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October 19, 2009

VIA HAND DELIVERY

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

Re: NRG Energy, Inc. Response to Connecticut Siting  
Council Interrogatory; Docket No. 370B

Dear Mr. Phelps:

Enclosed on behalf of NRG Energy, Inc. ("NRG") is the response to Interrogatory 19 of the second set of interrogatories addressed to NRG by the Connecticut Siting Council.

If you have any questions, please feel free to contact me.

Sincerely,

  
Diana M. Kleefeld

Enclosure

cc: Jonathan J. Milley, NRG  
Julie L. Friedberg, Esq., NRG  
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Witnesses: NRG Panel

Request from: CSC

**QUESTION:** In 2008, Connecticut passed an Environmental Justice Act (Public Act 08-94) to be effective January 1, 2009. Since Meriden is listed as an "Environmental Justice Community," would the provisions of Public Act 08-94 apply to NRG's application in this proceeding? Please Explain.

**RESPONSE:** Public Act 08-94 (the "Act") does not apply to NRG's application in this proceeding because the Meriden Project is exempt from the Act.

The Act imposes special municipal consultation requirements on applicants that seek to obtain a certificate from the Council, or a permit from the Department of Environmental Protection, involving an "affecting facility" located in an environmental justice community. Section 1(a)(2) of the Act, however, removes certain facilities from the scope of the Act. Specifically, the Act states:

"Affecting facility" shall not include (i) the portion of an electric generating facility that uses nonemitting and nonpolluting renewable resources such as wind, solar and hydro power or that uses fuel cells, (ii) *any facility for which a certificate of environmental compatibility and public need was obtained from the Connecticut Siting Council on or before January 1, 2000*, or (iii) a facility of a constituent unit of the state system of higher education that has been the subject of an environmental impact evaluation . . . . (Emphasis added.)

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The Meriden Project was awarded a certificate by the Council on April 27, 1999 in Docket 190. Thus, it is exempt from the Act.