



GE
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March 16, 2009

Mr. S. Derek Phelps
Executive Director
State of Connecticut
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: Docket No. 370 – CEAB RFP Process

Dear Mr. Phelps:

Thank you for your response (copy attached) to our letter dated January 30, 2009 (copy attached) in connection with consideration by the Connecticut Siting Council (the “Council”) of the Towantic project (the “Project”) as an alternative to the proposed NEEWS transmission line.

As you are aware, the Project has received its certification from the Council and we are reluctant to file a new application at this time. Therefore, we have determined regretfully that we can no longer participate in this process. As we are not now, and do not anticipate becoming, a party to Docket No. 370, we expect that the Project will not be under active consideration in that Docket.

With respect to CEAB’s comment regarding analysis of PM emissions from the Project, such analysis was already requested by the Connecticut Department of Environmental Protection (the “DEP”), and has been successfully completed. The DEP is currently reviewing the analysis and we expect to receive the DEP’s approval within the next few weeks.

Please feel free to contact the undersigned if you have any further questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Amy H. Fisher", with a long horizontal flourish extending to the right.

Amy H. Fisher

Encls.



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S. Derek Phelps
Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

January 30, 2009

Re: Towantic Energy Center – Response to CEAB RFP

Dear Mr. Phelps:

As you know, GE Energy Financial Services, Inc. (“GE EFS”) has submitted a proposal on behalf of its Towantic Energy Center project pursuant to a Request for Proposal (“RFP”) from the Connecticut Energy Advisory Board (“CEAB”). The analysis by CEAB is part of the pending review of the NEEWS transmission project submitted to the Connecticut Siting Council (the “Council”) by Connecticut Light and Power (Northeast Utilities).

We understand that Towantic’s submission requires the Council to evaluate the Towantic proposal relative to the NEEWS transmission project¹ in accordance with a process set forth in the Public Utility Environmental Standards Act (“PUESA”)². PUESA contemplates that a project which has responded to a CEAB RFP might want to initiate a certification process with the Council as the most efficient way to coordinate its CEAB response with its obligation to obtain from the Council a Certificate of Environmental Compatibility and Public Need (a “Certificate”) for its project.

The statute is clear that such application process is discretionary, at the option of the project responding to the RFP, and states, “...an entity that has submitted a proposal pursuant to the request for proposal process *may* initiate a certification proceeding by

¹ Conn. Gen. Stat. Section 16-50p(3)(F).

² Conn. Gen. Stat. Section 16-50j, et seq.

filing with the council an application...”(*emphasis added*).³ Furthermore, the provisions regarding the CEAB RFP process contemplate that the application is discretionary, stating that a proposal provider is exempt from certain requirements of the CEAB RFP process if that entity, “*chooses* to file an application pursuant to subdivision (3) of subsection (a) of section 16-50l...”(*emphasis added*).⁴

The Towantic project, however, had previously filed its application for a Certificate, which application was granted by the Council,⁵ and we believe no efficiency is to be gained by either the project or the Council by beginning a second application process at this time.

We understand that the Council must officially have cognizance of the project responding to this CEAB RFP as well as the ability to obtain such additional information about the project as will permit the Council to render a decision in the instigating NEEWS docket. We believe Section 16a-7c(f) provides such cognizance when it requires the CEAB to “issue a report that evaluates each proposal received, including any proposal contained in an application to the council that initiated a request-for-proposal, ... for conformance with the infrastructure criteria guidelines created pursuant to section 6a-7b. The board shall forward the results of such evaluation process to the Connecticut Siting Council.”⁶ To provide the Council with the ability to obtain additional information about the Towantic project and its CEAB RFP response, we respectfully propose that the Towantic project provide an undertaking to the Council that, so long as its response to the CEAB RFP is under consideration, it will provide such information as the Council requests in connection with the NEEWS docket and will make its representatives available for Council questions regarding its RFP response. We would ask that the Council agree that such undertaking would not reopen Council Docket 192 (Towantic Energy, LLC – Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a 512 megawatt electric generating facility located in the Town of Oxford, Connecticut).

We appreciate the time and effort that you and your staff have invested in this matter and we thank you for your consideration of this proposal. We will gladly consider any other proposal you and your staff may have to address this matter.

Very truly yours,

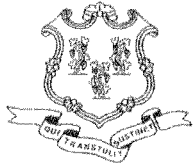
Amy H. Fisher
Managing Director

³ Conn. Gen. Stat. Section 16-50l(a)3.

⁴ Conn. Gen. Stat. Section 16a-7c(e)

⁵ See Docket 192 – Towantic Energy, LLC – Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a 512 megawatt electric generating facility located in the Town of Oxford, Connecticut

⁶ Conn. Gen Stat. Section 16a-7c(f)



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

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www.ct.gov/csc

February 27, 2009

TO: Parties and Intervenors

FROM: S. Derek Phelps
Executive Director

RE: **DOCKET NO. 370** – The Connecticut Light and Power Company application for Certificates of Environmental Compatibility and Public Need for the Connecticut Valley Electric Transmission Reliability Projects which consist of (1) The Connecticut portion of the Greater Springfield Reliability Project that traverses the municipalities of Bloomfield, East Granby and Suffield, or potentially including an alternate portion that traverses the municipalities of Suffield and Enfield, terminating at the North Bloomfield substation; and (2) the Manchester Substation to Meekville Junction Circuit Separation Project in Manchester, Connecticut.

GE Energy Financial Services (GEEFS) submitted a letter dated January 30, 2009 seeking confirmation and/or guidance on GEEFS's interpretation of the CEAB RFP application requirement with regard to the above-referenced proceeding, and pursuant to the provisions of C.G.S. 16-50/(a)(3). The Connecticut Siting Council (Council), in turn, requested comments from Parties and Intervenors, which were due February 20, 2009.

In response to comments received and based on the analysis of the statutory authority and legislative histories, the Council concluded that entities submitting a proposal in response to the CEAB RFP process must file an application in the form prescribed by the Council in its regulations despite the fact that a certificate has already been issued to a respondent. Please also note that the findings in the CEAB Evaluation Report submitted to the Council that further analysis should be conducted for the two previously certificated entities pertaining to the environmental impacts of particulate matter emissions associated with the projects.¹

In order to facilitate fair and simultaneous consideration of multiple proposals for the same need, each competing entity must submit an application in a form that meets the minimum requirements set out in R.C.S.A. §16-50/-2.² In addition to the new application that meets those requirements, administrative notice may be taken of prior applications of previously certificated projects and referenced in the new application.³

Please also note that entities who submitted a proposal intending to file an application under C.G.S. §16-50/(a)(3) are also required under that provision to remit the filing fee for such

¹ CONN. ENERGY ADVISORY BD. EVALUATION REPORT TO THE CONN. SITING COUNCIL 39-40 (2009).

² CONN. AGENCIES REGS. §16-50/-2 (2007).

³ Subject to Council jurisdiction according to C.G.S. §16-50i(a)(7) and §16-50/(a)(3).

application in accordance with C.G.S. §16-50t and the municipal participation fees to each municipality entitled to receive a copy of such application in accordance with C.G.S. §16-50bb.⁴

Please note further that under C.G.S. §16-a-7c(e), “Upon the submission of a proposal pursuant to a request for proposal, the person or entity submitting the proposal shall consult with the municipality in which the facility may be located and with any other municipality that would be required to be served with a copy of an application for such proposal under subdivision (1) of subsection (b) of section 16-50l ...”⁵

Fulfillment of these legal requirements necessarily places all of the applications submitted pursuant to the CEAB RFP process, as well as the application that triggered the RFP, on equal footing for simultaneous consideration in a consolidated hearing process by the Council. Please be advised that the Council has also requested comment for the ICE Energy proposal by February 27, 2009, which will be addressed under separate cover. Thank you for your anticipated cooperation in this regard. If you should have any questions regarding this matter, please do not hesitate to contact me.

SDP/MAB/CMW/laf

⁴ CONN. GEN. STAT. §16-50(a)(3) (2009) (... an entity that has submitted a proposal pursuant to the request for proposal process may initiate a certification proceeding by filing with the council an application containing the information required pursuant to this section, accompanied by a filing fee of not more than twenty-five thousand dollars... and a municipal participation fee of twenty five thousand dollars to be deposited into the account established pursuant to section 16-50bb...”); CONN. GEN. STAT. §16-50t (2009); CONN. GEN. STAT. §16-50bb (2009).

⁵ CONN. GEN. STAT. §16a-7c(e) (2009).

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	<input checked="" type="checkbox"/> U.S. Mail	The Connecticut Light & Power Co. P.O. Box 270 Hartford, CT 06141-0270	Robert E. Carberry, Manager NEEWS Projects Siting and Permitting Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-6774 carberr@nu.com
	<input checked="" type="checkbox"/> E-mail		Duncan MacKay, Esq. Legal Department Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-3495 mackadr@nu.com
	<input checked="" type="checkbox"/> U.S. Mail		Jeffrey Towle, Project Manager Transmission, NEEWS Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-3962 towlejm@nu.com
	<input checked="" type="checkbox"/> U.S. Mail		Anthony M. Fitzgerald, Esq. Brian T. Henebry, Esq. Carmody & Torrance LLP P.O. Box 1950 New Haven, CT 06509 (203) 777-5501 afitzgerald@carmodylaw.com bhenebry@carmodylaw.com
Party (granted November 20, 2008)	<input checked="" type="checkbox"/> E-mail	Richard Blumenthal Attorney General	Michael C. Wertheimer Assistant Attorney General Attorney General's Office 10 Franklin Square New Britain, CT 06051 (860) 827-2620 (860) 827-2893 Michael.wertheimer@po.state.ct.us

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Party (granted November 20, 2008)	<input checked="" type="checkbox"/> E-mail	Town of East Granby	Donald R. Holtman, Esq. Katz & Seligman, LLC 130 Washington Street Hartford, CT 06106 (860) 547-1857 (860) 241-9127 dholtman@katzandseligman.com The Honorable James Hayden First Selectman Town of East Granby P.O. Box 1858 East Granby, CT 06026
	<input checked="" type="checkbox"/> U.S. Mail		Edward G. McAnaney, Esq. McAnaney & McAnaney Suffield Village 68 Bridge Street Suffield, CT 06078 (860) 668-2000 (860) 668-2666 – fax The Honorable Scott R. Lingenfelter First Selectman Suffield Town Hall 83 Mountain Road Suffield, CT 06078
Party (granted November 20, 2008)	<input checked="" type="checkbox"/> U.S. Mail	Town of Suffield	
	<input checked="" type="checkbox"/> U.S. Mail		Anthony M. Macleod Whitman Breed Abbott & Morgan LLC 500 West Putnam Avenue, P.O. Box 2250 Greenwich, CT 06830-2250 (203) 862-2458 amacleod@wbamct.com Kevin Flynn, Esq. Regulatory Counsel ISO New England One Sullivan Road Holyoke, MA 01040 (413) 535-4177 kflynn@iso-ne.com
Intervenor (granted December 4, 2008)	<input checked="" type="checkbox"/> E-mail	ISO New England Inc.	
	<input checked="" type="checkbox"/> U.S. Mail		

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Party (granted on January 8, 2009)	<input checked="" type="checkbox"/> U.S. Mail	Office of Consumer Counsel	Mary J. Healey Consumer Counsel Ten Franklin Square New Britain, CT 06051 Mary.healey@ct.gov
	<input checked="" type="checkbox"/> U.S. Mail		Bruce C. Johnson Principal Attorney Office of Consumer Counsel Ten Franklin Square New Britain, CT 06051 Bruce.johnson@ct.gov
	<input checked="" type="checkbox"/> E-mail		Victoria Hackett Staff Attorney Office of Consumer Counsel 10 Franklin Square New Britain, CT 06051 860-827-2922 860-827-2929 - fax victoria.hackett@ct.gov
	<input checked="" type="checkbox"/> E-mail		Paul Chernick, President Resource Insight, Inc. 5 Water Street Arlington, MA 02476 (781) 646-1505 ext. 207 (781) 646-1506 - fax pchernick@resourceinsight.com
Intervenor (granted on January 22, 2009)	<input checked="" type="checkbox"/> E-mail	Ice Energy, Inc.	Stephen J. Humes, Esq. McCarter & English LLP 185 Asylum Street, CityPlace I Hartford, CT 06103 (860) 275-6761 (860) 560-5955 - fax Shumes@mccarter.com
Party (granted on February 19, 2009)	<input checked="" type="checkbox"/> E-Mail	Town of Enfield	Kevin M. Deneen, Town Attorney Office of the Town Attorney 820 Enfield Street Enfield, CT 06082-2997 (860) 253-6405 (860) 253-6362 -- fax townattorney@enfield.org

**LIST OF PARTIES AND INTERVENORS
SERVICE LIST**

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
<p align="center">Intervenor (granted on February 19, 2009)</p>	<p align="center"><input checked="" type="checkbox"/> U.S. Mail</p>	<p align="center">NRG Energy, Inc.</p>	<p>Andrew W. Lord, Esq. Murtha Cullina LLP CityPlace I, 185 Asylum Street Hartford, CT 06103-3469 (860) 240-6180 (860) 240-5723 – fax alord@murthalaw.com</p>