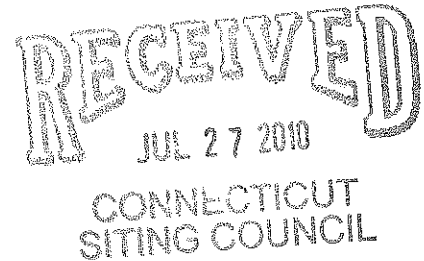


D'Aquila Law Offices, LLC
100 Riverview Center · Suite 205
Middletown, CT 06457
Telephone: (860) 704-0290
Facsimile: (860) 704-0545

HAND-DELIVERY

July 27, 2010

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



Re: NOTICE OF INTENT TO BE MADE A PARTY
Kleen Energy Systems LLC: Application for a Certificate of Environmental
Compatibility and Public Need for an Electric Generating Facility on River Road,
Middletown, Connecticut, Docket No. 225C
Our File No. 2980-001

Dear Mr. Caruso:

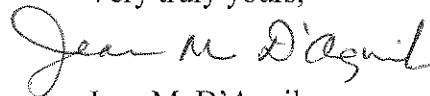
Enclosed please find a **NOTICE OF INTENT TO BE MADE A PARTY** in the above proceedings by the Town of Portland, Connecticut. The Town of Portland seeks party status pursuant to CGS Section 16-50n(a)(2) Section 16-50l(b)(1) as an adjoining municipality having a boundary not more than two thousand five hundred feet from the subject facility.

Also enclosed please find a completed **Party Status Request Form**.

Please return a date-stamped copy of this filing to the undersigned in the enclosed envelope. Thank you in advance for your assistance.

Please feel free to contact the undersigned should you have any questions at all.

Very truly yours,


Jean M. D'Aquila

JMD/mac
Enclosures

cc: Susan S. Bransfield, First Selectwoman, Town of Portland (with enclosure)
Service list for Docket No. 225C
Melanie A. Bachman, Esq., Staff Attorney

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

APPLICATION OF KLEEN ENERGY SYSTEMS, LLC : DOCKET NO. 225
FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY
AND PUBLIC NEED FOR AN ELECTRIC GENERATING FACILITY
AND SWITCHYARD IN MIDDLETOWN : JULY 27, 2010

NOTICE OF INTENT TO BE MADE A PARTY

BACKGROUND

By Request dated June 22, 2010, Kleen Energy Systems, LLC has requested that the Siting Council extend its Certificate of Environmental Compatibility and Public Need, originally approved on November 21, 2002 and subsequently extended through November 21, 2010. Kleen Energy Systems, LLC has requested that its certificate be extended through and including June 30, 2011 to accommodate its repair and restoration schedule in the aftermath of an explosion at the facility on February 7, 2010 that caused extensive damage to the facility as well as serious injury, loss of life, and damage to private property in communities surrounding the facility.

By Letter dated July 9, 2010, Town of Portland First Selectwoman Susan S. Bransfield was notified that the Siting Council had scheduled a hearing for the above-referenced project to be had on August 3, 2010 at 2:00 pm.

LAW

The Town of Portland is an adjoining municipality having a boundary not more than two thousand five hundred feet from the Kleen Energy facility. Under these circumstances, the Town of Portland is entitled to party status in the proceedings upon the filing of the within Notice of Intent, pursuant to Section 16-50n(a)(2) of the Connecticut General Statutes.

CONCLUSION

Based upon the foregoing, the Town of Portland respectfully requests that it be granted party status in the within proceedings.

TOWN OF PORTLAND

through Susan S. Bransfield, First Selectwoman

By Jean M. D'Aquila

Jean M. D'Aquila

D'Aquila Law Offices, LLC

100 Riverview Center, Suite 205

Middletown, CT 06457

Juris No. 425541

Tel. (860) 704-0290

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Its Attorneys



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siting.council@ct.gov

CONNECTICUT SITING COUNCIL
PARTY STATUS REQUEST FORM

Docket/Petition No. 225C

Town/City: Kleen Energy-Middletown

Name: Town of Portland

Address: 33 East Main Street
P.O. Box 71

City: Portland

State: CT

Zip: 06480

Phone: 860-342-6715 (Office of the First Selectwoman)

Fax: 860-342-6714

E-Mail: sbransfield@portlandct.org

1. Manner in which petitioner claims to be substantially and specifically affected:

The Town of Portland is a municipality located not more than two thousand five hundred feet from the facility. Many of its residents in the areas of Wellwyn Drive, Payne Boulevard and Lyman Road (located directly across the Connecticut River from the facility) experienced serious damage to personal and real property as a result of the tragic explosion in February 2010. Residents were not satisfied with the response of Kleen Energy officials. They further maintain that their property values have declined as a direct result of the explosion. When property values decline and residents choose to relocate out of Town, the Town loses tax revenues. The Town also suffers if activities at the site adversely impact its public improvements and facilities.

2. Contention of the petitioner:

Following the tragic explosion at the Kleen Energy facility in February 2010, no extension of the Certificate of Environmental Compatibility and Public Need should be approved without every condition and stipulation in place to protect the public health, safety and welfare and property values, both public and private, which could be impacted by future activities at the site.

3. Relief sought by the petitioner:

Should the Siting Council deem it appropriate to approve the Certificate extension request, then every condition and stipulation should be imposed to prevent Kleen Energy from engaging in unnecessarily dangerous activities on the site; to require Kleen Energy to alert residents of the Town of Portland and Town officials at least one week prior to a potentially hazardous activity on the site; to perform pre and post inspections of properties within a specific radius of the facility; and to set up a hotline to field Portland resident and Town official complaints and concerns and respond to each within a specified time period.

4. Statutory or other authority therefore; and

CGS Section 16-50n(a)(2) entitles the Town of Portland to party status as it is an adjoining municipality having a boundary not more than two thousand five hundred feet from the Kleen Energy facility.

5. Nature of evidence that the petitioner intends to present:

Oral and written testimony from residents and representatives of the Town of Portland, together with photographic evidence and the like, with respect to the extensive damage suffered by residents of the Town and concern about future operations at the facility and potential impact upon private property and public improvements.

6. Other comments for the Siting Council's consideration:

The Siting Council should consider requiring Kleen Energy to perform inspections of private and public properties located within the Town of Portland within a specified radius of the facility, both immediately before and immediately after specific potentially hazardous activities at the facility, to assess the impact on the properties of each such activity.

In addition, the Siting Council may wish to require Kleen Energy to send written notification to owners of said properties at least one week in advance of specific potentially hazardous activities to alert them of the date and time of the planned potentially hazardous activity.

Kleen Energy should be required to set up a hotline to field Portland resident and Town Official complaints and concerns and respond to each within a specified time limit.

Copies of this request shall be mailed to all participants at least five (5) business days before the date of the hearing.

Signed Susan S. Bransfield Date: July 27, 2010
First Selectwoman, Town of Portland

LIST OF PARTIES AND INTERVENORS

SERVICE LIST

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	Kleen Energy Systems, LLC	<p>Mr. William C. Corvo President Kleen Energy Systems, LLC P.O. Box 2696 Middletown, Connecticut 06457 (860) 632-1044 Biagio6539@aol.com</p> <p>Lee D. Hoffman, Esq. Pullman & Comley, LLC 90 State House Square Hartford, Connecticut 06103-3702 (860) 424-4315 (860) 424-4370 - fax</p>
Intervenor	NRG Middletown Power LLC	<p>Alfred E. Smith, Jr. Murtha Cullina LLP Two Whitney Avenue P.O. Box 704 New Haven, CT 06503 (203) 772-7722 (203) 772-7723 – fax asmith@murthalaw.com</p>
Intervenor	The Connecticut Light and Power Company	<p>Associate General Counsel Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-3395 (860) 665-5504 – fax mackadr@nu.com'</p>
Intervenor	City of Middletown	<p>Timothy P. Lynch Deputy City Attorney City Attorney's Office City of Middletown 245 deKoven, P.O. Box 1300 Middletown, CT 06457-1300 (860) 344-3422 (860) 344-3499 - fax Tim.lynch@cityofmiddletown.com</p>

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Intervenor	Earle Roberts	Earle Roberts 785 Bow Lane Middletown, CT 06457-4810 (860) 346-0068 (860) 344-9327 – fax eroberts4675@sbcglobal.net
Intervenor	Connecticut River Watershed Council, Inc.	Megan Hearne Connecticut River Watershed Council, Inc. DeKoven House Community Center 27 Washington Street Middletown, CT 06457 (860) 704-0057 (860) 704-0057- fax mhearne@ctriver.org