

Copy to: Zvi Nixon, E. Landau Law Offices