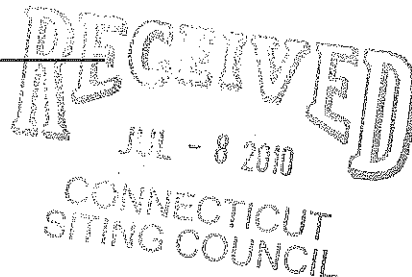




LEVETT ROCKWOOD

P.C.

Attorneys-at-Law



JUDGE ALAN H. NEVAS
SENIOR U.S. DISTRICT JUDGE (RETIRED)
ahnevas@levettrockwood.com

July 6, 2010

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

RE: DOCKET NO. 225 - Kleen Energy Systems, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of an Electric Generating Facility and Switchyard on River Road, Middletown, Connecticut.

Dear Chairman Caruso:

As you are no doubt aware, Governor M. Jodi Rell asked that I chair a commission to identify the cause and origin of the tragic Kleen Energy power plant explosion that occurred in Middletown earlier this year. This commission included representatives of the Department of Environmental Protection, the Department of Labor, the Connecticut State Police (including the Office of the State Fire Marshal and the Office of the State Building Inspector), the Department of Consumer Protection and the Department of Public Utility Control (DPUC).

The Final Report of the commission, which may be viewed at the DPUC website, was published on June 3, 2010. Included in that report are certain specific recommendations that are of relevance to your agency. Of particular note, we ask that the Council consider incorporating the findings and recommendations of the commission in any extension of the construction schedule of the Kleen Energy Certificate or renewal thereof.

Please also note that Governor Rell named a second panel with respect to the Kleen Energy disaster which is chaired by James "Skip" Thomas, retired Commissioner of the state Department of Emergency Management and Homeland Security. That panel will review the findings of the panel that I oversaw and determine whether any changes should be made to Connecticut laws, state and local regulations or building and fire codes. To the extent that that panel offers recommendations of its own, I ask that your agency also give due consideration to those recommendations.

Chairman Caruso, please consider this letter to be my formal referral of our June 3, 2010, Final Report to the Connecticut Siting Council for its review and consideration. I commend to you our findings and recommendations in order that you may consider how they may properly be made binding upon the Kleen Energy facility in any action taken by your agency to extend or renew its permit and/or license. Thank you for your attention to these matters.

Very truly yours,

A handwritten signature in black ink, appearing to read "Alan H. Nevas", written over a horizontal line.

Judge Alan H. Nevas
Senior U.S. District Judge (Retired)

AHN:sbk