

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

RECEIVED
NOV 23 2010
CONNECTICUT
SITING COUNCIL

APPLICATION OF KLEEN ENERGY SYSTEMS, LLC : DOCKET NO. 225D
FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY :
AND PUBLIC NEED FOR AN ELECTRIC GENERATING :
FACILITY AND SWITCHYARD IN MIDDLETOWN : NOVEMBER 23, 2010

Pre-Hearing Submission by Town of Portland

In accordance with the Hearing Notice issued by The Connecticut Siting Council dated October 28, 2010 and the Pre-Hearing Memo dated November 18, 2010, the Town of Portland herewith submits its list of Pre-filed Testimony, Exhibit List and Expected Witness List.

Pre-Filed Testimony

The Town of Portland submits the following items of pre-filed testimony:

Letter from Portland First Selectwoman Susan S. Bransfield dated November 22, 2010.

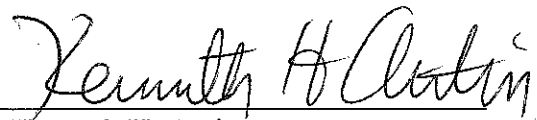
Exhibit List

All letters and documents referenced in the Pre-Filed Testimony List above.

Expected Witness List

Portland First Selectwoman Susan S. Bransfield.

Respectfully Submitted,
TOWN OF PORTLAND

By 

Kenneth H. Antin
D'Aquila Law Offices, LLC
100 Riverview Center, Suite 205
Middletown, CT 06457
Juris No. 425541
Tel. (860) 704-0290
Fax (860) 704-0545
Its Attorneys



Town of Portland, Connecticut

Equal Opportunity Employer

Office of the First Selectwoman

33 East Main Street / P.O. Box 71

Portland, CT 06480-0071

Phone: 860/342-6715

Fax: 860/342-6714

November 22, 2010

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

Re: DOCKET NO. 225D – Kleen Energy Systems, LLC 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. 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 in the Executive Report issued by the Thomas Commission.

Dear Chairman Caruso and Members of the CT Siting Council:

The Hearing being held on December 7, 2010 will consider changed conditions and the attachment of conditions to the certificate that would be consistent with the findings of the Governor's Commission re: Kleen Energy Explosion a/k/a the Thomas Panel (the Thomas Commission).

In the testimony I presented at the August 3, 2010 hearing on the changes recommended by the Nevas Commission, I stated that "...all prudent safety measures must be in place to help prevent anyone from suffering such a terrible loss again." On behalf of not only the residents of Portland but also those residents of Middletown who live near the Kleen Energy facility, I again implore the Council to give paramount importance to public safety. Every feasible step must be taken to prevent recurrence of the February 7, 2010 explosion.

It should be recalled that the Nevas Commission's task was to determine the cause of the February 7, 2010 explosion, not to recommend changes in laws or regulations. The Nevas Commission Chairman, Alan Nevas, strongly urged that the Council attach to the extension of Kleen Energy's certificate the specific recommendations of the Thomas Commission. (Nevas Commission Final Report, page 8.)

Each one of the Thomas Commission's seven specific recommendations should be attached as applicable to Kleen Energy's Certificate:

facility as currently constructed if the following two conditions apply: (1) the changes enhance the safety of the facility, and (2) the facility can be modified without undue economic waste to meet the new standards.

The Town also urges the Council to resort to its statutory authority and hire its own consultant to consider whether and how the code changes as recommended by the Thomas Commission may be applied to the Kleen Energy facility. CGS Sec.16-50v (f).

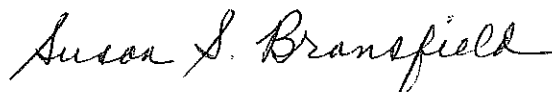
(7) Recommendation 7 would require power plant applicants to the Council to pay for the extra training local fire and building officials will need to deal with the extra complexities such applications present.

The need to avert any future disasters supports amending Kleen Energy's certificate to achieve Recommendation 7 just as it supports attaching Recommendation 2. Requiring Kleen Energy to fund additional training for Middletown's fire marshal and building inspector lies within the Council's power to set appropriate conditions upon the certificates it grants. CGS Sec. 16-50p.

In summary, please allow me to repeat: Public Safety is paramount to everything else. I implore you to take the necessary time to ensure the safety of the public. Apply the Thomas Commission's recommendations as fully as possible to the remaining construction of Kleen Energy's facility. It is your responsibility and your charge as public officials of the CT Siting Council. Public Safety is the most important task you have. You recognized as much when you promised to reopen the Kleen Energy docket to "...adopt any pertinent recommendations made by the Thomas Commission to prevent the recurrence of such a tragic event." (Opinion in Docket No. 225C, October 7, 2010.)

Thank you for your consideration.

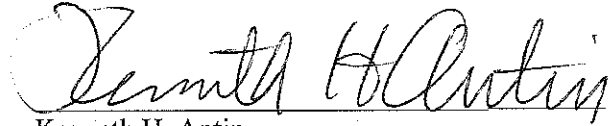
Sincerely yours,



Susan S. Bransfield
First Selectwoman

CERTIFICATION OF SERVICE

I hereby certify that on November 23, 2010, a copy of the foregoing was delivered by U.S. Mail, first class postage prepaid, to all of the parties and intervenors appearing on the attached Service List dated July 30, 2010.

A handwritten signature in black ink, reading "Kenneth H. Antin". The signature is written in a cursive style with a large initial "K".

Kenneth H. Antin
Commissioner of the Superior Court

**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 lhoffman@pullcom.com</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>Duncan R. Mackay, Esq. Vincent P. Pace, Esq. The Connecticut Light & Power Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-5000 (860) 665-5504 – fax mackadr@nu.com pacevp@nu.com</p> <p>John R. Morissette Manager-Transmission Siting and Permitting The Connecticut Light & Power Company P.O. Box 270 Hartford, CT 06141-0270 (860) 655-2036 (860) 665-2611 – fax morisjr@nu.com</p>

**LIST OF PARTIES AND INTERVENORS
SERVICE LIST**

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Intervenor	The Connecticut Light and Power Company	Christopher R. Bernard Manager-Regulatory Policy (Transmission) The Connecticut Light & Power Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-5967 (860) 665-3314 – fax bernacr@nu.com
Intervenor	City of Middletown	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
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.	Jacqueline Talbot Connecticut River Watershed Council, Inc. DeKoven House Community Center 27 Washington Street Middletown, CT 06457 (860) 704-0057 (860) 704-0057- fax jtalbot@ctriver.org

**LIST OF PARTIES AND INTERVENORS
SERVICE LIST**

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
<p style="text-align: center;">Party (granted on July 29, 2010)</p>	<p>Town of Portland</p>	<p>Jean M. D'Aquila D'Aquila Law Offices, LLC 100 Riverview Center, Suite 205 Middletown, CT 06457 (860) 704-0290 (860) 704-0545 jmd@daquilalaw.com</p> <p>Susan S. Bransfield, First Selectwoman Town of Portland 33 East Main Street P.O. Box 71 Portland, CT 06480 (860) 342-6715 (860) 342-6714 sbransfield@portlandct.org</p>
<p style="text-align: center;">Intervenor (granted on July 29, 2010)</p>	<p>The Honorable Eileen M. Daily State Senator - 33rd District 103 Cold Spring Drive Westbrook, CT 06498 (860) 240-0462 (860) 240-0036 fax daily@senatedems.ct.gov</p>	
<p style="text-align: center;">Intervenor (granted on July 29, 2010)</p>	<p>The Honorable James A. O'Rourke State Representative – 32nd District Legislative Office Building, Room 4108 Hartford, CT 06106-1591 (860) 635-2992 (860) 240-8585 (860) 240-0206 fax Reporourke@aff.net</p>	