

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051 Phone: (860) 827-2935 Fax: (860) 827-2950 E-Mail: siting.council@ct.gov www.ct.gov/csc

VIA ELECTRONIC MAIL

February 27, 2019

TO:

Parties and Intervenors

FROM:

Melanie Bachman, Executive Director

RE:

DOCKET NO. 470B – NTE Connecticut, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 550-megawatt dual-fuel combined cycle electric generating facility and associated electrical interconnection switchyard located at 180 and 189 Lake Road, Killingly, Connecticut. Reopening of this application based on changed

conditions pursuant to Connecticut General Statutes §4-181a(b).

The Connecticut Siting Council (Council) will hold a pre-hearing conference on procedural matters on Wednesday, March 6, 2019, in the Council's office, at Ten Franklin Square, New Britain, Connecticut, beginning at 11:00 a.m. All parties and intervenors are requested to participate. The purpose of this pre-hearing conference is to expedite the hearing procedure without sacrificing an informative record necessary for the Council to render a decision. For those that wish to participate in the pre-hearing conference via telephone, please use the call-in information below.

Call number:

866-917-7557

Passcode:

9148525

At the conference, parties and intervenors will be encouraged to discuss requirements for pre-filed testimony, exhibit lists, administrative notice lists, expected witness lists, and the filing of pre-hearing interrogatories. To save the time and expense of the public, the Council does not allow direct testimony at the public hearing.

Each party and intervenor is requested to provide all other parties and intervenors a list of witnesses and the subjects their pre-filed testimony will address, a list of documents to be administratively noticed, and copies of any available exhibits to be offered at the hearing. The pre-hearing conference will also address the grouping of parties and intervenors and the order of presentations at the hearing.

MB/MP/lm





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Connecticut Siting Council Pre-hearing Conference: Procedure for Hearing of March 6, 2019

DOCKET NO. 470B – NTE Connecticut, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 550-megawatt dual-fuel combined cycle electric generating facility and associated electrical interconnection switchyard located at 180 and 189 Lake Road, Killingly, Connecticut. Reopening of this application based on changed conditions pursuant to Connecticut General Statutes §4-181a(b).

Pre-hearing Procedure

- 1. On or before March 21, 2019, all parties and intervenors are requested to exchange pre-hearing interrogatories with all other parties and intervenors.
- 2. On or before March 28, 2019, all parties and intervenors are requested to file responses to pre-hearing interrogatories and exchange pre-filed testimony, exhibits, witness lists, and items to be noticed administratively with the Council and all other parties and intervenors. To save the time and expense of parties, intervenors, and the public, all parties and intervenors are encouraged to resolve discrepancies of these items before the hearing.
- 3. Any person seeking to be admitted as a party or intervenor to the proceeding is requested to file a written petition with the Council on or before March 28, 2019.
- 4. All filings are to be in accordance with the State Solid Waste Management Plan and in accordance with Section 16-50j-12 of the Regulations of Connecticut State Agencies. The Council is requesting that all filings be submitted on recyclable paper, primarily regular weight white office paper. Please avoid using heavy stock paper, colored paper, and metal or plastic binders and separators.
- 5. Pursuant to Section 16-50j-21 of the Regulations of Connecticut State Agencies, at least ten business days prior to the public hearing, the applicant shall erect and maintain, in a legible condition, a sign not less than six feet by four feet at the entrance to the property from a public road where the proposed facility is to be located. The sign shall set forth the name of the applicant, the type of facility, the public hearing date, and contact information for the Council (Web site and phone number). The sign shall not be removed from the site until after the commencement of the evening public comment session.
- 6. Enclosed is a list of items the Council wishes to notice administratively. Objections to any item on the list should be sent to the Council before the hearing.



Hearing Procedure

- 7. A public field review of the proposed site will be held on Thursday, April 4, 2019, beginning at 1:30 p.m.
- 8. The 3:00 p.m., April 4, 2019, evidentiary session will provide the applicant, parties, and intervenors an opportunity to introduce exhibits and witnesses, and cross-examine positions. The applicant will be allowed to present its exhibits and witness panel, and then be subject to cross-examination by the Council and all parties and intervenors. All parties and intervenors will then be allowed to introduce their exhibits and witness panels, and be subject to cross-examination by the Council, the applicant and all other parties and intervenors.
- 9. All participants are requested to place nameplates on the table in front of each witness at the hearing.
- 10. The order of appearances and cross-examination will be governed by a hearing program developed by the Council for the proceeding. The Council may issue a draft version of the hearing program to parties and intervenors prior to the hearing.
- 11. The 6:30 p.m. public comment session on April 4, 2019, will be reserved for the public to make brief statements into the record. **Public statements will be limited to 3 minutes**. The Council requests that the applicant conduct a brief presentation prior to public comment, using 24-inch by 36-inch diagrams depicting site features, including a map showing abutting properties or other form of presentation such as a video or PowerPoint. The diagrams or other form of presentation must be from materials already submitted into the record.
- 12. If time remains after the 6:30 p.m. public comment session, the applicant, parties, and intervenors may continue their appearances and cross-examination that began during the 3:00 p.m. evidentiary session.
- 13. The Council will provide public officials who have not been granted party or intervenor status an opportunity to make a statement.
- 14. The Council may, at its discretion, group parties and intervenors with the same interests.
- 15. Individuals will be encouraged to participate through their elected officials and other party or intervenor groupings.
- 16. Pursuant to Section 16-50j-15b of the Regulations of Connecticut State Agencies, any party or intervenor, including those that are members of non-profit corporations or citizens groups, that have attained party or intervenor status in the proceeding are deemed to be represented in the proceeding and may not submit oral or written statements into the record.
- 17. All participants will be encouraged to be brief, concise, non-repetitious, and courteous of all other participants.

Post-hearing procedure

- 18. A verbatim transcript of the hearing session will be made and deposited with the Town Clerk's Offices, in Killingly, Pomfret and Putnam, Connecticut for the convenience of the public.
- 19. Parties and intervenors will be allowed to submit briefs and proposed findings of fact within 30 days after the close of the hearing.
- 20. Members of the public will be allowed to submit written statements into the record within 30 days after the close of the hearing.
- 21. Deadlines for briefs, proposed findings of fact, and written statements will be final and no extensions will be granted.

Administrative Notice List Docket No. 470B

FEDERAL

- 1. NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES, NATIONAL INSTITUTES OF HEALTH, EMF, Electric and Magnetic Fields Associated with the Use of Electric Power, June 2002, available at http://www.niehs.nih.gov/health/materials/electric and magnetic fields associated with the use of electric power questions and answers english 508.pdf
- 2. NATIONAL RESEARCH COUNCIL, Research on Power-Frequency Fields Completed Under the Energy Policy Act of 1992, National Academy of Sciences 1999, available at http://books.nap.edu/openbook.php?isbn=0309065437
- 3. UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION, Obstruction Marking and Lighting, Advisory Circular AC 70/7460-1L, December 4, 2015, as amended, available at https://www.faa.gov/documentLibrary/media/Advisory Circular/AC 70 7460-1L.pdf
- 4. UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION, Memorandum on Technical Guidance and Assessment Tool for Evaluation of Thermal Exhaust Plume Impact on Airport Operations, October 12, 2017, available at https://www.faa.gov/airports/environmental/land-use/media/Technical-Guidance-Assessment-Tool-Thermal-Exhaust-Plume-Impact.pdf
- 5. UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION, Aeronautical Information Manual, September 24, 2015, *available at* https://www.faa.gov/air_traffic/publications/media/AIM Basic dtd 10-12-17.pdf
- 6. UNITED STATES DEPARTMENT OF AGRICULTURE, Soil Survey Manual, Handbook No. 18, March 2017, available at https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/soils/ref/?cid=nrcs142p2_054262
- 7. Presidential Proclamation No. 8460, 74 Fed. Reg. 234, December 8, 2009, available at http://www.presidency.ucsb.edu/ws/index.php?pid=86954
- 8. Presidential Executive Order No. 13636, Improving Critical Infrastructure Cybersecurity, 78 FED. REG. 11739, February 19, 2013, available at http://www.archives.gov/federal-register/executive-orders/2013.html
- 9. Presidential Policy Directive No. 21, Critical Infrastructure Security and Resilience, February 12, 2013, available at https://obamawhitehouse.archives.gov/the-press-office/2013/02/12/presidential-policy-directive-critical-infrastructure-security-and-resil
- 10. UNITED STATES DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, National Register of Historic Places, available at https://www.nps.gov/subjects/nationalregister/index.htm
- 11. UNITED STATES DEPARTMENT OF ENERGY, FEDERAL ENERGY REGULATORY COMMISSION AND THE NORTH AMERICAN ELECTRIC RELIABILITY CORPORATION, Report on Transmission Facility Outages During the Northeast Snowstorm of October 29-30, 2011 Causes and Recommendations, available at http://ferc.gov/legal/staff-reports/05-31-2012-ne-outage-report.pdf

- 12. NORTH AMERICAN ELECTRIC RELIABILITY CORPORATION, Critical Infrastructure Protection, CIP-014-1, Physical Security Standards, May 1, 2014, available at http://www.nerc.com/pa/Stand/Reliability%20Standards/CIP-014-1.pdf
- 13. UNITED STATES QUADRENNIAL ENERGY REVIEW TASK FORCE, Quadrennial Energy Review: Energy Transmission, Storage, and Distribution Infrastructure, April 2015, available at http://energy.gov/epsa/downloads/quadrennial-energy-review-full-report
- 14. UNITED STATES QUADRENNIAL ENERGY REVIEW TASK FORCE, Quadrennial Energy Review Second Installment: Transforming the Nation's Electricity System, January 2017, available at https://www.energy.gov/policy/downloads/quadrennial-energy-review-second-installment
- 15. UNITED STATES ENERGY INFORMATION ADMINISTRATION, Annual Energy Outlook 2018, February 6, 2018, available at https://www.eia.gov/outlooks/aeo/
- 16. UNITED STATES ENERGY INFORMATION ADMINISTRATION, Annual Energy Outlook 2019, January 24, 2019, available at https://www.eia.gov/outlooks/aeo/
- 17. UNITED STATES ENERGY INFORMATION ADMINISTRATION, Levelized Cost and Levelized Avoided Cost of New Generation Resources in Annual Energy Outlook 2018, March 2018, available at https://www.eia.gov/outlooks/aeo/pdf/electricity_generation.pdf
- 18. UNITED STATES FISH AND WILDLIFE SERVICE, Final 4(d) Rule for the Northern Long-eared Bat, January 14, 2016, available at https://www.fws.gov/Midwest/endangered/mammals/nleb/pdf/FRnlebFinal4dRule14Jan2016.pdf
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- 20. UNITED STATES CENSUS BUREAU, Annual Estimates of Resident Population, April 1, 2010 to July 1, 2017, available at https://www.census.gov/data/tables/2017/demo/popest/total-cities-and-towns.html

REGIONAL

- 21. ISO-NEW ENGLAND, INC., Operational Fuel-Security Analysis, January 17, 2018, available at https://www.iso-ne.com/static-assets/documents/2018/01/20180117 operational fuel-security analysis.pdf
- 22. ISO-NEW ENGLAND, INC., 2015 Regional System Plan, November 5, 2015, http://www.iso-ne.com/system-planning/system-plans-studies/rsp
- 23. ISO-NEW ENGLAND, INC., 2017 Regional System Plan, November 2, 2017, http://www.iso-ne.com/system-planning/system-plans-studies/rsp
- 24. ISO-NEW ENGLAND, INC., 2018 Regional System Plan Project List, October 2018, available at http://www.iso-ne.com/system-planning/system-plans-studies/rsp
- 25. ISO-NEW ENGLAND, INC., 2017-2026 Forecast Report of Capacity, Energy, Loads & Transmission (CELT), May 1, 2017, available at https://www.iso-ne.com/system-planning/system-plans-studies/celt

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- 29. ISO-NEW ENGLAND, INC., ISO Recommendation for Cost Regionalization in Flood Hazard Areas, September 27, 2018, available at https://www.iso-ne.com/static-assets/documents/2018/09/a9 iso recommendation for cost regionalization in flood hazard areas update for screening test.pdf
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- 31. ISO-NEW ENGLAND, INC., State of the Grid: 2019, Presentation by Gordon van Welie, Remarks and Slides, February 20, 2019, available at https://www.iso-ne.com/about/news-media/press-releases/
- 32. ISO-NEW ENGLAND, INC., Final 2018 PV Forecast, May 1, 2018, available at https://www.iso-ne.com/static-assets/documents/2018/04/final-2018-pv-forecast.pdf
- 33. ISO-NEW ENGLAND, INC., Interconnection Request Queue, available at https://www.iso-ne.com/system-planning/transmission-planning/interconnection-request-queue
- 34. ISO-NEW ENGLAND, INC. 2015 ISO New England Electric Generator Air Emissions Report, available at https://www.iso-ne.com/static-assets/documents/2017/01/2015 emissions report.pdf
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- 43. REGIONAL GREENHOUSE GAS INITIATIVE, INC., Program Overview and Design Elements of RGGI, available at https://www.rggi.org/program-overview-and-design/elements
- 44. ICF INTERNATIONAL, Assessment of New England's Natural Gas Pipeline Capacity to Satisfy Short and Near-Term Electric Generation Needs: Phase II, Final Report with Appendices, November 20, 2014, available at https://www.iso-ne.com/static-assets/documents/2014/11/final_icf_phii_gas_study_report_with_appendices_112014.pdf

STATE

Connecticut Siting Council

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- 46. CONNECTICUT SITING COUNCIL, 2014/2015 Forecast of Electric Loads and Resources, December 10, 2015, available at http://www.ct.gov/csc/lib/csc/pendingproceeds/forecast_2014_2015/f-2015 finalreport.pdf
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- 48. CONNECTICUT SITING COUNCIL, White Paper on the Security of Siting Energy Facilities, October 8, 2009, available at http://www.ct.gov/csc/lib/csc/docket-346/whiteppr-final.pdf
- 49. CONNECTICUT SITING COUNCIL, Investigation into the Life Cycle Costs of Electric Transmission Lines, November 15, 2012, available at http://www.ct.gov/csc/lib/csc/lifecycle2011/life cycle final report.pdf
- 50. CONNECTICUT SITING COUNCIL, Investigation into the Life-cycle Costs of Electric Transmission Lines, October 11, 2018, available at https://www.ct.gov/csc/lib/csc/publications/2017-life-cycle-finalrpt.pdf

- 51. **DOCKET NO. 189** Lake Road Generating Company, LLC Certificate of Environmental Compatibility and Public Need for an electric generating project located off of Lake Road in Killingly, Connecticut. Record and Final Decision, *available at* https://www.ct.gov/csc/cwp/view.asp?a=949&Q=247906
- 52. **DOCKET NO. 189A -** Lake Road Generating Company, LLC Certificate of Environmental Compatibility and Public Need for the Lake Road Generating Project located off of Lake Road, Killingly, Connecticut. Reopening of this docket pursuant to Connecticut General Statutes § 4-181a(b) to Modify the Decision and Order in Docket 189 to Allow Lake Road Generating Company to Suspend its Backup Fuel System Based on Changed Conditions. Record and Final Decision, *available at* https://www.ct.gov/csc/cwp/view.asp?a=962&Q=489758&PM=1
- 53. **DOCKET NO. 192B -** CPV Towantic, LLC Motion to Reopen and Modify the June 23, 1999 Certificate of Environmental Compatibility and Public Need based on changed conditions pursuant to Connecticut General Statutes §4-181a(b) for the construction, maintenance and operation of a 785 MW dual-fuel combined cycle electric generating facility located north of the Prokop Road and Towantic Hill Road intersection in the Town of Oxford, Connecticut. Record and Final Decision, *available at* https://www.ct.gov/csc/cwp/view.asp?a=962&Q=556110&PM=1
- DOCKET NT-2010 Reopening of final decisions pursuant to C.G.S. §4-181a(b) for jurisdictional natural gas-fired electric generating facilities under C.G.S. §16-50i(a)(3) and C.G.S. §16-50k(a) limited to Council consideration of changed conditions and the attachment of conditions to the certificates and declaratory rulings consistent with the findings and recommendations in the Final Report issued by the Kleen Energy Plant Investigation Review Panel (Nevas Commission) and the findings and recommendations in the Executive Report issued by the Thomas Commission, available at http://www.ct.gov/csc/cwp/view.asp?a=962&q=467870
- 55. **DOCKET NO. 470** NTE Connecticut, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 550-megawatt dual-fuel combined cycle electric generating facility and associated electrical interconnection switchyard located at 180 and 189 Lake Road, Killingly, Connecticut. Record and Final Decision, *available at* https://www.ct.gov/csc/cwp/view.asp?a=962&Q=583908&PM=1
- 56. Fairwind, Inc., et al v. Connecticut Siting Council, 313 Conn. 669 (2014)
- 57. Red Hill Coalition, Inc. v. Town Planning and Zoning Commission of the Town of Glastonbury, 212 Conn. 727 (1989)
- 58. Town of Middlebury, et al v. Connecticut Siting Council, 326 Conn. 40 (2017)
- 59. Corcoran v. Connecticut Siting Council, 284 Conn. 455 (2007)

Department of Energy and Environmental Protection

- 60. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, CONNECTICUT COUNCIL ON SOIL AND WATER CONSERVATION, Connecticut Guidelines for Soil Erosion and Sediment Control, DEP Bulletin 34, May 2002, last revised November 2007, available at http://www.ct.gov/dep/cwp/view.asp?a=2720&q=325660&depNay_GID=1654
- 61. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, The Connecticut Stormwater Quality Manual, 2004, and appendices, available at http://www.ct.gov/deep/cwp/view.asp?a=2721&q=325704&depNav GID=1654

- 62. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, BUREAU OF WATER MANAGEMENT, PLANNING AND STANDARDS DIVISION, Water Quality Standards, (Surface Water Quality Standards and Ground Water Quality Standards Effective October 10, 2013, available at https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/%7B2328E62B-7982-48A7-AF52-F3F382A821FA%7D
- 63. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, Connecticut Air Quality Standards, Effective February 8, 2018, Regulations of Connecticut State Agencies §§ 22a-174-24, et seq., available at https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/%7BD4AF4488-7FAF-4C01-855D-8421C5793BE6%7D
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Department of Transportation

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Other State Agencies

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