

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Meriden Gas Turbines, LLC Certificate of : Docket No. 190B
Environmental Compatibility and Public Need :
For a 530 MW Combined Cycle Generating :
Plant in Meriden, Connecticut. Reopening of :
This Docket Pursuant to Connecticut General :
Statutes § 4-181a(b) Limited to Council :
Consideration of Changed Conditions and a :
Decommissioning Plan : May 17, 2013

OBJECTION TO THE CITY OF MERIDEN'S MOTION TO COMPEL¹

Meriden Gas Turbines, LLC ("MGT") respectfully objects to City of Meriden's ("Meriden") Motion to Compel, and asks the Connecticut Siting Council (the "Council") to deny the Motion with prejudice. As explained in MGT's Motion for Bifurcation, at this stage of the proceeding, at issue is whether the Meriden has established with substantial evidence on the record that "change conditions" merit the modification of the Council's 199X Decision and Order granting a Certificate. Accordingly, the reasons for Meriden's access to the site, the consideration of the scope and terms of a decommissioning plan, are irrelevant.

Because the Siting Council is a state agency and the Movant seeking the right under color of state action is a governmental entity, the City's attempt to gain access to private property implicates the rights of MGT under the Fourth and Fourteenth Amendments to the United States Constitution and Section 7 of the Connecticut Constitution, all of which provide significant limitations on governmental intrusion into

¹ MGT objected to the reopening of this docket on grounds of lack of jurisdiction. Without waving those objections, MGT hereby participates in this proceeding under protest.

private property. Granting the Motion, when the Siting Council's jurisdiction is being challenged in court would be violative of MGT's constitutional rights.

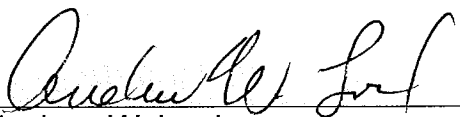
Further, the City of Meriden should not have any rights above and beyond those granted to other parties and intervenors in other Siting Council proceedings. Similarly to the other parties and intervenors, the City will have the ability to visit the site on the date of the hearing, if and when such hearing takes place. They are also not prejudiced by visiting the site at the same time as the other parties. Conversely, having to host multiple visits would be burdensome on MGT.

CONCLUSION

WHEREFORE, for the foregoing reasons, MGT respectfully requests the Council deny Meriden's Motion to Compel.

Respectfully submitted,

MERIDEN GAS TURBINES, LLC

By: 

Andrew W. Lord

Graham T. Coates

Murtha Cullina LLP

CityPlace I, 29th Floor

185 Asylum Street

Hartford, CT 06103

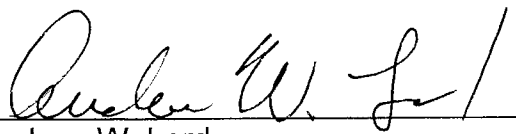
Telephone: 860-240-6128

Facsimile: 860-240-6150

Its Attorneys

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of May a true copy of the above document was served upon those parties and intervenors attached via e-mail and first class mail.

By 
Andrew W. Lord

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	Meriden Gas Turbines, LLC	<p>Andrew W. Lord, Esq. Murtha Cullina LLP CityPlace I, 185 Asylum Street Hartford, CT 06103-3469 (860) 240-6180 alord@murthalaw.com</p> <p>Raymond G. Long Director, Government Affair NRG Energy, Inc. Middletown Station P.O. Box 1001 1866 River Road Middletown, CT 06457</p> <p>Jonathan Milley Vice President, NE Region NRG Energy, Inc. 211 Carnegie Center Princeton, NJ 08540 (609) 524-4680 Jonathan.milley@nrgenergy.com</p> <p>NRG Energy, Inc. c/o Julie L. Friedberg, Senior Counsel – NE 211 Carnegie Center Princeton, NJ 08540 (609) 524-5232 Julie.friedberg@nrgenergy.com</p>
Intervenor	The Connecticut Light and Power Company	<p>Stephen Gibelli, Esq. Associate General Counsel The Connecticut Light & Power Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-5513 Gibels@nu.com</p>

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Intervenor	The Connecticut Light and Power Company	<p>John R. Morissette Manager-Transmission Siting and Permitting The Connecticut Light & Power Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-2036 morisjr@nu.com</p> <p>Christopher R. Bernard Manager, Regulatory Policy (Transmission) The Connecticut Light & Power Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-5967 bernacr@nu.com</p>
Intervenor	Rivers Alliance of Connecticut Farmington River Watershed Association	<p>Eric Hammerling, President Rivers Alliance of Connecticut P.O. Box 1797 Litchfield, CT 06759</p> <p>Kevin Case Farmington River Watershed Association 749 Hopmeadow Street Simsbury, CT 06070</p>
Party	Quinnipiac River Watershed Association	<p>Mary Mushinsky Executive Director Quinnipiac River Watershed Association P.O. Box 2825 Meriden, CT 06450 (203) 237-2237 (phone and fax) qrwa@sbcglobal.net</p>
Party (Approved on April 18, 2013)	City of Meriden	<p>Philip M. Small Scott A. Muska Brown Rudnick LLP CityPlace I, 185 Asylum Street Hartford, CT 06103 psmall@brownrudnick.com smuska@brownrudnick.com</p> <p>Deborah L. Moore City Attorney City of Meriden 142 East Main Street Meriden, CT 06450 dmoore@meridenct.gov</p>