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VIA FEDERAL EXPRESS AND ELECTRONIC MAIL

Daniel F. Caruso, Chairman
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

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CONNECTICUT
SITING COUNCIL

Re: Docket No. 187 – PDC-EI Paso Milford LLC Certificate of Environmental Compatibility and Public Need for the Milford Power Project Located Off of Oronoque Road in Milford, Connecticut – Request of Milford Power Company, LLC to Reopen Docket No. 187 to Implement Thomas Commission Executive Report Recommendations in Parallel with Docket NT-2010

Dear Chairman Caruso:

Pursuant to Conn. Gen. Stat. § 4-181a(b), Milford Power Company, LLC ("Milford Power") requests that the Connecticut Siting Council ("Council"), based on the changed conditions described below, reopen Docket No. 187 to implement the recommendations in the Thomas Commission Executive Report for Milford Power in parallel with Docket NT-2010. As background, Docket No. 187 is the original docket in which the Council issued a Certificate of Environmental Compatibility and Public Need to Milford Power's predecessor. Recently, the Council opened Docket No. 187A to consider Milford Power's request to suspend the dual fuel requirement of that certificate. The August 23, 2010 Hearing Notice in Docket No. 187A stated that this reopened docket would include, in part, "Council consideration of ... the attachment of conditions to the certificate consistent with the findings and recommendations contained in the Kleen Energy Plant Investigation Review Panel and the Thomas Commission." For the reasons described below, Milford Power further requests that any conditions related to the Thomas Commission's findings and recommendation be transferred from Docket No. 187A to the reopened Docket 187.

The Thomas Commission Executive Report was issued on September 21, 2010, only nine days prior to the hearing in Docket No. 187A. As a result, and as explained at the September 30, 2010 hearing by Michael Cartney, its Plant Manager, Milford Power is still reviewing and evaluating the Thomas Commission's code-related recommendations. Transcript at 23-24. Further, the Council is planning to open Docket NT-2010 to implement Thomas Commission recommendations for most gas-fired powerplants, and will implement Thomas Commission recommendations for Kleen Energy Systems, LLC (Docket No. 225C) and Meriden Gas Turbines, LLC (Docket No. 190A) in parallel with Docket NT-2010.

Absent a reopening of Docket No. 187, Thomas Commission recommendations would be implemented for Milford Power in Docket No. 187A, at a time much earlier than for any other



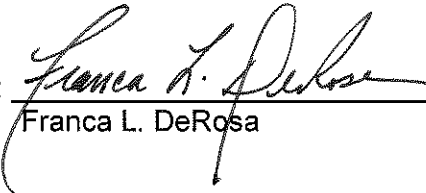
gas-fired powerplant in Connecticut, based on a very limited evidentiary record, and without the benefit of the information gathered in Docket NT-2010. Therefore, Milford Power requests that Thomas Commission recommendations should be applied to it in parallel with Docket NT-2010. In the meantime, Milford Power has committed in Docket No. 187A not to perform any gas blows or other pipe cleaning operation using natural gas. Transcript at 23; Exhibit 2, Response to Q-CSC-1.

Conn. Gen. Stat. § 4-181a(b) requires changed conditions in order to reopen a prior Council decision. The changed conditions that justify reopening Docket No. 187 include the creation of Docket NT-2010; the Council's intent to implement Thomas Commission recommendations for Kleen Energy and NRG Meriden in parallel with Docket NT-2010; and the extremely limited evidentiary record in Docket No. 187A regarding Thomas Commission recommendations.

Please contact me with any questions.

Very truly yours,

BROWN RUDNICK LLP

By: 

Franca L. DeRosa

FLD/sjw
Enclosure
cc: Service List