DOCKET NO. 225C - Kleen Energy Systems, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a Electric Generating Facility and Switchyard on River Road, Middletown, Connecticut. Reopening of this docket pursuant to Connecticut General Statutes § 4-181a(b) limited to Council consideration of changed conditions and of the attachment of conditions to the certificate consistent with the findings and recommendations contained in the Final Report issued by the Kleen Energy Plant Investigation Review Panel.	}	Connecticut Siting Council October 7, 2010

Conclusions of Law

A. The Council does not have jurisdiction to attach the Town of Portland's requested conditions to Kleen Energy Systems, LLC's Certificate of Environmental Compatibility and Public Need.

The Town of Portland's (Town) Post Hearing Brief (Brief) in this docket urges the Connecticut Siting Council (Council) to attach five conditions to the existing Certificate of Environmental Compatibility and Public Need (Certificate) held by Kleen Energy Systems, LLC (Kleen) to "make whole property owners in Portland and Middletown who suffered damage from the February 7, 2010 explosion."[1] The five conditions requested by the Town to be attached to the existing Certificate are: 1. an independent structural engineer to evaluate property damage; 2. an independent adjuster to appraise property damage; 3. a requirement that Kleen offer to pay the amount of damages found by the adjuster; 4. a requirement that Kleen commit to indemnify homeowners against future damages; and 5. an independent landscape architect to supervise Kleen's implementation of a landscaping plan.[2]

The Council is an administrative agency of specific and limited jurisdiction. Jurisdiction over the siting of electric generating facilities, such as the Kleen facility, is conferred upon the Council pursuant to Conn. Gen. Stat. §16-50i(a)(3).[3] The Council can only exercise such jurisdiction, power or authority as is authorized by statute. The Connecticut Supreme Court has held that, "Administrative agencies are tribunals of limited jurisdiction and their jurisdiction is dependent entirely [on] the validity of the statutes vesting them with power and they cannot confer jurisdiction [on] themselves."[4] The Public Utility Environmental Standards Act (PUESA) governs the jurisdiction,

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[1] Connecticut Siting Council, Docket 225C, Town of Portland Post Hearing Brief, September 2, 2010 at page 17.
[2] *Id.*
[3] Conn. Gen. Stat. §16-50i(a)(3) (2010) ("Facility means… (3) any electric generating facility…").
[4] *Wheelabrator Lisbon, Inc. v. Dep't of Pub. Util. Control***,** 283 Conn. 672, 685 (2007).

power and authority of the Council.[5] Private property damage evaluation, appraisal, payment and indemnification are not among the statutory factors to be considered by the Council in making siting decisions.[6] Only a court of competent jurisdiction can make binding determinations on private property rights.[7] Therefore, the Council is an inconvenient forum for consideration of the relief requested by the Town.

The Council notes that several Portland and Middletown residents, including Town witnesses, Gilbert and Marlene Cockfield, Beth Ann Sylvestro and Jane Benoit, filed a complaint alleging nuisance claims dated August 4, 2010 against Kleen and other defendants in the Hartford Superior Court seeking monetary relief for private property damage.[8]

1. The Council does not have statutory authority to order independent evaluation and appraisal of private property damage.

The Council has the authority to obtain consultants as may be appropriate to fulfill its statutory charge under the PUESA.[9] The Council has exercised this authority to hire consultants.[10] However, the authority conferred upon the Council to hire consultants under Conn. Gen. Stat. §16-50v(f) does not apply to the request from the Town for the Council to require Kleen to hire an independent structural engineer to evaluate property damage and an independent adjuster to appraise property damage. Only the request from the Town for the Council to require Kleen to hire an independent landscape architect would be a permissible exercise of the Council's authority under the PUESA.

In fulfilling its statutory charge under the PUESA, the Council has required Certificate holders to retain independent environmental consultants as part of the Council's Decision and Order (D&O) and the Council's approval of Development and Management Plans (D&M Plans) for specific projects.[11] On September 1, 2006, the Council ordered Kleen to retain a herpetologist to conduct daily "sweeps" of the construction areas for the presence of eastern box turtles prior to site clearing

[5] Conn. Gen. Stat. §16-50g (2010) ("…provide for the balancing of the need for adequate and reliable public utility services at the lowest reasonable cost to consumers with the need to protect the environment and ecology of the state…").
[6] Conn. Gen. Stat. §16-50p (2010); *Bornemann v. Conn. Siting Council*, 287 Conn. 177 (2008) (plaintiff claimed telecommunications carrier should have been required by the Council to fund independent research on the biological effects of radio frequency emissions on wildlife, and that telecommunications carrier should have been required by the Council to pay the plaintiffs' costs and attorney's fees. These claims, however, were "***beyond the statutory authority of the council.***") (emphasis added).
[7] 2007 Conn. Att'y Gen. Opin. LEXIS 10 (June 6, 2007), citing *Zhang v. Omnipoint Communication Enterprises, Inc.*, 272 Conn. 627 (2005).
[8] *Inglis, et al. v. O&G Industries, Inc., et al.*, Hartford Superior Court, Docket No. CV-10-6013522-S, Return Date: September 21, 2010.
[9] Conn. Gen. Stat. §16-50v(f) (2010).
[10] Connecticut Siting Council, Petition 754, December 14, 2007 (the Council hired Gradient Corporation to assist the Council in publishing "Best Management Practices for Electric and Magnetic Fields"); Connecticut Siting Council, Request for Proposal, July 1, 2010 (the Council hired Epsilon, Inc. to assist the Council in evaluating applications for siting of renewable energy facilities).
[11] Connecticut Siting Council, Docket 272, Decision and Order ¶20, December 7, 2005; Connecticut Siting Council, Docket 370, Decision and Order ¶8, March 16, 2010.

operations.[12] On March 13, 2009, the Council ordered Kleen to retain an independent environmental consultant to conduct field "sweeps" of the construction area for the eastern box turtle.[13] On July 22, 2009, the Council ordered Kleen to retain an independent environmental inspector experienced in horizontal directional drilling (HDD) to monitor HDD installation of an oil pipeline in the areas of Indian Brook and associated wetlands.[14]

In all of the D&Os and D&M Plan approvals where the Council has required Certificate holders, including Kleen, to retain independent environmental consultants, the circumstances were directly related to the Council's authority to so order pursuant to its charge under the PUESA. Orders for independent evaluation and appraisal of private property damage do not comport with the Council's statutory charge under the PUESA. Therefore, the Council does not have statutory authority to order independent evaluation and appraisal of private property damage.

2. The Council does not have statutory authority to order payment and indemnification for private property damage.

It is well established that administrative relief cannot encompass a monetary award.[15] In the case of *Walsh v. Town of Stonington Water Pollution Control Authority*, plaintiff-landowners objected to defendant-water pollution control authority's application to the Department of Environmental Protection (DEP) for a renewal of its discharge permit to continue operations of the defendant's treatment plant on land located near plaintiffs' residences.[16] Over the objection of the plaintiffs, who intervened in the permit renewal proceeding, the DEP granted the defendant's request to renew the permit.[17] Thereafter, the plaintiffs appealed to the Superior Court seeking to recover monetary damages for nuisance in connection with the defendant's operation of the waste water treatment plant.[18] The court held that "adjudication of a common law nuisance action is not within the special competence of the DEP" and "that the administrative remedy would not have been adequate because administrative relief cannot encompass a monetary award."[19]

Similar to the permit renewal application at issue in *Walsh*, on June 23, 2010, Kleen applied to the Council for an extension of its existing Certificate to complete construction of the electric generating facility. During a regular meeting held on July 1, 2010, the Council, on its own motion, reopened the record in the Kleen docket for the limited purpose of consideration of changed conditions and of the attachment of conditions to the

[12] Connecticut Siting Council, Docket 225, Development and Management Plan submitted May 16, 2006 and amended August 30, 2006, approved September 1, 2006.
[13] Connecticut Siting Council, Docket 225, Development and Management Plan Revision 7 submitted February 24, 2009, approved March 13, 2009.
[14] Connecticut Siting Council, Docket 225B, Decision and Order ¶1, July 22, 2009.
[15] *Walsh, et al. v. Town of Stonington Water Pollution Control Authority, et al.*, 1998 Conn. Super. LEXIS at *5, *aff'd* 250 Conn. 443 (1999).
[16] *Walsh, et al. v. Town of Stonington Water Pollution Control Authority, et al.*, 250 Conn. 443 (1999).
[17] *Id.* at 447-448.
[18] *Id.*
[19] *Walsh, supra* note 14 at *6.

Certificate consistent with the findings and recommendations in the Final Report issued by the Kleen Energy Plant Investigation Review Panel. Neither the Council's consideration of the request for an extension of the Certificate nor the Council's adjudication of the reopened Kleen docket would provide the remedy sought by the Town in its Brief. Adjudication of a common law nuisance action is not within the special competence of the Council. Therefore, the Council does not have statutory authority to order payment and indemnification for private property damage.

Based on the foregoing analysis, it is evident that the Council is an inconvenient forum for consideration of the relief requested by the Town. Only a court of competent jurisdiction, such as the Hartford Superior Court, can make a binding determination on the private property damage claims of the residents of Middletown and Portland.

B. The 2007 Attorney General Opinion cited by the Town in its Brief does not apply to the Kleen facility.

In support of its position that the Council make the property owners of Middletown and Portland whole by attaching the five requested conditions to Kleen's Certificate, the Town cites to a 2007 Attorney General Opinion (Opinion) written in response to a request from state legislators for the Council to seek an opinion "as to what the rights and responsibilities are of the ***utility companies*** relative to their ***use of existing easements***" in connection with Connecticut Light and Power Company's (CL&P) construction of the Middletown to Norwalk 345kV ***electric transmission line*** approved by the Council in Docket 272. (Emphasis added.) Unlike CL&P, Kleen is not a "public service company" under Conn. Gen. Stat. §16-1(4)[20] or an "electric company" under Conn. Gen. Stat. §16-1(8),[21] that is subject to the jurisdiction of the Department of Public Utility Control (DPUC).[22] Kleen is an "exempt wholesale generator" (EWG) that is specifically excluded from the DPUC statutory definitions of "public service company" and "electric company."

An EWG is "any person defined by the Federal Energy Regulatory Commission [(FERC)]… exclusively in the business of owning or operating… all or part of one or more eligible facilities and selling electricity at wholesale." An "eligible facility" is partly defined as a facility that is used for the generation of electric energy exclusively for sale

[20] Conn. Gen. Stat. §16-1(4) (2010) ("Public service company" includes electric, electric distribution, gas, telephone, telegraph, pipeline, sewage, water and community antenna television companies…, **but shall not include… an exempt wholesale generator…**") (emphasis added).

[21] Conn. Gen. Stat. §16-1(8) (2010) ("Electric company" includes… every person owning, leasing, maintaining, operating, managing or controlling poles, wires, conduits or other fixtures, along public highways or streets, for the transmission or distribution of electric current… or, engaged in generating electricity to be so transmitted or distributed… **but shall not include… (B) an exempt wholesale generator…**") (emphasis added).

[22] Kleen Energy Plant Investigation Review Panel, Final Report, June 2010, Exhibit 2 DPUC Report at 4 ("Federally-designated exempt wholesale generators, like the Kleen project, are not public service companies subject to the Department's ratemaking, performance and safety regulation jurisdiction."); *Id*. at 5 ("Like most merchant generators, Kleen is not a "public service company" under the jurisdiction of the Department. Rather, Kleen is a FERC-approved exempt wholesale generator.")

at wholesale.[23] FERC-approved EWG status is derived from the federal Energy Policy Act of 2005, the purpose of which was to encourage steady, cost effective increases in U.S. energy security by using the market rather than government regulation to facilitate development of a competitive market for independent wholesale electric power.[24]

The Town's Brief states, "neither logic nor law furnish good reason for distinguishing damages to a property owner's property because of power line construction from damages to that owner's property from power plant construction."[25] The Supreme Court has held that damages proven to have arisen from some act of a ***utility company*** are recoverable.[26] (Emphasis added). In *Oppenheimer, et al. v. Connecticut Light and Power Company*, plaintiff-property owners brought an application to Superior Court under Conn. Gen. Stat. §16-236 seeking damages from the DPUC grant of a Certificate to defendant-utility company pursuant to Conn. Gen. Stat. §16-235 to locate a steam-generating plant in a residential zone.[27] Conn. Gen. Stat. §16-236 states, "any judge of the Superior Court may, upon the application of any party interested, …appoint three disinterested persons to make written appraisal of all damages due any person by reason of anything done… in violation of any order made under section 16-235."[28] The DPUC may make any order necessary to exercise its exclusive jurisdiction over the method of construction of electric transmission lines, including "all plants… used for generating electricity located on private property upon which there are conductors capable of transmitting electricity to other premises in such manner as to endanger any person or property."[29] The DPUC, however, lacks jurisdiction over Kleen under these provisions because Kleen is not a utility company; Kleen is an EWG.[30] Therefore, the DPUC statutes applied by the Supreme Court in the *Oppenheimer* case do not apply to Kleen.

Kleen is not a public utility company. Kleen is a FERC-approved, EWG that seeks to generate electric energy exclusively for sale at wholesale.[31] The Opinion specifically refers to CL&P's electric transmission line facility and liability for injury or damage in transmission rights of way related to the construction and operation of the electric transmission line facility. The Kleen project is not an electric transmission line facility for which utility easements over private property are required.[32] The Kleen project is an

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[23] *National Association of Regulatory Utility Commissioners v. Securities and Exchange Commission*, 63 F.3d 1123 (D.C. Cir. 1995).
[24] *Id*. at 1125.
[25] Town of Portland Post Hearing Brief, *supra* note 1 at 16.
[26] *Oppenheimer, et al. v. Connecticut Light and Power Company*, 149 Conn. 99 (1961).
[27] *Id.*; Conn. Gen. Stat. §16-235 (2010).
[28] Conn. Gen. Stat. §16-236 (2010).
[29] Conn. Gen. Stat. §16-243 (2010).
[30] Kleen Energy Plant Investigation Review Panel, Final Report, June 3, 2010, Exhibit 2 DPUC Report at 4 ("Federally-designated exempt wholesale generators, like the Kleen project, are not public service companies subject to the Department's ratemaking, performance and safety regulation jurisdiction."); *Id*. at 5 ("Like most merchant generators, Kleen is not a "public service company" under the jurisdiction of the Department. Rather, Kleen is a FERC-approved exempt wholesale generator.").
[31] *Id*., citing Federal Energy Regulatory Commission, Docket EG07-59-000, FERC Order Approving Kleen Energy Systems, LLC Exempt Wholesale Generator Status.
[32] Conn. Gen. Stat. §16-50i(a)(1) (2010) ("Facility means: (1) An electric transmission line of a design capacity of sixty-nine kilovolts or more, including associated equipment…").

electric generating facility that is located on a single, defined parcel of property.[33] Therefore, the Opinion cited by the Town in its Brief does not apply to the Kleen facility.

1. Kleen is not an electric transmission line facility.

The Opinion states, "the Council has the authority to require ***utility companies***, as a condition of their receipt of a [Certificate], to indemnify and hold harmless all property owners along the route of the transmission line for all injuries and damages to persons or property related to ***construction and operation of the transmission line***."[34] (Emphasis added). In support of this statement, the Opinion cites to Conn. Gen. Stat. §16-50p(a)(3)(E), which states, "in the case of an ***electric or fuel transmission line***, [the Council shall find and determine] that the location of the line will not pose an undue hazard to persons or property along the area traversed by the line."[35] (Emphasis added). That section applies exclusively to electric and fuel transmission line facilities that are constructed and operated by a utility company and are under the Council's jurisdiction pursuant to Conn. Gen. Stat. §16-50i(a)(1) and (2).[36] Kleen does not hold a Certificate to construct and operate an electric or fuel transmission line facility and Kleen is not a utility company. Kleen holds a Certificate to construct and operate an electric generating facility under Conn. Gen. Stat. §16-50i(a)(3) and Kleen is an EWG. Therefore, the requirements cited by the Opinion specifically pertaining to electric and fuel transmission line facilities that are constructed and operated by a utility company under Conn. Gen. Stat. §16-50p(a)(3)(E) do not apply to Kleen.

Similarly, the requirements cited by the Opinion specifically pertaining to electric transmission facilities under Conn. Gen. Stat. §16-50p(a)(3)(D), which states, "in the case of an electric transmission line… iii)… the Council shall take into consideration, among other things, residential areas, private or public schools, licensed child day care facilities, licensed youth camps or public playgrounds adjacent to the proposed route of the overhead portions…" do not apply to Kleen.[37] That section applies exclusively to electric transmission line facilities that are constructed and operated by a utility company and are under the Council's jurisdiction pursuant to Conn. Gen. Stat. §16-50i(a)(1). Kleen does not hold a Certificate to construct and operate an electric transmission line facility and Kleen is not a utility company. Kleen holds a Certificate to construct and operate an electric generating facility under Conn. Gen. Stat. §16-50i(a)(3) and Kleen is an EWG. Therefore, the requirements cited by the Opinion specifically pertaining to electric transmission line facilities under Conn. Gen. Stat. §16-50p(a)(3)(D) do not apply to Kleen.

[33] Conn. Gen. Stat. §16-50i(a)(3) (2010); Connecticut Siting Council, Docket 225, Findings of Fact ¶16, November 21, 2002 ("The proposed Kleen Energy site is a 137-acre property north of Bow Lane in Middletown, Connecticut.").
[34] 2007 Conn. Att'y Gen. Opin. *supra* note 6 at *13.
[35] Conn. Gen. Stat. §16-50p(a)(3)(E) (2010).
[36] Conn. Gen. Stat. §16-50i(a)(1) (2010) ("Facility means: (1) An electric transmission line of a design capacity of sixty-nine kilovolts or more, including associated equipment…"); Conn. Gen. Stat. §16-50i(a)(2) (2010) ("Facility means:…(2) a fuel transmission facility…").
[37] Conn. Gen. Stat. §16-50p(a)(3)(D) (2010).

2. Kleen does not hold utility easements over private property.

The Opinion states, "the Siting Council has the authority to ensure that ***electric transmission facilities*** are constructed so that any private property that may be affected by a transmission line project is protected and ***utility companies*** are required to assume all liability for injury or damage in ***transmission right of ways related to the construction and operation of transmission facilities***."[38] (Emphasis added). Kleen does not hold a Certificate to construct and operate an electric transmission line facility and Kleen is not a utility company. Kleen holds a Certificate to construct and operate an electric generating facility under Conn. Gen. Stat. §16-50i(a)(3) and Kleen is an EWG.

The Opinion specifically refers to the liability of CL&P for damage or injury relative to the use and control of CL&P's more than 450 separate utility easements on private property along the Middletown to Norwalk right of way.[39] Kleen does not hold any utility easements over the private property of any resident of Middletown or Portland. The Kleen project is located on a single, defined 137-acre parcel of property north of Bow Lane in Middletown.[40] The closest residence in Middletown is 650 feet to the southwest of the Kleen site[41] and the closest residence in Portland is approximately 3000 feet across the Connecticut River to the Kleen site.[42] Kleen does not hold utility easements over these or any other private properties. Therefore, the requirement cited in the Opinion that utility companies assume all liability for injury or damage in rights of way related to the construction and operation of electric transmission line facilities does not apply to Kleen.

Based on the foregoing analysis, it is evident that the 2007 Attorney General Opinion cited by the Town in its Brief does not apply to Kleen and that the Council is an inconvenient forum for consideration of the relief requested by the Town. Only a court of competent jurisdiction, such as the Hartford Superior Court, can make a binding determination on the private property damage claims of the residents of Middletown and Portland.

C. Changes in industry practice standards warrant the Council's attachment of conditions to Kleen's existing Certificate consistent with the findings and recommendations contained in the Kleen Energy Plant Investigation Review Panel Final Report issued on June 3, 2010.

The Kleen Energy Plant Investigation Review Panel (Nevas Commission) was charged by Governor Rell to determine the origin and cause of the February 7, 2010 explosion at the Kleen site and to provide information necessary for a second Commission to provide recommendations for necessary legislative and regulatory changes. The Final Report of the Nevas Commission (Final Report) included an analysis

[38] 2007 Conn. Att'y Gen. Opin., *supra* note 6 at *12-13.
[39] *Id.* at 3.
[40] Connecticut Siting Council, Docket 225, Finding of Fact ¶16, November 21, 2002.
[41] Connecticut Siting Council Docket 225, Finding of Fact ¶21, November 21, 2002.
[42] Connecticut Siting Council Docket 225, Finding of Fact ¶94, November 21, 2002.

of existing regulations concerning the "cleaning" or "blowing" of natural gas pipelines and recommended changes to regulatory criteria for consideration by the Thomas Commission to prevent the recurrence of such an explosion.[43] Additionally, the United States Chemical Safety Board (USCSB) issued urgent safety recommendations that included a recommendation to the Governor and Legislature of Connecticut to "enact legislation applicable to power plants in the state that prohibits the use of flammable gas that is released to the atmosphere to clean fuel gas piping."[44] The recommendations of the Nevas Commission and the USCSB specifically relate to the use of flammable gas to conduct "gas blows" at power plants. This has resulted in a change of industry practice standards.

On July 1, 2010, the Council, on its own motion, reopened the record in the Kleen docket for the limited purpose of consideration of changed conditions and of the attachment of conditions to the Certificate consistent with the findings and recommendations in the Final Report issued by the Kleen Energy Plant Investigation Review Panel. During the hearing held on August 3, 2010, witnesses testified that Kleen embraces and accepts the intent and conceptual approach of the Nevas Commission, and that Kleen is on board with the elements of the Final Report that recommend the Council attach as conditions language that addresses the findings of the Nevas Commission and the adoption of the specific recommendations of the Thomas Commission.[45] Witnesses also testified to acceptance of the implementation of the USCSB determination "that nobody should use natural gas as a cleaning agent for power plants pipe cleaning, period."[46]

Therefore, in accordance with the Nevas Commission findings and recommendations, and the USCSB recommendation that the use of flammable gas to conduct "gas blows" at power plants be prohibited, there are changed conditions in industry practice standards that warrant the Council's attachment of conditions to Kleen's Certificate consistent with the findings and recommendations of the Nevas Commission Final Report.

D. The Council must make its own motion to reopen the Kleen docket for the limited purpose of consideration of changed conditions and of the attachment of conditions to the Certificate consistent with the findings and recommendations in the Executive Report issued by the Thomas Commission on September 21, 2010.

The Thomas Commission was charged by Governor Rell to recommend specific legislative and regulatory changes consistent with the information provided by the Nevas

[43] Kleen Energy Plant Investigation Review Panel, Final Report, June 3, 2010.
[44] U.S. Chemical Safety Board, 2010-01-I-CT-UR16 (June 28, 2010).
[45] Connecticut Siting Council, Docket 225C, Transcript 38-39 (August 3, 2010) ("The Kleen Energy Project embraces the philosophical mandate that Judge Nevas laid down in his comments when he delivered the report. And we embrace the goal, which is never to let anybody ever get hurt again while trying to build a plant of this type by completely avoiding the use of natural gas as a cleaning agent to achieve the pipe cleaning that is required…"); *Id.* at 68-69; Kleen Energy Plant Investigation Review Panel, Final Report at 8, June 3, 2010.
[46] Connecticut Siting Council, Docket 225C, Transcript 70 (August 3, 2010).

Commission. The Thomas Commission issued its Executive Report on September 21, 2010. On September 22, 2010, Governor Rell issued Executive Order No. 45 wherein it is ordered and directed that the use of flammable gases to conduct "gas blows" by power plants be banned in Connecticut.[47] The Executive Order was issued as a result of the findings and recommendations of the Nevas Commission, the findings and recommendations of the USCSB, and the findings and recommendations of the Thomas Commission.

The evidentiary record in this docket closed on September 2, 2010. The Kleen Certificate expires on November 30, 2010. Kleen filed a request for an extension of its Certificate on June 23, 2010. In accordance with the recommendation of the Nevas Commission that the Council attach as conditions to the Certificate language that addresses adoption of the specific recommendations of the Thomas Commission, another public hearing is necessary. The Council must provide at least 30 days notice of the commencement date and location for a public hearing from the date that the Council votes at a public meeting to reopen a docket on changed conditions under Conn. Gen. Stat. §4-181a(b).[48] The Council must also provide a 30 day period after the close of a public hearing for the filing of limited appearance statements.[49]

Therefore, in accordance with the Nevas Commission recommendation that the Council attach as conditions to the Certificate language that addresses adoption of the specific recommendations of the Thomas Commission, the Council must make its own motion to reopen the Kleen docket for the limited purpose of consideration of changed conditions and of the attachment of conditions to the Certificate consistent with the findings and recommendations in the Executive Report issued by the Thomas Commission on September 21, 2010.

[47] State of Connecticut, Governor M. Jodi Rell, Executive Order No. 45 (September 22, 2010).
[48] Conn. Gen. Stat. §16-50m (2010).
[49] Conn. Gen. Stat. §16-50n(f) (2010).