

**In The Matter Of:**  
*STATE OF CONNECTICUT*  
*CONNECTICUT SITING COUNCIL*

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*Docket No. 470B*  
*April 4, 2019*

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STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

Docket No. 470B

Motion to Reopen an Application from NTE Connecticut,  
LLC, for a Certificate of Environmental Compatibility  
and Public Need for the Construction, Maintenance, and  
Operation of a 550-Megawatt Duel-Fuel Combined Cycle  
Electric Generating Facility and Associated Electrical  
Interconnection Switchyard Located at 180 and 189 Lake  
Road, Killingly, Connecticut

Regular Hearing held at the Killingly Town  
Hall, Killingly Town Hall Meeting Room, 172 Main  
Street, Killingly, Connecticut, Thursday, April 4,  
2019, beginning at 3:00 p.m.

H e l d   B e f o r e :

ROBERT SILVESTRI, The Hearing Officer

1    A p p e a r a n c e s :

2            Council Members:

3

4                    ROBERT HANNON,

5                    DEEP Designee

6

7                    LARRY LEVESQUE,

8                    PURA Designee

9

10                   DANIEL P. LYNCH, JR.

11                   MICHAEL HARDER

12                   EDWARD EDELSON

13

14            Council Staff:

15                   MELANIE BACHMAN, ESQ.,

16                   Executive Director and Staff Attorney

17

18                   MICHAEL PERRONE,

19                   Siting Analyst

20

21                   LISA FONTAINE,

22                   Fiscal Administrative Officer

23

24

25

1 A p p e a r a n c e s:(cont'd)

2 For NTE Connecticut, LLC:

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1    A p p e a r a n c e s:(cont'd)

2    For WYNDHAM LAND TRUST, and NOT ANOTHER POWER PLANT:

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1 THE HEARING OFFICER: Good afternoon,  
2 ladies and gentlemen. This hearing is called to  
3 order this Thursday, April 4, 2019, at 3 p.m.

4 My name is Robert Silvestri, member and  
5 presiding officer of the Connecticut Siting  
6 Council. Other members of the Council are Mr.  
7 Robert Hannon, designee for Commissioner Katie  
8 Dykes of the Department of Energy and  
9 Environmental Protection; Mr. Larry Levesque,  
10 designee for Chairman John W. Betkoski, III, of  
11 the Public Utilities Regulatory Authority;  
12 Mr. Daniel P. Lynch, Jr.; Mr. Michael Harder; and  
13 Mr. Edward Edelson.

14 Members of the staff are Ms. Melanie  
15 Bachman, Executive Director and Staff Attorney;  
16 Mr. Michael Perrone, siting analyst; and Ms. Lisa  
17 Fontaine, Fiscal Administrative Officer.

18 This hearing is held pursuant to  
19 provisions of Title 16 of the Connecticut General  
20 Statutes and of the Uniform Administrative  
21 Procedure Act upon a motion to reopen an  
22 application from NTE Connecticut, LLC, for a  
23 certificate of environmental compatibility and  
24 public need for the construction, maintenance and  
25 operation of a 550-megawatt dual-fuel combined

1 cycle electric generating facility, and associated  
2 electrical interconnection switchyard located at  
3 180 and 189 Lake Road in Killingly, Connecticut.

4 On February 14, 2019, the Council,  
5 pursuant to a request filed by NTE Connecticut,  
6 LLC, and the provisions of Connecticut General  
7 Statutes Section 4-181AB reopened the May 11,  
8 2017, final decision rendered in this matter.

9 As a reminder to all, off-the-record  
10 communication with a member of the Council or a  
11 member of the Council's staff upon the merits of  
12 this application is prohibited by law.

13 The parties to the proceeding are as  
14 follows.

15 The applicant NTE Connecticut, LLC; it's  
16 representative, Kenneth Baldwin, Esq., of Robinson  
17 & Cole, LLP.

18 Group parties, Not Another Power Plant,  
19 NAPP; and Wyndham Land Trust represented by John  
20 Bashaw, Esq.; and Mary Intel Miller, Esq., of  
21 Read & Reige, P.C.

22 And the Sierra Club represented by  
23 Joshua Berman, Esq., from the Sierra Club, and  
24 Diana Agnes Csank, Esq., also of the Sierra Club.

25 Another party is the Connecticut Fund

1 For the Environment. Its representatives are  
2 Katherine Fiedler, Esq.; and Roger Reynolds, Esq.,  
3 from the Connecticut Fund for the Environment.

4 Another party is the Town of Killingly.  
5 It's representative is Town Manager Mary Calorio  
6 of the Town of Killingly.

7 We will proceed in accordance with the  
8 prepared agenda, copies which are available just  
9 outside the door. Also available are copies of  
10 the Council's citizens guide to Siting Council's  
11 procedures.

12 At the end of this afternoon's  
13 evidentiary session we will recess and resume  
14 again at 6:30 p.m. for the public comment session.  
15 The 6:30 p.m. public comment session will be  
16 reserved for the public to make brief oral  
17 statements into the record.

18 I wish to note that the applicant or  
19 parties, including their representatives and  
20 witnesses are not allowed to participate in the  
21 public comment session.

22 I also wish to note for those who are  
23 here and for the benefit of your friends and  
24 neighbors who are able to join us for the public  
25 comment session, that you or they may send written



1 statements to the Council within 30 days of the  
2 close of the evidentiary record, and such written  
3 statements will be given the same weight as if  
4 spoken at the hearing.

5 A verbatim transcript will be made of  
6 this hearing and deposited with the town clerk's  
7 offices in Killingly, Putnam and Pomfret for the  
8 convenience of the public.

9 Is there any public official here at  
10 this time that wishes to now make a public  
11 statement?

12  
13 (No response.)

14  
15 THE HEARING OFFICER: All right.  
16 Hearing and seeing none, we will continue.

17 NTE submitted a motion for protective  
18 order that was dated March 28, 2019, and Attorney  
19 Bachman may wish to comment.

20 MS. BACHMAN: Thank you, Mr. Chairman.

21 On March 28th the applicant filed a  
22 motion for protective order related to the  
23 third-party agreements that were requested to be  
24 submitted into the record. The information  
25 contained in the third-party agreements is market

1 sensitive proprietary commercial information that  
2 is exempt from the Freedom of Information Act.

3 The applicant has devised a protective  
4 order and a nondisclosure agreement. And all of  
5 the parties, to the best of our knowledge, have  
6 signed the nondisclosure agreements, and therefore  
7 we recommend the motion be granted.

8 MR. LYNCH: So moved.

9 MR. HANNON: Second.

10 THE HEARING OFFICER: I have a motion  
11 and a second. Any discussion?

12

13 (No response.)

14

15 THE HEARING OFFICER: Hearing none, all  
16 those in favor signify by saying aye.

17 THE COUNCIL: Aye.

18 THE HEARING OFFICER: Opposed?  
19 Abstentions?

20

21 (No response.)

22

23 THE HEARING OFFICER: The motion  
24 carries.

25

I wish to call your attention to those

1 items shown on the hearing program marked as Roman  
2 numeral 1D, items 1 through 110.

3 Does the applicant or parties and  
4 interveners have an objection to the items that  
5 the Council has administratively noticed?

6 MR. BALDWIN: No objection, Mr.  
7 Chairman.

8 MR. BASHAW: No objection.

9 MS. CSANK: No objection.

10 THE HEARING OFFICER: Thank you.

11 Accordingly, the Council hereby  
12 administratively notices these existing documents,  
13 statements and comments.

14 Attorney Baldwin, could you present your  
15 witness panel?

16 MR. BALDWIN: I will. Thank you,  
17 Mr. Chairman. Again for the record, Kenneth  
18 Baldwin with Robinson & Cole on behalf of NTE  
19 Connecticut, LLC.

20 Just so the Council is aware, we've  
21 arranged our witnesses into our starting four  
22 seated at the table, and then additional witnesses  
23 which will be seated behind given the limited  
24 space. And we'll bring them up as needed to  
25 respond to Council questions accordingly.

1           Our witness panel consists of Mr. Tim  
2 Eves, the Senior Vice President with NTE Energy  
3 Services Company, and the Vice President of NTE  
4 Connecticut; Chris Rega, Senior Vice President  
5 with NTE Energy Services Company; Ms. Lynn  
6 Gresock, Vice President with the energy department  
7 of Tetra Tech.

8           To my immediate right is Paul Hibbard, a  
9 principal with the Analysis Group, Incorporated.  
10 Also with us is Norm Thibeault, our project  
11 engineer with Killingly Engineering Associates;  
12 George Logan with REMA Ecologist Services; Scott  
13 Hesketh, the Manager of Transportation Engineering  
14 at FA Hesketh Associates; and Kevin Fowler, Senior  
15 Acoustic Engineer with Tetra Tech.

16           And I offer them at this time to be  
17 sworn, Mr. Chairman.

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1     T I M     E V E S ,  
2     C H R I S     R E G A ,  
3     L Y N N     G R E S O C K ,  
4     P A U L     J .     H I B B A R D ,  
5     N O R M     T H I B E A U L T ,  
6     G E O R G E     L O G A N ,  
7     S C O T T     H E S K E T H ,  
8     K E V I N     F O W L E R ,

9             called as witnesses, being first duly sworn  
10            by the Executive Director, were examined and  
11            testified under oath as follows:

12                     MR. BALDWIN: Mr. Chairman, we have  
13                     listed in the hearing program under Roman 2,  
14                     section A, items 1 to 42. Notice of documents  
15                     that we would ask the Council to take  
16                     administrative notice of.

17                     These are documents, just so we're  
18                     clear, that were cited to in Mr. Hibbard's  
19                     testimony and we thought it would be appropriate  
20                     to have them listed as administrative notice items  
21                     in this proceeding, and we offer them at this time  
22                     for administrative notice.

23                     THE HEARING OFFICER: Does any party  
24                     object to the admission of the applicant's  
25                     exhibits?

1 MR. BASHAW: No objection.

2 MS. CSANK: No objection.

3 THE HEARING OFFICER: Thank you.

4 Mr. Baldwin?

5 MR. BALDWIN: Moving onto the exhibits,  
6 Mr. Chairman, we have eight exhibits listed in the  
7 hearing program under Roman 2, section B, items 1  
8 through 8. Those are in the record in the hearing  
9 program. I won't read what they are, and we offer  
10 them at this time for identification purposes  
11 subject to verification by our witnesses.

12 So I would ask our witnesses to respond  
13 accordingly including those on the bench behind,  
14 if you would?

15 Did you prepare or assist in the  
16 preparation of the exhibits listed in the hearing  
17 program under Roman 2, section B, items 1 through  
18 8?

19 Ms. Gresock?

20 THE WITNESS (Gresock): Yes.

21 MR. BALDWIN: Mr. Rega?

22 THE WITNESS (Rega): Yes.

23 MR. BALDWIN: Mr. Eves?

24 THE WITNESS (Eves): Yes.

25 MR. BALDWIN: Mr. Hibbard?

1 THE WITNESS (Hibbard): Yes.

2 MR. BALDWIN: Mr. Fowler?

3 THE WITNESS (Fowler): Yes.

4 MR. BALDWIN: Mr. Thibeault?

5 THE WITNESS (Thibeault): Yes.

6 MR. BALDWIN: Mr. Hesketh?

7 THE WITNESS (Hesketh): Yes.

8 MR. BALDWIN: Mr. Logan?

9 THE WITNESS (Logan): Yes.

10 MR. BALDWIN: Do you have any  
11 corrections, modifications or clarifications to  
12 the any of the information in those exhibits that  
13 you would like to offer at this time?

14 Ms. Gresock?

15 THE WITNESS (Gresock): No.

16 MR. BALDWIN: Mr. Rega?

17 THE WITNESS (Rega): Yes, in responses  
18 of NTE Connecticut to Connecticut Siting Council  
19 interrogatory set 1, question number 11.

20 The question was referencing findings of  
21 facts number 179. Would NTE still utilize forward  
22 demineralization trailers? If no, please revise  
23 accordingly. The response was, yes.

24 The revision there would be, yes, we are  
25 still using de-mineral -- demineralization

1 trailers, but our latest design includes only two  
2 trailers as we do have a permanent system that's  
3 shown in the water treatment building on the  
4 latest -- latest site layout. Those two  
5 demineralization trailers would be used only for  
6 when firing on ULSD.

7 MR. BALDWIN: Thank you.

8 Mr. Eves, any corrections or  
9 modifications, or clarifications?

10 THE WITNESS (Eves): Yes, I have two.  
11 The set of interrogatories from the Siting  
12 Council, set one, question number 19. The answer  
13 in the third line, we may lock in the clearing  
14 price from the auction for one to seven years.  
15 That should be for one or seven years.

16 And I had a change on question  
17 number 27. The response, the gas contract has  
18 been revised increasing the firm supply daily  
19 maximum, and in the response we said 115. It's  
20 actually 110 -- 110,000 MMbtu's per day and that's  
21 it.

22 MR. BALDWIN: Thank you. Mr. Hibbard?

23 THE WITNESS (Hibbard): No.

24 MR. BALDWIN: Mr. Fowler?

25 THE WITNESS (Fowler): No.



1 MR. BALDWIN: Mr. Thibeault?

2 THE WITNESS (Thibeault): No.

3 MR. BALDWIN: Mr. Hesketh?

4 THE WITNESS (Hesketh): No.

5 MR. BALDWIN: Mr. Logan?

6 THE WITNESS (Logan): No.

7 MR. BALDWIN: And with those corrections  
8 and modifications and clarifications, is the  
9 information contained in those exhibits true and  
10 accurate to the best of your knowledge?

11 Ms. Gresock?

12 THE WITNESS (Gresock): Yes.

13 MR. BALDWIN: Mr. Rega?

14 THE WITNESS (Rega): Yes.

15 MR. BALDWIN: Mr. Eves?

16 THE WITNESS (Eves): Yes.

17 MR. BALDWIN: Mr. Hibbard?

18 THE WITNESS (Hibbard): Yes.

19 MR. BALDWIN: Mr. Fowler?

20 THE WITNESS (Fowler): Yes.

21 MR. BALDWIN: Mr. Thibeault?

22 THE WITNESS (Thibeault): Yes.

23 MR. BALDWIN: Mr. Hesketh?

24 THE WITNESS (Hesketh): Yes.

25 MR. BALDWIN: Mr. Logan?

1 THE WITNESS (Logan): Yes.

2 MR. BALDWIN: And do you adopt the  
3 information in those exhibits as your testimony in  
4 this proceeding?

5 Ms. Gresock?

6 THE WITNESS (Gresock): I do.

7 MR. BALDWIN: Mr. Rega?

8 THE WITNESS (Rega): Yes.

9 MR. BALDWIN: Mr. Eves?

10 THE WITNESS (Eves): Yes.

11 MR. BALDWIN: Mr. Hibbard?

12 THE WITNESS (Hibbard): Yes.

13 MR. BALDWIN: Mr. Logan?

14 THE WITNESS (Logan): Yes.

15 MR. BALDWIN: Mr. Hesketh?

16 THE WITNESS (Hesketh): Yes.

17 MR. BALDWIN: Mr. Thibeault?

18 THE WITNESS (Thibeault): Yes.

19 MR. BALDWIN: Mr. Fowler?

20 THE WITNESS (Fowler): Yes.

21 MR. BALDWIN: Thank you, Chairman. We  
22 offer them as full exhibits.

23 THE HEARING OFFICER: Thank you,  
24 Attorney Baldwin.

25 Does any party object to the admission

1 of the applicant's exhibits?

2 MR. BASHAW: No objection.

3 MS. CSANK: No objection.

4 THE HEARING OFFICER: Thank you. The  
5 exhibits are admitted.

6 We will now begin with cross-examination  
7 of the applicant by Mr. Perrone.

8 MR. PERRONE: Thank you, Mr. Silvestri.

9 Did the field review this afternoon  
10 generally follow the proposed site walk plan and  
11 include the four identified stops?

12 THE WITNESS (Gresock): Yes, it  
13 generally did.

14 MR. PERRONE: Turning to the response to  
15 Council interrogatories set one, number five,  
16 where there's discussion about the sulphur  
17 hexafluoride. I understand it will be using the  
18 breakers in the utility switchyard and the plant  
19 switchyard.

20 Would those switchyards then be  
21 considered gas insulated switchyards, or no?

22 THE WITNESS (Rega): They would not.  
23 Just the breakers themselves. A GIS, a gas  
24 insulated switchyard usually has all of the  
25 conductors insulated. This is just the breaker,

1 so it's just a very small amount.

2 MR. PERRONE: Would there be any  
3 expected losses of the SF-6 that would require  
4 periodic adding to the charge?

5 THE WITNESS (Rega): They would be minor  
6 losses as well as during maintenance as well, yes.

7 MR. PERRONE: Moving onto the NTE's  
8 response to intervenor interrogatories number 18  
9 where it gets into heat rate, I understand the  
10 heat rate decreases from the 47 percent load down  
11 to the 85 percent load, and then goes up again.

12 So at 85 percent full load is that the  
13 point where you have the lowest heat rate and the  
14 highest efficiency?

15 THE WITNESS (Rega): That is correct.

16 MR. PERRONE: So that would coincide to  
17 the 6500, or the 53 percent?

18 THE WITNESS (Rega): That is correct.  
19 Those numbers of course being subject to different  
20 ambient conditions, heat rates on different dates  
21 and such.

22 MR. PERRONE: Sure. Going back to this  
23 Council interrogatory set 1, number 22, where it  
24 gets into a system impact study. Based on the  
25 results of the study would KEC still -- would the

1 utility switchyard still connect to the 3271 line  
2 and split the line in both directions?

3 THE WITNESS (Rega): That's correct.

4 MR. PERRONE: Okay. Would any  
5 modifications to that transmission line be  
6 required or anticipated at this time?

7 THE WITNESS (Rega): No modifications,  
8 no, other than just intercepting the line, of  
9 course, and bringing it into the switchyard.

10 MR. PERRONE: All right. And as  
11 discussed last time just to check again, would  
12 Eversource file a petition with the Council for  
13 the utility switchyard and the transmission  
14 interconnection?

15 THE WITNESS (Rega): I believe so, yes.

16 MR. PERRONE: Okay.

17 Onto the public benefit topic. The  
18 prefiled testimony of Mr. Hibbard, page 4, the  
19 second bullet gets into about KEC being a flexible  
20 resource to support the integration of variable  
21 renewable resources. Okay.

22 And on page 24 at the bottom there's a  
23 footnote where it talks about the regional  
24 generation fleet will need to include fast  
25 flexible powerplants ready to jump in and balance

1 the variable output from wind and solar resources.  
2 That comes from ISO's REO.

3 My question is, have there been any  
4 studies done either by ISO or other entities to  
5 attempt to quantify the amount of flexible  
6 megawatts New England would need?

7 THE WITNESS (Hibbard): I can't recall  
8 whether or not some years ago ISO New England has  
9 looked in detail at that question or tried to  
10 quantify the number of megawatts. Certainly  
11 nationally studies have been done.

12 I think the difference here is the  
13 studies that I am generally familiar with in the  
14 past that have tried to quantify what is the  
15 magnitude of flexible resources needed to  
16 integrate renewable resources, we're looking at  
17 quantities of renewables that are much lower than  
18 I think we're anticipating at this point in time  
19 in the region.

20 MR. PERRONE: Next I'm going to move  
21 onto the Docket 470 findings of fact. There's a  
22 few areas I'd like to reference. Would NTE have a  
23 copy handy of that?

24 I'm going to start on number 114. And  
25 this is also on the public benefit topic.

1           Number 114 says that as an independent  
2 power production facility, the KEC project is a  
3 type of project that competitive markets were  
4 developed to create. KEC would not rely on  
5 contracts with Connecticut utilities. It would  
6 rely on market signals for capacity and energy,  
7 and ancillary services, and is responding to those  
8 market signals and identifying a need to build a  
9 plant.

10           Is this finding still true for the  
11 revised configuration?

12           THE WITNESS (Eves): Yes, it is.

13           MR. PERRONE: And the very next finding,  
14 number 115. From a transmission reliability  
15 perspective the KEC project as a Connecticut  
16 generation resource could reduce the potential  
17 impact of a loss of a transmission line importing  
18 power into the state.

19           Also as an update based on the revised  
20 configuration, would this finding also apply?

21           THE WITNESS (Eves): Yes.

22           MR. PERRONE: I'm going to move onto the  
23 comments from the Department of Energy and  
24 Environmental Protection. Page 2, the second  
25 paragraph. There's discussion about annual lead

1 emissions. Hang on one second here.

2 Also in the environmental overview in  
3 support of petition for change conditions, table  
4 four has the annual emissions for lead. And it  
5 looks like for the Mitsubishi turbine it's about  
6 five times what it is for the Siemens turbine. Is  
7 that correct, and could you tell us why?

8 THE WITNESS (Gresock): That's the way  
9 the numbers look, but it's a little bit  
10 misleading. In the time since the original  
11 application was filed we have selected a more  
12 conservative factor for -- for assessing the --  
13 the lead.

14 There's really no AP-42 factor that is  
15 specifically designed for use at this type of  
16 facility, but in this current permit we are using  
17 AP-42, section 1.4, which is the lead emission  
18 factor for natural gas fired boilers for  
19 conservatism. And we've demonstrated that even  
20 with that more conservative number the project  
21 still complies with the maximum allowable stack  
22 concentration requirements.

23 THE HEARING OFFICER: I'm just going to  
24 interject for a second on that.

25 Where is the lead coming from?



1           THE WITNESS (Gresock):  It's --  
2           certainly there will be some lead associated with  
3           ULSD firing, but we wouldn't otherwise expect to  
4           see much in the way of lead generation.  And  
5           that's probably why in the AP -- AP-42 numbers  
6           there, there wasn't any focus on developing  
7           numbers for that particular type of combustion  
8           source.

9           THE HEARING OFFICER:  Thank you.

10          MR. PERRONE:  And those emissions rates  
11          would comply with the air permit requirements?

12          THE WITNESS (Gresock):  They do, yes.

13          MR. PERRONE:  Also on page 2 of the DEEP  
14          comments, the next paragraph gets into the  
15          diversion permit.  And it mentions 540,000 gallons  
16          per day to be diverted, rather than 400,000 which  
17          is roughly the consumption of the plant.

18          Can you explain why it's the larger  
19          number?

20          THE WITNESS (Eves):  So that's under our  
21          agreement with the Connecticut Water Company.  We  
22          have a supply agreement.  We have two construction  
23          agreements.  Connecticut Water filed a diversion  
24          permit to connect their Plainfield and Crystal  
25          systems, which will make both systems more

1           reliable.

2                       So when they applied for their diversion  
3 permit they were looking at being -- bringing more  
4 benefit to the water system than just merely to  
5 meet our maximum demand.

6                       MR. PERRONE:   Skipping down towards the  
7 bottom of the page on the DEEP comments, we get  
8 into permitting.  It mentions two types of general  
9 permits, a general permit for the discharge of  
10 stormwater and dewatering wastewaters from  
11 construction activities, and a general permit for  
12 the discharge of stormwater associated with  
13 industrial activities.

14                      Would you need both general permits, and  
15 if so when would NTE apply for them?

16                      THE WITNESS (Gresock):  We expect that  
17 both will be required.  The construction permit  
18 would be filed at least 90 days prior to  
19 construction.

20                      MR. PERRONE:  Also on the permitting  
21 topic based on the DEEP comments, at the top of  
22 page 3 the wastewater from Killingly Energy Center  
23 will likely require an individual permit to  
24 discharge into the Killingly wastewater treatment  
25 plant.  When would such a permit be applied for?

1 THE WITNESS (Gresock): The application  
2 has been made and review is ongoing.

3 MR. PERRONE: And also on page 3 of the  
4 DEEP comments, DEEP believes that the Army Corps  
5 of Engineers would likely find the wetland impacts  
6 to be eligible for a preconstruction notification  
7 rather than an individual permit.

8 Does NTE agree with that?

9 THE WITNESS (Gresock): We do.

10 MR. PERRONE: Does NTE also agree that  
11 it would qualify under DEEP's section 401 water  
12 quality certification general permit?

13 THE WITNESS (Gresock): We do.

14 MR. PERRONE: Okay. And at the end of  
15 the DEEP comments the second to last paragraph  
16 there's discussion about ULSD runtime. I  
17 understand it's about 45.7 hours at full load.

18 How did NTE determine that that number  
19 is sufficient?

20 THE WITNESS (Rega): Essentially that --  
21 that number was -- was determined just in order to  
22 give us time to mobilize trucks which would  
23 deliver more fuel oil. So it gives us a 48-hour  
24 buffer essentially to start delivering more ULSD.

25 MR. PERRONE: So that approximately 46

1 hours, that would be worst case if you had no  
2 trucks to refuel you?

3 THE WITNESS (Rega): That -- that's  
4 correct, yes.

5 MR. PERRONE: And if you had continuous  
6 refueling then you could go?

7 THE WITNESS (Rega): We could run  
8 indefinitely.

9 THE WITNESS (Eves): To our permit  
10 limit.

11 THE WITNESS (Rega): Oh, of course.

12 THE WITNESS (Gresock): Thank you, Tim.

13 MR. PERRONE: Has NTE considered any  
14 additional ULSD storage, or was that not  
15 considered necessary given the firm gas  
16 arrangement?

17 THE WITNESS (Rega): It was not  
18 considered necessary.

19 MR. PERRONE: Okay. Also in the  
20 findings of fact -- I'll go back to the beginning,  
21 with number 206. There's municipal regulate and  
22 restrict orders in appeal. There's several pages  
23 of information.

24 And my question is, has NTE reviewed  
25 this information in the context of the revised

1 plan?

2 THE WITNESS (Eves): We have gone  
3 through and reviewed all of the regulate and  
4 restrict orders with the revised plan.

5 MR. PERRONE: Are there any areas that  
6 you wish to make changes, or areas that are no  
7 longer applicable? Or --

8 THE WITNESS (Gresock): We don't believe  
9 so.

10 That's -- that's true. One change that  
11 we have made is incorporating two-to-one slopes  
12 all around the perimeter of the property, whereas  
13 before we had a retaining wall near wetland X.

14 But I -- I think otherwise the partial  
15 objections really still stand.

16 MR. PERRONE: Okay. Turning to aviation  
17 safety, I understand we have an FAA no-hazard  
18 determination letter dated March 25th. The FAA  
19 requires a notice of actual construction or  
20 alteration to be filed five days after  
21 construction reaches its greatest height.

22 Would NTE provide such notice to FAA?

23 THE WITNESS (Gresock): Yes.

24 MR. PERRONE: Also on the FAA topic,  
25 finding number 298. It says, it is not necessary

1 for NTE to seek FAA determinations of no hazard  
2 for other proposed structures. The single  
3 no-hazard letter for the HRSG stack is sufficient.

4 Is that also still correct?

5 THE WITNESS (Gresock): That's still  
6 correct. It is likely that there will be FAA  
7 approval sought for construction cranes that will  
8 be taller.

9 MR. PERRONE: That was my next question.  
10 Okay. All right. Now moving onto the water  
11 topic, I'll go back to set one of the Council  
12 interrogatories. One minor question just to start  
13 with that.

14 Attachment three has the revised water  
15 balance diagram, and then we have our summary flow  
16 table. And just I assume case one-one and case  
17 two-two, that refers to case one and case two  
18 respectively?

19 THE WITNESS (Rega): Correct. Yeah,  
20 we -- yes. Yeah, it was supposed to be a  
21 subscript there instead of another one and two.

22 MR. PERRONE: And so forth?

23 THE WITNESS (Rega): Yes.

24 MR. PERRONE: Understood. Okay. Let's  
25 see. Now I'm going to move onto the Department of

1 Public Health comments.

2 Okay. And these are -- I understand we  
3 have the prior comments and the earlier comments  
4 attached. Referring to the March 14, 2019,  
5 comments, comment number one refers to the level A  
6 aquifer protection area. My understanding is that  
7 they're doing some mapping.

8 Is NTE aware of the status of such  
9 mapping?

10 THE WITNESS (Gresock): We are not.

11 MR. PERRONE: And moving onto comment  
12 number three, DPH believes that water supply  
13 infrastructure improvements must be constructed  
14 and approved for use prior to the construction of  
15 the KEC plant.

16 And my question is, if KEC is approved  
17 how would the construction of the water supply  
18 interconnection improvements prior to construction  
19 of KEC impact your construction schedule?

20 THE WITNESS (Eves): So we have -- we've  
21 had some discussions with DPH. We -- we -- the  
22 improvements to the water supply include a  
23 connection between the two systems, Plainfield and  
24 Crystal, and that includes a short interconnection  
25 from where the end of KEC -- from CWC's line ends

1 in the industrial Park.

2 So under our capacity supply obligation  
3 with ISO we need to be online in June of 2022. So  
4 we have a 32-month construction schedule. And as  
5 we look at the -- at the overall construction  
6 schedule we coordinate all of the infrastructure  
7 improvements including the gas lines and the --  
8 and the water lines and everything else that we  
9 need to build.

10 So we actually will not need the water  
11 supply or the gas supply to support the operations  
12 at the facility until, I guess, it's about  
13 November of 2021. So -- and it will take us -- so  
14 under our agreements with the Connecticut Water  
15 Company we have signed agreements. When we hit  
16 financial close we'll give them notice to proceed.  
17 They will construct those, those pipes.

18 The short connection is, they -- they  
19 will have that work done in 90 days from notice to  
20 proceed, and the connection between the two  
21 systems they will have completed in 16 months from  
22 notice to proceed, which is well within the  
23 timeframe of when we need those, those  
24 connections.

25 THE HEARING OFFICER: Mr. Lynch has a



1 followup.

2 MR. LYNCH: I have just a clarification.  
3 Could you repeat that date again, that start date  
4 for gas and water?

5 THE WITNESS (Eves): Actually, Chris?

6 THE WITNESS (Rega): Yeah, our estimated  
7 date of first fire of the unit is approximately  
8 October of 2021.

9 MR. LYNCH: Thank you.

10 THE WITNESS (Eves): And for the ISO New  
11 England when we need to be online, ready to  
12 provide power under our CSO is June 1st of 2022.

13 THE HEARING OFFICER: And Mr. Hannon  
14 also has a followup.

15 MR. HANNON: Based on what Mike was  
16 saying, I guess I'm curious as to whether or not  
17 you talked to Public Health about the wording that  
18 they've actually identified here, because they're  
19 saying the improvements must be constructed and  
20 approved for use prior to construction of the  
21 plant.

22 So to me, that's kind of -- I'm looking  
23 at it like the air bureau. You need a permit  
24 before you can put a shovel in the ground. I  
25 mean, it almost sounds like they're saying the

1 same thing. So how does that work out with the  
2 timeframes?

3 THE WITNESS (Eves): And Mr. Hannon,  
4 we've had the discussions exactly on that topic  
5 with DPH. And after our discussion they -- I  
6 think they agreed with our perspective and they  
7 said we didn't have all the data on your schedule  
8 when we reviewed these comments.

9 MR. HANNON: Would it be possible to get  
10 something to the Council to that effect?

11 THE WITNESS (Eves): Yes, we are  
12 preparing a letter to DPH which we would expect  
13 they would respond to.

14 MR. HANNON: Thank you.

15 THE HEARING OFFICER: Thank you,  
16 Mr. Hannon.

17 Mr. Perrone?

18 MR. PERRONE: So is it correct to say  
19 that the water, the water supply interconnection  
20 in the gas line would be performed concurrently  
21 with the project construction, just later in the  
22 construction?

23 THE WITNESS (Eves): Yes.

24 MR. PERRONE: Okay.

25 Okay. And then also on the DPH



1           sure that, you know, you ask for approval of this  
2           particular supply?

3                         THE WITNESS (Eves): We would expect  
4           Connecticut Water Company to do that. Right.

5                         MR. LEVESQUE: Okay. And you may want  
6           to look at a recent docket of Connecticut Water  
7           and their new subsidiary system, the Heritage  
8           Water Village for the Oxford generation plant.  
9           That may assist the company in making their PURA  
10          application in time, because I don't want you to  
11          find out about it later.

12                        THE WITNESS (Eves): Thank you.

13                        MR. LEVESQUE: And then also with that,  
14          that you confer with the Department of  
15          Transportation and the Town about their complete  
16          requirements and costs for disturbance of the  
17          roads and the restoration of those roads?

18                        THE WITNESS (Eves): Right. Right. And  
19          I know that they --

20                        MR. LEVESQUE: The routing of it?

21                        THE WITNESS (Eves): Yeah. I know that  
22          the Connecticut Water Company has -- has looked at  
23          routings and has talked to DOT.

24                        MR. LEVESQUE: And the Town?

25                        THE WITNESS (Eves): And the Town.

1 MR. LEVESQUE: For the Town's part of  
2 the road. Thank you.

3 THE HEARING OFFICER: Mr. Perrone?

4 MR. PERRONE: One last topic related to  
5 water. In the findings of fact there was a  
6 section called, gray water alternative, numbers  
7 492 through 494. It lists what the gray water  
8 alternative is and also some potential drawbacks  
9 to that alternative.

10 Has NTE considered that alternative for  
11 the revised configuration, or no?

12 THE WITNESS (Eves): No. After we  
13 entered into the agreement with the Connecticut  
14 Water Company, which is after we finished the gray  
15 water analysis, we did not look -- look back.

16 MR. PERRONE: Moving on briefly to  
17 wildlife. I understand we have the DEEP Natural  
18 Diversity Database review for state listed  
19 species, and based on the IPaC review last time  
20 the only federally listed species I believe was  
21 the northern long-eared bat, and there's a bat  
22 protection plan.

23 My question is, are there any other  
24 known federally species that could occur at the  
25 site?

1 THE WITNESS (Gresock): No others are  
2 expected.

3 MR. PERRONE: One vernal pool related  
4 question. In response to the Council  
5 interrogatory number 37 we had some discussion on  
6 the critical terrestrial habitat for the vernal  
7 pool that's in wetland B.

8 And my question is, is NTE familiar with  
9 the U.S. Army Corps of Engineers' vernal pool best  
10 management practices?

11 THE WITNESS (Gresock): We are.

12 MR. PERRONE: Would the proposed project  
13 be consistent with those BMPs?

14 THE WITNESS (Gresock): They would.

15 MR. PERRONE: One question on the air  
16 emission topic. In response to Council  
17 interrogatory 33, attachment 4, there was the  
18 revised PM 2.5 dispersion map, and I just had a  
19 couple questions on that.

20 My understanding is the area of maximum  
21 impact is in green and slightly to the south.  
22 Would that be roughly near the utility switchyard  
23 site?

24 And that's attachment four under the  
25 first set.

1 THE WITNESS (Gresock): Yes, it would.

2 MR. PERRONE: Okay. And my  
3 understanding, from the finding of fact 475 the  
4 original map was very conservative. It was based  
5 on 8260 hours of ULSD. Is this one also very  
6 conservative and based on overstated ULSD hours?

7 THE WITNESS (Gresock): It's a  
8 comparable map, yes.

9 MR. PERRONE: Okay. So based on roughly  
10 the same number of hours?

11 THE WITNESS (Gresock): Yes.

12 MR. PERRONE: But your actual limit on  
13 hours of ULSD operation, that's still about 720?

14 THE WITNESS (Gresock): It is still 720,  
15 yes.

16 MR. PERRONE: Okay. Great. And move  
17 onto the visibility topic utilizing the findings  
18 of fact. So we'll move onto the viewshed map,  
19 which is figure nine towards the end.

20 This was based on the original  
21 configuration. Now that was based on also a  
22 150-foot stack. Is that correct?

23 THE WITNESS (Gresock): That is correct.

24 MR. PERRONE: And the map has about a  
25 five-mile radius.

1 THE WITNESS (Gresock): It does.

2 MR. PERRONE: So since the proposed  
3 stack is also 150 feet tall, would the proposed  
4 35-foot shift materially affect this viewshed map?

5 THE WITNESS (Gresock): We do not  
6 believe it would.

7 MR. PERRONE: Okay. Also on that same  
8 visibility topic, beginning with figures 10  
9 through 16 which are photo simulations. Would the  
10 35-foot shift materially affect these?

11 THE WITNESS (Gresock): We do not  
12 believe so.

13 MR. PERRONE: Turning to findings of  
14 fact number 356, and this was based on the  
15 original configuration. The project would not be  
16 expected to materially impact the Last Green  
17 Valley National Heritage Area. Would that also  
18 apply to the proposed configuration?

19 THE WITNESS (Gresock): Yes.

20 MR. PERRONE: Number 357, and again  
21 based on the earlier configuration, with respect  
22 to Airline North State Park Trail in most  
23 locations dense existing vegetation would be  
24 expected to screen distant views of KEC.

25 Would that still be true?



1 THE WITNESS (Gresock): Yes.

2 MR. PERRONE: And I just have a couple  
3 more on here.

4 Number 358 refers to a national scenic  
5 byway and intervening topography, and tall dense  
6 vegetation would significantly screen views of  
7 KEC. It would also screen views of the revised  
8 KEC?

9 THE WITNESS (Gresock): Yes.

10 MR. PERRONE: And lastly, number 359  
11 where we have some state designated scenic roads.

12 Would views from those scenic roads be  
13 materially affected by revised KEC?

14 THE WITNESS (Gresock): They would not.

15 MR. PERRONE: All right. And -- all  
16 right. The very last one on visibility, number  
17 362, towards the end of 362.

18 Although clearing would be required  
19 around KEC and for temporary workspaces, an  
20 approximately 50-foot wooded buffer along Lake  
21 Road would be maintained.

22 Is that still the case?

23 THE WITNESS (Gresock): It is still the  
24 case. Either the trees will be retained or  
25 they'll be replanted.

1 MR. PERRONE: Okay. Turning to Council  
2 interrogatory response number 47, there was  
3 discussion on hydrogen, hydrogen safety measures  
4 and so forth, but this is more a conceptual  
5 question.

6 Could you tell us what the hydrogen  
7 would be used for?

8 THE WITNESS (Rega): It's used as a  
9 medium for cooling the generators, for both the  
10 steam turbine and the gas turbine.

11 MR. PERRONE: Would it be a closed-loop  
12 system where it's continuously reused?

13 THE WITNESS (Rega): It's a closed-loop  
14 system.

15 MR. PERRONE: Okay. But would you still  
16 have to have your hydrogen replenished every so  
17 often?

18 THE WITNESS (Rega): Yeah, there are  
19 small leakages that -- that can come from -- from  
20 the seals, and during outages as well you would  
21 also have to replenish that hydrogen.

22 MR. PERRONE: Okay. Also I believe the  
23 prior configuration had ammonia on site. It was  
24 referenced in finding of fact 343. The original  
25 KEC proposal would have had 12,000 gallons of

1 19 percent aqueous ammonia on site.

2 Would you also have ammonia on site for  
3 this project?

4 THE WITNESS (Rega): Yes, we would.

5 MR. PERRONE: What about the quantity?

6 THE WITNESS (Rega): It would be same  
7 quantity.

8 MR. PERRONE: The same quantity. Okay.

9 And you would have the same concrete  
10 containment area?

11 THE WITNESS (Rega): That's correct.

12 MR. PERRONE: Okay. With the same  
13 containment capacity?

14 THE WITNESS (Rega): Correct.

15 MR. PERRONE: 110 percent?

16 THE WITNESS (Rega): Yes.

17 MR. PERRONE: Okay. Would you have any  
18 use for the plant's waste heat, or is combined  
19 heat and power not usually done with combined  
20 cycle?

21 THE WITNESS (Rega): Correct, yeah.

22 It's usually not. Yeah, we use all of the -- the  
23 available heat that we can that's practical in  
24 generation of steam for the steam turbine.

25 MR. PERRONE: I just have a couple left

1 related to the noise topic. Let's see. Finding  
2 of fact 384, in NTE's municipal regulate and  
3 restrict orders filing there were some proposed  
4 mitigation measures. The fuel gas compressor  
5 would incorporate an enhanced enclosure, and the  
6 demineralized water pumps would be inside a  
7 building with a certain sound transmission class.

8 My question is, does the proposed  
9 project have these measures or something  
10 equivalent? Just the measures under finding of  
11 fact 384.

12 THE WITNESS (Gresock): Yes.

13 MR. PERRONE: So it has both? Okay.

14 That's all I have. Thank you.

15 THE HEARING OFFICER: Thank you,  
16 Mr. Perrone.

17 We'll turn now to Mr. Levesque.

18 MR. LEVESQUE: To follow up more on the  
19 water supply agreement. Do you know if  
20 Connecticut Water Company is studying an amendment  
21 to the water supply plan reflecting this contract?

22 THE WITNESS (Eves): I don't know.

23 MR. LEVESQUE: You, you'll be able to  
24 check with them?

25 THE WITNESS (Eves): Yeah.

1 MR. LEVESQUE: And for those, both the  
2 DPH and PURA review the water supply plans. For  
3 the contract money part, it's PURA's authority as  
4 far as, like, the financial and rate impacts of  
5 any major new contract to review, and the cost for  
6 the future and any impact on other ratepayers.

7 That's why the PURA side, but then the  
8 PURA side also does the water supply, and because  
9 there's two agencies for any proposed project it  
10 can take a while.

11 But that's it, Mr. Chairman.

12 THE HEARING OFFICER: Thank you.

13 We'll continue with Mr. Edelson.

14 MR. EDELSON: So the first question is  
15 for Mr. Eves. You've made a change on question  
16 number 27 in the first interrogatory. Does the  
17 second sentence still hold, that that's a  
18 sufficient quantity to support the 24-hour  
19 operation when there's a 5 percent drop in the  
20 firm supply?

21 THE WITNESS (Eves): That's correct.

22 MR. EDELSON: Okay. So that sentence  
23 doesn't change. I was pretty interested in this.  
24 I think it's the first time I've heard about it,  
25 the property value guarantee. And I'm afraid, you

1 know, in my mind I might be imagining it to be  
2 something different than what it is.

3 So I'd really like to hear from you, I  
4 guess, first where you got this concept from and  
5 then how it's planned to be implemented here?

6 THE WITNESS (Eves): So under the EJ  
7 statute we were required to enter into  
8 negotiations of a community environmental benefit  
9 agreement. So we sat down with the Town and had a  
10 lot of discussions on -- on a lot of things that  
11 we have included in -- in our CEBA agreement. And  
12 the Town Council brought up the idea of, you know,  
13 protecting the property values of -- of folks in  
14 the area.

15 We have spent time out here. We've  
16 talked to a lot of local folks who have expressed  
17 that same concern. So we came up with this  
18 concept of offering up a property value guarantee.  
19 I mean, we -- to make sure that as we build our  
20 facility there it's not going to impact these  
21 folks' property values.

22 And you know, we thought that our  
23 immediate neighbors needed the protection, and  
24 working with the Town Council we increased that to  
25 a 2500-foot radius from the -- from the center of

1           our -- of our facility.

2                   MR. EDELSON:  If I was a property owner  
3 within that, that circle, what does the guarantee  
4 say?  What does the guarantee mean?

5                   THE WITNESS (Eves):  So we sent out 16  
6 property value guarantee letters at the end of  
7 March.  We had committed to the Council we would  
8 send them out once we -- by the end of March in  
9 the year that we cleared the -- the auction.

10                   We sent out 16, the -- the property  
11 value guarantee letter.  If they signed the letter  
12 and sent it back we'll pay them -- make a payment  
13 to them of \$1500 to cover any kind of legal fees  
14 to negotiate the guarantee itself.

15                   And under that property value guarantee  
16 we give them two options, a one-time 5,000-dollar  
17 payment which we would make the payment and our --  
18 any kind of obligations under the guarantee would  
19 be -- would be over.  Or if they select a  
20 guarantee we would do an appraisal of their  
21 property and we would set a base value.  And if  
22 they sell their property any time between, you  
23 know, in the next seven years and the property  
24 value is less than the appraised value we would  
25 make up the difference.

1 MR. EDELSON: And that's based on the  
2 appraised value currently?

3 THE WITNESS (Eves): That would be on  
4 the appraised value currently. And the appraisal  
5 would take a look at -- the way we've got it  
6 worded, that we would look at other similarly  
7 situated communities that don't have industrial  
8 in -- in the neighborhood of the facility.

9 So that we could come up with, you know,  
10 I would think a pretty, pretty good appraisal of a  
11 property that didn't have, you know, the  
12 industrial next door.

13 MR. EDELSON: Just so I'm clear on that,  
14 because one of the concerns is that as soon as you  
15 announce that there will be a powerplant in my  
16 backyard, potentially my property value decreases  
17 at that moment. So this has been out there many  
18 years, the prospect that this would happen, but  
19 you're saying you're going to look at other  
20 communities?

21 THE WITNESS (Eves): We're going to look  
22 at other similarly sized communities.

23 MR. EDELSON: That don't have a -- with  
24 a powerplant?

25 THE WITNESS (Eves): Exactly.



1 MR. EDELSON: So that the powerplant is  
2 not, you know, a built-in factor?

3 THE WITNESS (Eves): Exactly.

4 MR. EDELSON: Okay. So the other thing  
5 that was intriguing to me -- and again, maybe I'm  
6 in my mind overstating what it's all about -- was  
7 in the response to number 35 in that first  
8 interrogatory about your commitment about  
9 greenhouse gas reduction.

10 And what I think I'm reading is it  
11 effectively eliminates greenhouse gas emissions  
12 from the center by 2050, and that seemed to me a  
13 very bold statement. And I was wondering if  
14 someone --

15 THE WITNESS (Eves): Certainly.

16 MR. EDELSON: -- if you want to -- can  
17 explain how you were going to do that and -- well,  
18 let's start with that.

19 THE WITNESS (Eves): So actually, you  
20 know, talking with -- with some of the intervenors  
21 as we were going through this last time we were  
22 looking at, you know, the various concerns and our  
23 being, you know, a member of this community in  
24 Connecticut. Connecticut has a reduction target  
25 of 80 percent by 2050.

1           So we came up with a reduction program  
2           that by 2050 we would reduce our greenhouse gas  
3           emissions by 80 percent. And then after 2050 we  
4           would operate with zero greenhouse gas emissions.

5           Technology -- technology is changing all  
6           the time. We think we have, you know, we have,  
7           you know, a great opportunity to take advantage of  
8           the technologies. It's going to allow us to  
9           reduce CO2.

10           We've also, in the voluntary program we  
11           put together, we put together some very specific  
12           offsets that we could purchase in the event that  
13           we don't -- we don't meet the -- meet the  
14           reduction.

15           MR. LYNCH: If I may?

16           THE HEARING OFFICER: Mr. Lynch?

17           MR. LYNCH: You led into what I was  
18           going to follow up with in that, what offsets are  
19           you getting for NOx and SO2s, and stuff? Are you  
20           eligible for them? Your statement right now  
21           sounds like you're going to utilize those to  
22           eliminate the greenhouse gases.

23           THE WITNESS (Eves): So under our --  
24           under our voluntary commitment to reduce our  
25           greenhouse gas we did -- near the end of the

1 operating period when we are really tight on those  
2 emissions we may buy offsets at that time to  
3 reduce.

4 We do not require any -- any offsets for  
5 greenhouse gases now. We will require some  
6 offsets for NOx, which was required as a portion  
7 of RP.

8 THE WITNESS (Gresock): You -- you  
9 already have those offsets for NOx.

10 THE WITNESS (Eves): Yeah.

11 MR. LYNCH: So you said the offsets are  
12 already in place?

13 THE WITNESS (Eves): Yes, they're  
14 already in place.

15 THE WITNESS (Gresock): That's correct.

16 THE WITNESS (Eves): And transferred to  
17 Connecticut, right.

18 MR. LYNCH: Thank you. Thank you, Ed.

19 THE HEARING OFFICER: Just before I have  
20 Mr. Edelson continue, I wanted to go back to the  
21 2,500-foot area that you have on properties.

22 You mentioned 16. Are there 16  
23 properties within 2,500 feet?

24 THE WITNESS (Eves): There are 19  
25 properties within the -- 19 residential properties

1 within the 2500 feet.

2 THE HEARING OFFICER: So what happened  
3 to the other three?

4 THE WITNESS (Eves): We've had -- we're  
5 having other discussions with them outside of the  
6 property value guarantee.

7 THE HEARING OFFICER: And how did you  
8 decide on 2,500 feet?

9 THE WITNESS (Eves): Strictly through  
10 discussions with the Town Council.

11 THE HEARING OFFICER: Please continue.

12 MR. EDELSON: I'm glad you asked that.  
13 So -- how do I put this? Have you seen this done  
14 in other parts of the United States? And is 2500  
15 kind of a common number? Or is this something  
16 that just came out of a local -- it's organic to  
17 Killingly?

18 THE WITNESS (Eves): I would say this  
19 is -- this is organic to our project with our --  
20 with our work with the Town Council.

21 MR. EDELSON: It's not like you have a  
22 benchmark of what was done in Iowa?

23 THE WITNESS (Eves): Right.

24 MR. EDELSON: Just to give a state.

25 Okay.

1           THE HEARING OFFICER: Mr. Harder had a  
2 followup on there, too.

3           MR. HARDER: Yes. Thank you, Mr.  
4 Chairman.

5           On both topics, actually, I just want to  
6 make sure I understand the property value  
7 guarantee. The final -- on those that choose, the  
8 property owners that choose to go with the  
9 guarantee, the final -- whether or not there's a  
10 payment that will be based simply on whether or  
11 not the appraised value is greater than the sales  
12 value when they have to actually sell the  
13 property?

14          THE WITNESS (Eves): Yeah, so there will  
15 be -- everybody who signs the letter to say, I'd  
16 like to enter an agreement, will get a payment of  
17 \$1,500. And if they select one option that says  
18 I'll take a one-time payment, then they would get  
19 another -- they would get a one-time payment.

20           If they select the property value  
21 guarantee, yes. It would be if the sales price is  
22 less than the appraised price. We would make up  
23 the difference.

24          MR. HARDER: Okay. Regardless of what  
25 may affect that. I mean, obviously property

1 values are --

2 THE WITNESS (Eves): The property has to  
3 remain in substantially the same condition, but  
4 that's the only thing we're accepting out the  
5 property value guarantee. So if there's some kind  
6 of a shift in the market and property prices go  
7 down, then if somebody had signed a property value  
8 guarantee they would be able to take advantage of  
9 that.

10 But if -- if the property is in worse  
11 condition when it's -- substantially worse  
12 condition at the time it's -- that it's sold then  
13 we would have to take that into account.

14 MR. HARDER: I'm sorry. I didn't hear  
15 the last thing you said?

16 THE WITNESS (Eves): We would have to  
17 take it into account. So the commitment is  
18 provided your property is in substantially the  
19 same condition we'll pay the difference between  
20 the appraised value and the sale price.

21 MR. HARDER: Okay. Thank you. My  
22 question on the greenhouse gas emissions, I think  
23 that caught everyone's attention, that by 2050,  
24 you -- I think the way it was stated you'll  
25 effectively eliminate emissions from the Killingly

1 Energy Center.

2 THE WITNESS (Eves): Greenhouse gas  
3 emissions.

4 MR. HARDER: Right. Right. Are you  
5 pretty confident that you can do that without  
6 offsets?

7 THE WITNESS (Eves): Yes. I mean,  
8 there's going to be a few things that when we --  
9 when we go into operation this will be a brand-new  
10 powerplant that will have a high-capacity factor.  
11 Over time the capacity factor drops off, so our  
12 hours of run will -- will be reduced. So we'll  
13 reduce emissions that way.

14 Plus I mean, there's all kind of  
15 technology changes I think that are very close in  
16 the market. So yeah, we're -- we're very  
17 confident that we can get -- we can get to that  
18 target.

19 MR. HARDER: The technology in terms of  
20 treatment of emissions?

21 THE WITNESS (Eves): Both treatment of  
22 emissions and in the combustion process itself.

23 MR. HARDER: Okay. Thank you.

24 THE HEARING OFFICER: Mr. Lynch?

25 MR. LYNCH: You know I always ask

1 questions about technology. Technology changes so  
2 rapidly. If we go -- I always use Moore's law.  
3 You know, everything changes in 18 months. You  
4 know, with new changes developing within your  
5 industry would you incorporate that into your  
6 operations?

7 I know we're not talking about Apple or  
8 anything here that happens once a year, but --

9 THE WITNESS (Eves): I would say, it  
10 depends on what the change is. I mean, something  
11 that's more efficient, more output? Yes, of  
12 course we'll incorporate that. Something that  
13 would put us in a much better position on -- on  
14 emissions? Yes, we would incorporate that.

15 MR. LYNCH: Thank you.

16 THE HEARING OFFICER: Thank you,  
17 Mr. Lynch.

18 Before I give it back to Mr. Edelson, I  
19 want to ask you the question -- because the words  
20 didn't come up "carbon capture." Would you be  
21 looking at putting on some type of controls for  
22 carbon capture?

23 THE WITNESS (Eves): I would say looking  
24 at carbon capture today, the answer to that would  
25 be probably, no. Now is that going to be a place



1 where technology really changes in the next 25, 30  
2 years? It could very well be, but today  
3 there's -- there's not a technology for carbon  
4 capture. So that would be something very  
5 difficult for us to make any kind of commitments  
6 toward.

7 THE HEARING OFFICER: Thank you.

8 I'm going to have Mr. Edelson continue.

9 MR. EDELSON: So just to be clear,  
10 you're not going to meet this objective by closing  
11 the plant down. That's not your -- that's what I  
12 was afraid of when I first read this, is there was  
13 like, you know, this is a 30-year plant and we'll  
14 meet your objective by shutting it down. That's  
15 not your --

16 THE WITNESS (Eves): That -- that would  
17 be the worst case.

18 MR. EDELSON: Well, I don't even know if  
19 you want to commit to that, but that's not what  
20 your intention is here?

21 THE WITNESS (Eves): That's not our  
22 intention.

23 MR. EDELSON: It's to identify  
24 technology first, offsets second, and keep the  
25 plant going?

1 THE WITNESS (Eves): Yes, sir.

2 MR. EDELSON: I just want to clarify  
3 because the number, the 720 hours of operating  
4 with the low sulfur diesel, that I believe is an  
5 ISO New England requirement, not something that is  
6 NTE's requirement. Is that correct?

7 THE WITNESS (Gresock): And it is  
8 something that is specifically reflected and  
9 required in the air permit. That's -- that's a  
10 limitation.

11 MR. EDELSON: And that's to make sure  
12 that you know it's working when you want it.

13 So I want to talk about, kind of,  
14 shutdown and startup because that is, from an  
15 emissions point of view, a sensitive thing.

16 And I'm hearing that these engines --  
17 and Mitsubishi specifically, talking about its  
18 quick startup to be flexible. But I'm also  
19 hearing that with renewables, that what more  
20 utilities are doing are putting reciprocating  
21 engines into their load to be able to respond.

22 The startup on the Mitsubishi is  
23 approximately how many hours until it can really  
24 provide the load, or meet the load?

25 THE WITNESS (Rega): Well, it's -- it's

1           30 -- 30 minutes or 35 minutes, I believe, until  
2           we're within emissions compliance. So we'll  
3           meet -- until we're meeting our air permit.

4           MR. EDELSON: And you're ready to  
5           contribute to the grid?

6           THE WITNESS (Rega): We're already  
7           generating up until that point, even.

8           MR. EDELSON: So how quickly is it?

9           THE WITNESS (Rega): Until  
10          synchronization? Probably, approximately 10 to 15  
11          minutes, I would say.

12          MR. EDELSON: Okay. That quickly?

13          THE WITNESS (Rega): Yes.

14          MR. EDELSON: But the emissions window,  
15          when you're not in your most efficient mode,  
16          you're saying is approximately 30 minutes?

17          THE WITNESS (Rega): Approximately 30  
18          minutes.

19          MR. EDELSON: And that's all built into  
20          the scenarios for the air emission modeling.  
21          Correct?

22          THE WITNESS (Gresock): That's right.

23          MR. EDELSON: Now in the air emission  
24          modeling -- because one of the things that I think  
25          is unique about this plant, or this town, is the

1 fact that there are two -- there will be two  
2 significant plants here.

3 When you did the air modeling, that  
4 included the existing plant as part of the  
5 baseload emissions? Or is it just looking at the  
6 air emissions from this plant.

7 THE WITNESS (Gresock): So we looked at  
8 the air emissions for this plant for parameters  
9 that were above the significant impact level  
10 thresholds. Cumulative modeling was done  
11 considering the other surrounding sources.

12 MR. EDELSON: And were there any  
13 scenarios you ran where there was, let's say,  
14 synergy between the two plants where maybe there  
15 were more than because of the way your dispersion  
16 model works -- I kind of see, you know, sometimes  
17 they can almost offset it or be independent of  
18 each other, but then other times when they are  
19 combining with each other and exacerbating the  
20 impact.

21 Was that a concern in the modeling?

22 Or --

23 THE WITNESS (Gresock): I don't think we  
24 saw a lot in the way of overlapping impacts. We  
25 were able to demonstrate compliance with the

1 National Ambient Air Quality Standards and the PSD  
2 increments.

3 Interestingly the current configuration  
4 in all instances has lowered model impacts than  
5 the Siemens model for which the air permit was  
6 originally issued.

7 MR. EDELSON: So basically no --

8 THE WITNESS (Gresock): No concerns.

9 MR. EDELSON: No concerns about the fact  
10 that from an air quality point of view we're  
11 finding combined impacts?

12 THE WITNESS (Gresock): No, not  
13 proximate enough to cause any concern. That's  
14 right.

15 MR. EDELSON: Okay. And you know,  
16 walking the property today, which was a gorgeous,  
17 piece of property it clearly wasn't farm use. Do  
18 you have any anecdotal or historical data on when  
19 it was last farmed actively?

20 THE WITNESS (Gresock): We've looked at  
21 some aerial photos. I don't know whether active  
22 farming was occurring, but certainly back in the  
23 seventies portions of the property were clearer  
24 than they were today.

25 MR. EDELSON: Okay. They were sort of

1 fields at that point?

2 THE WITNESS (Gresock): Yeah.

3 MR. EDELSON: Okay. But not clearer  
4 when the farming operation really stopped?

5 THE WITNESS (Gresock): I don't have  
6 that information handy.

7 MR. EDELSON: I think that's all the  
8 questions I have. Thank you.

9 THE HEARING OFFICER: Thank you, Mr.  
10 Edelson.

11 We'll turn now to Mr. Hannon.

12 MR. HANNON: Thank you. The  
13 environmental overview document that came in on  
14 page 10 talks about operating without duct firing,  
15 with duct firing. How often -- about how many  
16 hours a year would you be using duct firing?

17 Well, the reason I'm asking is because  
18 of the numbers that are in table three. And in  
19 comparing the Mitsubishi with the Siemens engine  
20 it looks as though a number of the pollutants may  
21 be higher with the Mitsubishi, but the primary  
22 gain is with the PM, whether it's a 2.5 or with a  
23 10.

24 But even with the duct firing that  
25 number for the Mitsubishi appears to be higher

1 than the Siemens. So I'm just trying to get a  
2 feel.

3 THE WITNESS (Eves): Actually we -- we  
4 have that number. We have -- we have a capacity  
5 factor for the duct burners, but we don't have it  
6 readily available right now. If we could get back  
7 with that answer?

8 MR. HANNON: Okay. On page 13 I need  
9 help. In the table that you have there, the last  
10 one is boundary sound walls, 16 to 28 -- what?

11 THE WITNESS (Gresock): Feet in height.

12 MR. HANNON: And is it within the  
13 structure? Is it outside the structure? I mean,  
14 I'm just lost, because there's nothing in there  
15 that also ties in with section 4.2.

16 THE WITNESS (Gresock): They are  
17 referenced in the noise report, and this is a  
18 table that's talking about height comparison. And  
19 so the 16 to 28 is feet in height.

20 MR. HANNON: So in this time around with  
21 the Mitsubishi there will be some sound barriers?

22 THE WITNESS (Gresock): Some external  
23 sound barriers have been incorporated in -- in  
24 this particular set of mitigations.

25 MR. HANNON: All right. Thank you. Now

1 we get into my fun part, the maps.

2 On the proposed grading and drainage  
3 plan I know you've got -- this is sheet one of  
4 seven. The oil tank, where is the fill area for  
5 the oil tank?

6 THE WITNESS (Thibeault): Okay. I'm  
7 sorry. Could you repeat the question, please?

8 MR. HANNON: Sure. Where is the fill  
9 area for the oil tank?

10 THE WITNESS (Thibeault): The fill area  
11 for the oil tank.

12 MR. HANNON: Because I'm assuming  
13 there's got to be some type of system that you'd  
14 pumping the oil into, which goes into the tank.  
15 I'm just curious as to where it is.

16 I'm also assuming that that area is  
17 going to be close to or on the paved area.

18 THE WITNESS (Rega): The fill area will  
19 certainly be on paved area, yes, and will be  
20 contained.

21 THE WITNESS (Thibeault): I believe  
22 there are.

23 MR. HANNON: No, I'm just trying to  
24 figure out exactly where it is.

25 THE WITNESS (Thibeault): I believe



1           there are either pull-off parking spaces right  
2           there.  You've got a paved -- you've got a paved  
3           pull-off adjacent to that where the fill are --

4                   MR. HANNON:  Those are trucks?

5                   THE WITNESS (Rega):  Yes.  Yeah, there's  
6           a road there that's kind of where the trucks are.

7                   MR. HANNON:  I used a magnifying glass  
8           on some of this stuff, but I didn't catch those  
9           trucks.  So sorry.

10                   THE HEARING OFFICER:  Let me clarify, if  
11           I could on that?  When we're talking about a fill  
12           area, could I also use the words "pipe rack" in  
13           this case?

14                   THE WITNESS (Rega):  You can use pipe  
15           rack.  I mean, we sort of call it our unloading  
16           area, fuel oil unloading area.

17                   THE HEARING OFFICER:  Yeah, I thought  
18           there was a pipe rack on that chart, too, on the  
19           drawing?

20                   THE WITNESS (Rega):  I don't believe so.  
21           Not -- not in that area of where the fuel oil tank  
22           is.

23                   THE HEARING OFFICER:  Okay.  I'll look  
24           at that and maybe get back to you later.

25                   THE WITNESS (Rega):  Sure.  Yeah.

1 THE HEARING OFFICER: All right.

2 Thank you, Mr. Hannon.

3 MR. HANNON: And then originally I  
4 think, if I remember the plans correctly, there  
5 would be a berm around the oil tank, but I think  
6 you've change the design of the oil tank so it's  
7 like a double-lined tank.

8 THE WITNESS (Thibeault): It's a  
9 double-lined tank.

10 MR. HANNON: Is that still correct?

11 THE WITNESS (Thibeault): Yeah, that's  
12 correct.

13 THE WITNESS (Rega): It's a steel  
14 containment structure.

15 MR. HANNON: And the 110 percent  
16 capacity?

17 THE WITNESS (Rega): I believe that's  
18 the number, yes.

19 MR. HANNON: Okay. The slopes, I  
20 believe people said earlier it's a two-to-one  
21 slope for the area pretty much around the plant.

22 THE WITNESS (Thibeault): Pretty much  
23 around the plant, that's correct.

24 MR. HANNON: Seeing as how you're  
25 talking in some areas of elevations of more than

1           30 feet, anybody consider putting in reverse slope  
2 benches, things of that nature?

3                   THE WITNESS (Thibeault): Well, we -- I  
4 think the, you know, the access drive to the -- to  
5 the basin, to the largest basin will -- will in  
6 fact act as a reverse slope.

7                   On the other side toward, you know,  
8 toward the -- the existing pond and on the wetland  
9 systems over there where we're trying to balance  
10 the -- the impact toward those -- toward those  
11 resources with the -- with the separation as well.

12                   So what we specified in lieu of reversed  
13 benches was to do some reinforced slopes there  
14 with -- with a fabric, an engineered fabric to  
15 keep that there. We're trying to balance the, you  
16 know, the wetland impacts with, you know,  
17 obviously with the slope reinforcement  
18 requirements.

19                   MR. HANNON: And the driveway goes  
20 pretty much around the entire perimeter of the  
21 site. That's curbed?

22                   THE WITNESS (Thibeault): Yes, it is.

23                   MR. HANNON: Okay. So that should also  
24 eliminate some of the water flow going --

25                   THE WITNESS (Thibeault): That it will

1 just be -- there will be just whatever happens to  
2 fall on those slopes. And that, that particular  
3 area as well that -- that I just mentioned on the,  
4 I guess, like the northeastern portion of the site  
5 is, that's where we had the one-to-one rock slope  
6 and our retaining wall previously.

7 But by reorienting the -- the site, sort  
8 of just pivoting it a little bit we were able to  
9 get away from there and just do a two-to-one slope  
10 in lieu of that.

11 MR. HANNON: Okay. And I think this is  
12 just an error. If you look at the elevations over  
13 by the dry basin -- I mean, I'm having a harder  
14 time reading it now because I don't have my  
15 magnifying glass with me.

16 So you look at the elevation there. It  
17 looks like there's a berm at about elevation 280.

18 THE WITNESS (Thibeault): Okay.

19 MR. HANNON: Follow the line around for  
20 the contour, it says 290?

21 THE WITNESS (Thibeault): That just may  
22 be a labeling error. It could be. It's very  
23 possible an error.

24 MR. HANNON: Okay. And that you  
25 mentioned the roadway that's over there, but I'm

1 assuming you're going to have to do some cut and  
2 fill on that. So I didn't see any diagram in the  
3 engineering details on how that was going to be  
4 installed.

5 THE WITNESS (Thibeault): It's this --  
6 this particular, you know, where -- where the road  
7 is being constructed around -- at least around the  
8 perimeter of the site is going to be substantially  
9 in fill.

10 They have the cuts. We'll have some --  
11 we'll some cuts a little further interior on the  
12 site, but around the site perimeter those, those  
13 cuts that were going to be experienced on the  
14 interior will be -- that overburden material will  
15 be utilized to construct the slope, provided we're  
16 able to get a suitable product to -- to do that  
17 and get -- and get the correct compaction.

18 MR. HANNON: And how do you handle  
19 drainage going down under that driveway?

20 THE WITNESS (Thibeault): Pardon me?

21 MR. HANNON: How do you handle the  
22 drainage going under that roadway?

23 THE WITNESS (Thibeault): The drainage  
24 we've got -- we've got a stormwater collection  
25 system within the roadway itself.

1           And as far as stormwater running onto  
2           the roadway, we've got a series of -- of  
3           depressions and some infiltration basins with  
4           underdrains throughout the site to try and keep  
5           water from running onto the road itself, and try  
6           to limit whatever happens to fall on the road to  
7           be collected and -- and conveyed to the largest  
8           detention basin that we have on site.

9           MR. HANNON: Then one thing in the  
10          engineering details. It does identify the precast  
11          concrete storm sector. But I didn't -- again, it  
12          may be because the print is too small.

13          THE WITNESS (Thibeault): Right.

14          MR. HANNON: I couldn't tell exactly  
15          where you were locating those on site.

16          THE WITNESS (Thibeault): That will be  
17          at -- there, there's one. It's going to be at  
18          the -- at the final discharge point to the largest  
19          stormwater basin. It will -- it will be located  
20          right at that point.

21          MR. HANNON: Just one?

22          THE WITNESS (Thibeault): Just one, yes.

23          MR. HANNON: You may want to think about  
24          another one at the other basin, too.

25          On the wetlands mitigation and

1 restoration plan map, this is just more of a  
2 question. You identify an area about 3700 square  
3 feet. We had, I know, originally asked for some  
4 type of pollinator area and I believe that's what  
5 this is for.

6 But where I'm a little confused is in  
7 looking at the diagram it looks as though there's  
8 a road entrance coming right off of Lake Road into  
9 the grass retention infiltration basin. So am I  
10 missing something on that diagram?

11 It's also on this sheet if you want to  
12 take that one. And it just looks like there's a  
13 driveway going straight into, you know, the grass  
14 retention infiltration basin, and I'm just curious  
15 as to what that is?

16 THE WITNESS (Gresock): Are you looking  
17 at -- you're looking at the restoration plan and  
18 seeing the paved driveway down to the south?

19 MR. HANNON: No, I'm looking at this map  
20 where you have the pollinator area, and it looks  
21 as though there's a driveway going directly into  
22 that basin. And I'm just asking what that is?

23 THE WITNESS (Thibeault): That's an  
24 existing apron that's off the road right now.  
25 That will be removed as part of the construction.

1 MR. HANNON: Okay. Thank you.

2 A couple of questions about the roadway  
3 itself.

4 Are you planning any improvements prior  
5 to the start of, assuming this gets approved,  
6 prior to construction or during construction?  
7 Because there's some spots on that road that  
8 aren't really readily accessible to larger  
9 equipment. So I'm just wondering if there's any  
10 plans to do any roadwork?

11 THE WITNESS (Eves): Yes, we do have  
12 plans to make some improvements to Lake Road.  
13 One -- once we achieve financial close and we  
14 start construction we will issue a notice to  
15 proceed, and one of the first things we expect to  
16 do is to do the road widening on Lake Road that  
17 would coincide with doing some of the civil work  
18 on -- on site. And we'll also coordinate that  
19 with installation of the water and sewer  
20 pipelines.

21 MR. HANNON: And is it possible that  
22 some repair work may have to be done at the  
23 conclusion of construction because of some of the  
24 equipment brought in?

25 THE WITNESS (Eves): Absolutely.



1 Absolutely, and that's in the agreement with the  
2 Town.

3 MR. HANNON: Okay. Thank you.

4 I'm not asking any questions on your  
5 thunder over there about the property value  
6 guarantee. I've got my questions answered on that  
7 one.

8 The only other thing that's more of a  
9 comment, and that is especially where any wetlands  
10 are involved, things of that nature, you might  
11 want to rethink just using a silt fence. It's not  
12 one of the best things to use. I mean, straw  
13 wattles, things of that nature work much better.  
14 That's better for controlling erosion.

15 So I'll throw that out as a general  
16 thought, but I believe that takes care of my  
17 questions.

18 THE HEARING OFFICER: Thank you, Mr.  
19 Hannon.

20 We'll move on now to Mr. Harder.

21 MR. HARDER: Thank you, Mr. Silvestri.

22 A couple of my questions were already  
23 answered also, but my first question is on the  
24 decommissioning bond. I believe it indicates on  
25 your application somewhere that the bond would be

1 good for the operating life of the facility.

2 How do you define the operating life?  
3 Is that for the length of time you're generating  
4 power?

5 THE WITNESS (Eves): Yes, and let me  
6 pull up the -- and that's in our community  
7 environmental benefit agreement. Let me just take  
8 a quick look at that then.

9 Yes, what we say in here is that bond  
10 will stay in place and it will step up over time  
11 until the decommissioning plan referenced in  
12 section 2F of the agreement has been implemented  
13 and completed. And we make a commitment in the  
14 CEBA to provide a detailed decommissioning plan as  
15 part of the D and M plan that you all approved.

16 So the -- the decommissioning plan we  
17 put in our D and M plan will be what needs to be  
18 implemented. That's when the bond will come  
19 into -- can be pulled.

20 MR. HARDER: Okay. So the bond would be  
21 available. It wouldn't go away when you stop  
22 generating power. It would still be available at  
23 some level while you're decommissioning?

24 THE WITNESS (Eves): Yeah. Yes, the  
25 bond would not go away until we completed the

1 decommissioning plan. So that if we stop  
2 generating and we didn't decommission, then the  
3 Town would pull the bond to decommission  
4 themselves.

5 MR. HARDER: Okay. Thank you. Could  
6 you explain -- you may have done this -- you  
7 actually did do it to some extent in the  
8 application, but how you decided to go from a  
9 Siemens system to the Mitsubishi system?

10 I'm interested in whether the Mitsubishi  
11 system -- the technology wasn't available at all?  
12 Was it a cost issue? Was it available, but just  
13 too expensive? And you know, kind of when that --  
14 the timeframe that that decision was made in?

15 THE WITNESS (Eves): So when we bid into  
16 the first auction we were based on a Siemens  
17 machine. When we didn't clear the first auction  
18 we looked at our -- at our options. It was clear  
19 that we were not competitive with the Siemens  
20 machine.

21 The Mitsubishi machine is a much more  
22 competitive machine. So we switched from Siemens  
23 to Mitsubishi based on -- really based on pricing  
24 and performance, because lower price and better  
25 performance made us more competitive in the

1 auction.

2 In the second auction we switched from  
3 Siemens to Mitsubishi, and the second -- and we  
4 had our interconnection application going through  
5 ISO New England, and we had an air permit. So  
6 when we switched from -- from Siemens to  
7 Mitsubishi we had a larger machine. And we -- and  
8 in our air permit application we curtailed the  
9 amount of duct burners that we would run so that  
10 we could stay within our interconnect agreement  
11 and within our air permit.

12 When we didn't clear the second time  
13 then we went back and we refiled our air permit.  
14 We pulled our -- our interconnect application,  
15 refiled a new system, a new interconnect  
16 require -- request so that we were able to pick up  
17 substantially more megawatts at almost no  
18 additional price, which made us much more  
19 competitive in -- in this last auction which was  
20 the main factor that we actually were able to  
21 secure, to secure a spot in that auction.

22 MR. HARDER: Thank you. I have a couple  
23 questions regarding your responses to Council  
24 interrogatories. First, the first set.

25 Let's see. Page 15.

1           This question, actually it starts on  
2 page 14. The question is, would the volume of  
3 truck traffic have a significant impact on traffic  
4 operations? And your answer is, no.

5           Could you give us a little background or  
6 a little explanation, I guess to that, to that  
7 answer?

8           I think that, you know, the thought is  
9 or maybe the assumption is that during the  
10 operation with diesel you'd be bringing a lot of  
11 trucks, and it seems given that the nature of that  
12 road even with some improvements traffic might be  
13 an issue?

14           THE WITNESS (Hesketh): Just give me a  
15 moment to clarify the numbers on trucks here.

16           I think when the -- when the plant is  
17 running in the US -- ULSD they're projecting two  
18 truck deliveries per hour on average. So it's not  
19 a significant volume of trucks. So that's the  
20 reason where we said there was no impact for the  
21 truck traffic.

22           MR. HARDER: Okay. That's the maximum  
23 you would need?

24           THE WITNESS (Hesketh): Well, that's --  
25 yes, in order to -- that's what they would be able

1 to accommodate, you know, with the --

2 THE WITNESS (Rega): That's correct.

3 Yeah, that -- oh, I'm sorry. That that keeps up  
4 with the -- with the consumption of the -- the gas  
5 turbine during the ULSD operation.

6 MR. HARDER: Okay. Thank you.

7 The next question on the same page,  
8 under question 32, there the last point you make  
9 about achieving significant decreases in the  
10 levels of wastewater. Is that just a volumetric  
11 decrease, or are there any other changes to the  
12 system that resulted maybe in qualitative changes  
13 to the nature of the wastewater?

14 THE WITNESS (Rega): No, they -- they  
15 were, I would say, primarily volume changes,  
16 volume reductions.

17 MR. HARDER: Okay. Thank you.

18 There the volume -- at least what I saw,  
19 anyway, the volume of natural gas to be provided  
20 by contract is stated in million BTUs per day.  
21 Can that be stated in cubic feet per day, not a  
22 heat value I guess, but a volume -- a volumetric  
23 value?

24 THE WITNESS (Rega): It could be. I  
25 don't think I can do it here in my head, though.

1 But I can certainly get back to you on that  
2 number. Absolutely.

3 MR. BALDWIN: I was going to be so  
4 impressed.

5 THE WITNESS (Rega): That would have  
6 been a mic drop.

7 MR. HARDER: You actually already  
8 answered my questions on the diesel usage. So  
9 that's all the questions I had. Thank you.

10 Thank you.

11 THE HEARING OFFICER: Thank you,  
12 Mr. Harder. I'll move to Mr. Lynch.

13 MR. LYNCH: Again, going last a lot of  
14 my questions have already been answered.

15 THE HEARING OFFICER: Actually, you  
16 wouldn't be last. I am.

17 MR. LYNCH: After all these years, Bob?

18 Well, I'll save the questions for you,  
19 but I do have a few questions, some of them were  
20 like Mr. Harder just did, clarifications to some  
21 of the, you know, interrogatories.

22 And let me start with the first  
23 interrogatory, set 1, question 18. And it's  
24 about -- and I'm referring to F and G. And this  
25 is where I've missed my good friend Mr. Ashton.

1 I always thought that a hot start would  
2 start a lot quicker than 30 minutes, or 45 minutes  
3 and that I didn't realize that a cold start starts  
4 at the same level. You know, what did I miss?

5 THE WITNESS (Rega): So the cold startup  
6 time as well as the hot startup time, the 35  
7 minutes is actually very fast. You know, what  
8 we're talking about there is startup to emissions  
9 compliance.

10 So again we -- we start generating  
11 power, again probably in the 10 to 15-minute  
12 range, something like that. But by the time we're  
13 meeting all of our air permit limitations it does  
14 take about 35 minutes.

15 MR. LYNCH: Where my confusion came in  
16 is I thought there would be different times.

17 THE WITNESS (Rega): Between hot and  
18 cold --

19 MR. LYNCH: I thought that the hot  
20 startup would actually be quicker?

21 THE WITNESS (Rega): The hot startup  
22 generally would be quicker. The provision that we  
23 have on this project, we have an auxillary boiler.  
24 And so we're able to keep -- keep everything warm  
25 to make those starts a whole lot, you know, a



1 whole lot quicker. So even if we're down for, you  
2 know, 72 plus hours we can keep the plant hot.

3 MR. LYNCH: And my next question on the  
4 interrogatories is towards the end on number 40.  
5 When you're talking about the magnetic fields and  
6 measuring the milligauss, you know, it says that  
7 the revenue would only increase -- the increase  
8 would be small.

9 Are there any numbers you could give to  
10 what small actually is?

11 THE WITNESS (Gresock): There are  
12 calculated levels in the attachment, attachment  
13 seven.

14 MR. LYNCH: Okay. You're making me work  
15 here.

16 I have a few questions regarding the --  
17 you also mention on 38 the tribal review. How  
18 extensive is that?

19 THE WITNESS (Gresock): So we issue  
20 correspondence to the tribes, and it really  
21 depends on whether they care to respond.

22 MR. LYNCH: Having dealt with them, I  
23 understand what you're saying, but most of the  
24 dealings I've had has been with the Narragansetts,  
25 not with the Mohegans. Do they have to be

1 consulted, too, because of the proximity of Rhode  
2 Island?

3 THE WITNESS (Gresock): There, there  
4 were two separate tribe -- tribal consultations we  
5 made, and I know we heard back from one and we did  
6 not hear back from the other.

7 MR. LYNCH: Whom did you hear back --  
8 nevermind. That's all right.

9 THE WITNESS (Gresock): I would have to  
10 look back.

11 MR. LYNCH: No, you don't have to.

12 My one question I have is when the plant  
13 is completed and going through tests, what are you  
14 going to do to blow or purge? Or what are you  
15 going to use, rather, to blow or purge the gas  
16 line so we don't have another Middletown?

17 THE WITNESS (Rega): We -- yeah, we  
18 certainly will not be using natural gas to do  
19 that. We will use some something inert, air,  
20 nitrogen most likely.

21 THE HEARING OFFICER: And when you do --  
22 are you going to have a steam blow?

23 THE WITNESS (Rega): There will be a  
24 steam blow for cleaning of the steam pipes.

25 MR. LYNCH: Well, I know it's pretty

1 loud. Would you give notice to the neighbors,  
2 that they're going to hear a loud noise?

3 THE WITNESS (Rega): Yes. I mean, we're  
4 going to do our best to -- we'll have silencers on  
5 those blows, but we would nevertheless give notice  
6 as well.

7 MR. LYNCH: Now I have some questions on  
8 the -- oh, before I leave Rhode Island, you know,  
9 I guess it's the powerplant down the road that  
10 they're looking to propose, I guess, Burrillville  
11 or whatever. I have a couple questions regarding  
12 that, seeing that the governor just came out in  
13 favor of it.

14 You know, did they also get chosen in  
15 the ISO auction along with you?

16 THE WITNESS (Eves): Not along with us.  
17 There were two units at Burrillville, and the last  
18 auction was FCA-13. They got selected for their  
19 first unit in FCA-10, but they couldn't start  
20 construction until they got their certification  
21 and the second unit through the auction.

22 They have been unable to get their  
23 second unit through the auction. So this year ISO  
24 New England revoked their CSO that they were  
25 awarded in FCA-10.

1 MR. LYNCH: Now the other -- one of the  
2 main questions I have, you know, living in New  
3 England or, you know, we are constricted for  
4 natural gas.

5 I know you have, you know, a dedicated  
6 contract, but how would that impact you if, you  
7 know, some of the other -- like, I guess, Vermont  
8 had a restriction. The Town actually had a  
9 restriction on gas usage, if that happened here in  
10 Killingly would that still impact you?

11 THE WITNESS (Eves): I don't quite  
12 understand the question.

13 MR. LYNCH: Up in Vermont the Town  
14 actually went to the gas distributor and put  
15 restrictions on what they could deliver. It was  
16 so cold.

17 And now what I'm asking you is if some  
18 of the surrounding towns here did that, what would  
19 your option be? What would your reaction be?

20 THE WITNESS (Eves): I would say that  
21 would have no impact on us. We have a firm gas  
22 supply agreement. So what that does is that  
23 guarantees us space in that pipe to deliver the  
24 gas.

25 So we have a firm gas supply agreement

1 from where the gas is produced, delivered to -- on  
2 Algonquin to interface with Yankee. Yankee is a  
3 local distribution company that will carry our gas  
4 from -- two miles from the Algonquin pipe to  
5 our -- to our powerplant.

6 So with that firm supply, with that firm  
7 supply agreement we are always guaranteed to have  
8 our percentage of -- of transportation that's --  
9 that's in that pipe.

10 MR. LYNCH: That leads me to -- I forget  
11 which interrogatory it was. I think it's in set  
12 one somewhere where you have a seven-year  
13 contract. And then you have, I think, an option  
14 for seven more years?

15 THE WITNESS (Eves): Correct.

16 MR. LYNCH: Now at the end of seven  
17 years, can you -- let's say the gas prices are so  
18 low you decide not to exercise the option, would  
19 you go to the spot market?

20 THE WITNESS (Eves): Well, there's --  
21 there's two components of gas supply. One is the  
22 gas commodity itself, and we're paying an index on  
23 the commodity which -- so if the gas price goes  
24 down, the index goes down. So our commodity price  
25 goes down.

1           And now we're paying an adder to that  
2 index price for the firm transportation. We will  
3 no doubt re-up in seven years to continue to have  
4 firm supply in that pipe.

5           MR. LYNCH: Okay. So it's the firm  
6 supply, not the price that is the, you know,  
7 that's driving this?

8           THE WITNESS (Eves): Exactly. And  
9 it's -- and it's the firm supply that guarantees  
10 that this gas flows into -- into Connecticut. So  
11 if -- if there's a, you know, polar vortex or  
12 whatever and we had bought interruptible gas, then  
13 there's a good chance that that gas would be sold  
14 in New York or somewhere else upstream in the  
15 pipe. It would never make it all the way here  
16 without us having that firm supply, that firm  
17 transportation on the pipe.

18           MR. LYNCH: Now if a liquefied gas plant  
19 was built in the area would you also entertain  
20 getting a supply from them?

21           THE WITNESS (Eves): I would say,  
22 absolutely.

23           MR. HANNON: Now I'm going to go over --

24           THE WITNESS (Hibbard): Well, I -- I was  
25 just going to add the liquefied natural gas

1 satellite storage tanks that typically have been  
2 approved are generally for the use of the local  
3 gas distribution companies, the LDCs.

4 And my experience has been that  
5 generally those LDCs, they're using them to meet  
6 peak winter demand for --

7 MR. LYNCH: Sorry. I didn't hear that?

8 THE WITNESS (Hibbard): The LDCs, the  
9 local gas companies are generally using those  
10 satellite storage facilities, which are liquid  
11 natural gas storage facilities, to meet their  
12 demands at the time of winter peak for customers  
13 that need it for heating.

14 It's not generally available. The local  
15 gas companies can make that gas available for  
16 powerplant use, but generally they have not.

17 MR. LYNCH: Okay. I was going to ask  
18 another question, but forget it. Let's go over to  
19 water for a second.

20 And I have to get number 43 out here.  
21 There's a couple questions I have regarding the  
22 water. And it goes back to, you know, the first  
23 one has to do with -- which I didn't understand.  
24 So I'm asking for a clarification.

25 The temperature of 58 degrees, you know,

1           you would only be getting, you know,  
2           50,000 gallons per day, but if it goes up over  
3           58 degrees you get upwards from a hundred thousand  
4           to 300 hundred thousand gallons per day. What am  
5           I missing here?

6                         THE WITNESS (Rega): So, yeah. We're  
7           talking in nominal numbers. As you say, it's  
8           pretty low when the temperature is below  
9           59 degrees. At 59 degrees and above there's a  
10          device in the -- the inlet of the combustion  
11          turbine called an evaporator cooler and it -- you  
12          put water into that and it essentially cools the  
13          air going into the gas turbine so that you were  
14          able to maintain your output and efficiency.

15                        So there's evaporation of that water.  
16          And so that's -- that's the little bit of a jump  
17          you see when you go from 58 degrees when you go up  
18          to a hundred degrees. All right? So in the  
19          warmer weather we use that evaporative cooler, but  
20          you're not able to use that below 59 degrees.

21                        MR. LYNCH: Now I know your allocation  
22          is up to 300 gallons per day.

23                        THE WITNESS (Eves): It's actually  
24          400,000 a day.

25                        MR. LYNCH: So I'm not good with



1 numbers. Now if you should exceed that at any  
2 given time, you know, would the water company  
3 impose a penalty? Or would you have to let them  
4 know in advance so you're not penalized?

5 THE WITNESS (Eves): Our service  
6 agreement does have provisions for minor  
7 additional flows over the 400,000. It would have  
8 to be approved beforehand or penalized, or they  
9 just wouldn't deliver. We would have to get it  
10 approved beforehand, or they wouldn't deliver.

11 MR. LYNCH: Thank you. There's also the  
12 part in the water about, you know, if you  
13 should -- if you should sell the business, you  
14 know, or someone should buy your business, the  
15 contract remains in place. Am I correct?

16 THE WITNESS (Eves): If we sell the  
17 business as a powerplant, it's stays -- the water  
18 agreement stays in place.

19 MR. LYNCH: Now I'm going to do a  
20 reversal. What if Connecticut Water Company is  
21 bought out by somebody like the, you know, the  
22 Metropolitan District, how would that affect your  
23 contract? Or would they be still the same?

24 THE WITNESS (Eves): Yes, it would still  
25 be the same.

1 MR. LYNCH: And explain -- there's also  
2 a couple provisions on, you know, whether you  
3 default on your contract. Not being an attorney,  
4 I don't really understand what those implications  
5 would be.

6 THE WITNESS (Eves): If -- if we were to  
7 default, if we didn't pay them for the water?

8 MR. LYNCH: The nonpayment. Probably,  
9 yes.

10 THE WITNESS (Eves): They would turn off  
11 our valve.

12 MR. LYNCH: Simple enough.

13 THE WITNESS (Eves): So just back to  
14 your other question, there's a provision on page 2  
15 of the water supply agreement that says, maximum  
16 daily draw. So our maximum draw of 400,000 as  
17 Chris said, would only happen when we would be  
18 firing the ULSD.

19 So the maximum -- maximum daily draw  
20 during oil fired operation may be increased  
21 upon express written authorization by the company  
22 for such duration and in such quantities as the  
23 company authorizes. This is paragraph --

24 MR. LYNCH: I did have that underlined.

25 THE WITNESS (Eves): Okay, but it says

1           it will be at their sole discretion, taking into  
2           account system demand and everything else going  
3           on, on their system.

4           MR. LYNCH: The reason I'm asking about  
5           water, not as it really applies to you, but as it  
6           applies to the Connecticut Water Company, a couple  
7           of years ago I know they answered the RFP and won  
8           the RFP to supply the University of Connecticut  
9           with water.

10           So it's really a question -- if they  
11           were here I'd ask them. Is there enough supply in  
12           their system to get the University of Connecticut,  
13           to supply you and other, you know, industrial  
14           companies around here that uses a lot of water? I  
15           know you can't answer, but --

16           THE WITNESS (Eves): I can't answer  
17           definitively, but we have spent time with  
18           Connecticut Water working with Connecticut Water  
19           discussing our needs.

20           I think the question that was asked  
21           earlier, why is the diversion permit for 540  
22           instead of 400 that they -- that they filed for?  
23           I mean, this is a great opportunity for  
24           Connecticut Water to enhance their system.

25           So as we build these infrastructure

1 improvements for Connecticut Water it's providing  
2 them the ability to enhance their system.  
3 Connecticut Water came here to a town council  
4 meeting and that was one of the questions that the  
5 town councilmembers asked Connecticut Water.

6 We want to make sure we have enough  
7 water. If another industrial wants to move into  
8 our town we want to be able to provide them. And  
9 Connecticut Water said, you have another  
10 industrial that comes in here we'll have water to  
11 provide a supply to them.

12 MR. LYNCH: And the reason I asked is a  
13 couple of years back when this area was in a  
14 drought situation, Connecticut Water did -- they  
15 didn't put restrictions on water supply, but they  
16 did ask for voluntary participation in cutting  
17 back. So -- and I remembered that, so I was just  
18 wondering how that would impact, you know -- we're  
19 not in a drought situation right now, but we could  
20 be in a couple years. Who knows.

21 Those are my questions, Mr. Chairman.

22 Thank you.

23 MR. EDELSON: Mr. Chairman, just to  
24 clarify?

25 THE HEARING OFFICER: Mr. Edelson has a

1 followup.

2 MR. EDELSON: Just to clarify, because  
3 we're using some pretty big numbers there,  
4 400,000 -- but under natural gas running what is  
5 the daily? What is the expected daily water  
6 usage, or water demand?

7 THE WITNESS (Rega): So the -- so the  
8 daily water usage under natural gas, as Chris was  
9 saying, we have two uses of water. One is for  
10 boiler makeup. That's roughly 50,000 gallons a  
11 day. It doesn't matter on the temperature.

12 If we're running the evaporative  
13 coolers, that could be up to another  
14 50,000 gallons a day. And it would start at  
15 59 degrees and that that usage would ramp up to a  
16 hundred degrees to be another 50,000 gallons. So  
17 our max day on gas would be about a hundred  
18 thousand gallons.

19 MR. EDELSON: Okay. Thank you.

20 THE HEARING OFFICER: Mr. Lynch, you're  
21 all set?

22 MR. LYNCH: I'm all set. Thank you.

23 THE HEARING OFFICER: Very good. Thank  
24 you.

25 Mr. Rega, I want to go back to that pipe

1 rack issue that I brought up before.

2 THE WITNESS (Rega): Okay.

3 THE HEARING OFFICER: If you go to your  
4 application -- and my eyes are still good on  
5 this -- figure two is what I'm looking at.

6 THE WITNESS (Rega): The original  
7 application?

8 THE HEARING OFFICER: Yeah. The drawing  
9 is so big, and it's got lots of numbers on it.  
10 But if I can read it I know you can read it.

11 Item number 43 is listed as a pipe rack.

12 THE WITNESS (Rega): Okay.

13 THE HEARING OFFICER: And now so I'm  
14 curious, what is that pipe rack for?

15 THE WITNESS (Rega): I see. Okay. Yes.  
16 So that pipe rack sits -- do you see it  
17 there?

18 THE HEARING OFFICER: Oh, I know where  
19 it is.

20 THE WITNESS (Rega): Okay. So it sits  
21 between the HRSG, our heat recovery steam  
22 generator and the air cooled condenser. And that  
23 pipe rack delivers water to our boiler from the  
24 air cooled condenser. And then once the boiler  
25 turns that into steam it delivers that steam

1           though piping to the steam turbine.

2                   THE HEARING OFFICER:   Okay.   So it has  
3           nothing to do with fuel?

4                   THE WITNESS (Rega):   Nothing to do with  
5           fuel.

6                   THE HEARING OFFICER:   All right.   So  
7           item number 44 has fuel oil unloading?

8                   THE WITNESS (Rega):   Yes.

9                   THE HEARING OFFICER:   I cannot find  
10          that.   Can you tell me where number 44 is?   I have  
11          45.   I have 46.

12                   THE WITNESS (Rega):   It would appear  
13          that that label is missing off of the drawing, but  
14          it would indeed be where you see the trucks there  
15          lined up adjacent to the oil tank.

16                   THE HEARING OFFICER:   All right.   So  
17          those little rectangles are trucks?

18                   THE WITNESS (Rega):   Yes.

19                   THE HEARING OFFICER:   I didn't know  
20          that, either.   All right.   Staying on that then  
21          there's three trucks, but what I heard is that you  
22          can only fill the tank with two at a time?

23                   THE WITNESS (Rega):   No, we'll -- it  
24          will take approximately two per hour to keep up  
25          with what we consume, but we will have extra

1 stations because there is time that it takes to  
2 hook up hoses, unhook hoses, unload that tank. So  
3 at any given time you might have more than one,  
4 perhaps even up to three trucks there.

5 THE HEARING OFFICER: Okay. I want to  
6 get to that part of it more in detail after we get  
7 through a couple other things, but thank you.

8 Mr. Eves, on page 1 of your testimony  
9 that was dated January 18th of 2019, you stated  
10 that NTE developed a suite of patents on its  
11 hybrid renewable technology. Could you briefly  
12 describe what that hybrid renewable technology is?

13 THE WITNESS (Eves): When -- and  
14 actually next month we're celebrating ten years  
15 at -- ten years of NTE in existence, but in the  
16 very early days of NTE we were looking at a  
17 renewable technology, a dispatchable renewable  
18 technology.

19 And what we developed was a system that  
20 we could incorporate a biomass boiler into a  
21 combined cycle plant. So we would put wood in a  
22 boiler. We'd make steam, and then we would put  
23 that steam either into a steam turbine, or if it  
24 was an older fossil fuel plant we could put that  
25 steam into feed a water heating cycle.



1 THE HEARING OFFICER: So the fuel is  
2 wood?

3 THE WITNESS (Eves): The fuel would be  
4 wood.

5 THE HEARING OFFICER: Wood. Okay.  
6 Thank you.

7 Mr. Hibbard, on page 2 of your prefilled  
8 testimony dated January 18, 2019, you mentioned  
9 your experience as Chairman of the Massachusetts  
10 DPU that considered and decided on energy issues  
11 including powerplants. If I have it correct, that  
12 encompassed the timeframe from April 2007 to June  
13 2010.

14 Could you briefly describe the new  
15 powerplant proposals that you were involved with  
16 during that time with the State of Massachusetts?

17 THE WITNESS (Hibbard): Sure. The --  
18 the primary one that I recall is the Bridgewater  
19 facility, I believe, was being -- was requesting  
20 permitting at the time.

21 And I wasn't there at the time it went  
22 through the final decision-making process with the  
23 board, but that was the -- the primary powerplant  
24 that was being permitted at the time I was on  
25 board.

1           THE HEARING OFFICER: Was that a  
2 ground-up new build, or an add-on?

3           THE WITNESS (Hibbard): Yes, it was -- I  
4 believe it was a combined cycle plant with backup  
5 fuel as well.

6           THE HEARING OFFICER: Okay. Staying  
7 with that prefiled testimony, you used the terms,  
8 "baseload cycling" and "peaking generation" as  
9 "flexible operating modes." Could you briefly  
10 describe those three terms?

11          THE WITNESS (Hibbard): Sure. I -- as  
12 Mr. Eves mentioned earlier, he expects early on in  
13 the operation of the facility that it will be  
14 operating at a very high capacity factor.

15          And given the heat rate of the facility  
16 and its efficiency relative to other powerplants  
17 in New England at this time I would expect it to  
18 be operating in most hours of the year when it  
19 can, because it will be economic to operate that  
20 powerplant as opposed to more expensive  
21 powerplants.

22          That's a situation where the unit would  
23 be running potentially 24 hours a day at or near  
24 full capacity, and that's what I'm referring to as  
25 baseload.

1           There may be other times where it's  
2           operating in a -- more of a load following mode.  
3           You could imagine hours where there is a lot of  
4           renewable generation on the system and the  
5           electrical demand is relatively low.

6           And at that point in time I could  
7           imagine a facility like Killingly to be operating  
8           in a mode where it really needs to be ramping up  
9           and down to help New England meet varied --  
10          variations in electrical demand, and that's what  
11          I'm referring to in terms of intermediate  
12          operation.

13          Peaking operation would be -- I would  
14          not expect it, at least in the early years for  
15          this facility, but it would be under situations  
16          where the facility really is not operating other  
17          than when it's called on to operate for just very  
18          few hours, to turn on, operate for a few hours and  
19          then shut off. And that's the -- that's what I'm  
20          referring to when I say, peaking operation.

21                 THE HEARING OFFICER: So to back up your  
22                 intermediate operation would be cycling?

23                 THE WITNESS (Hibbard): Yes.

24                 THE HEARING OFFICER: Okay. Could you  
25                 also describe the term "spinning reserve" that

1 appears on the same page?

2 THE WITNESS (Hibbard): Sure.

3 There's -- at any moment in time in New England  
4 there is not only generation that's actually  
5 putting electricity onto the system to meet  
6 demand, but a certain quantity of powerplants that  
7 are operating and ready to immediately connect to  
8 the system.

9 For example, if there was a trip at  
10 another generating plant and a sudden loss of 500  
11 or a thousand megawatts, there need to be other  
12 resources that are able to immediately connect and  
13 generate electricity.

14 And that's what I think we're going  
15 to -- that's what spinning reserve refers to. It  
16 reserves -- it refers to units that are  
17 essentially operating, but they're not  
18 interconnected and not putting power onto the  
19 system, and they're there to protect against those  
20 sorts of contingencies.

21 THE HEARING OFFICER: So you're burning  
22 fuel, but you're not synced?

23 THE WITNESS (Hibbard): Correct.

24 THE HEARING OFFICER: Okay. Here's  
25 where I'm having a hard time putting pieces

1 together -- and it goes back to the air permit.  
2 And if you look at page 3 of 18, there's a  
3 definition of transient operation.

4 And it says in part, all modes of  
5 operation at loads less than 50 percent, including  
6 periods of startup, shutdown, fuel switching and  
7 equipment cleaning. Then further down on that  
8 page are operational conditions and requirements  
9 for the CTG.

10 So section A-1F, for example, that's  
11 listed on page 4 of 18 states, no period of  
12 transit operation shall exceed 60 consecutive  
13 minutes. So overall am I correct that you would  
14 not be able to operate the CTG for megawatt  
15 production at loads less than 50 percent?

16 THE WITNESS (Gresock): That's right.  
17 That's right. We're -- we're permitted. The  
18 lowest load we're permitted is at -- is  
19 50 percent.

20 THE HEARING OFFICER: So in one of the  
21 interrogatory responses, or possibly in the  
22 application you had 47 percent load. You can't do  
23 that?

24 THE WITNESS (Gresock): Yeah. The  
25 nuance there, 47 percent there refers to 47

1 percent of total plant load which includes duct  
2 firing. The 50 percent load that we sort of speak  
3 nominally about is with respect to the gas  
4 turbine. I think the gas turbine load cannot be  
5 less than 50 percent.

6 So there's some differences in the -- in  
7 the percentages. If you compare it to the gas  
8 turbine output at a hundred percent our emissions  
9 guarantees are only down to 50 percent of gas  
10 turbine load, but that translates to about  
11 47 percent of total plant load because of the duct  
12 firing capability of the plant.

13 THE HEARING OFFICER: Well, I don't want  
14 to do semantics, but if you're looking at  
15 47 percent and the air permit says 50, I hope that  
16 you and DEEP are in agreement as to what that 50  
17 percent actually represents?

18 THE WITNESS (Gresock): The cases  
19 reflected in the dispersion modeling for 50  
20 percent are very clear.

21 THE HEARING OFFICER: So I want to go  
22 back then to the definition that Mr. Hibbard just  
23 gave me on spinning reserve. So if you have this  
24 transient operation prohibition that's there, how  
25 does spinning reserve fit into any type of

1 operation?

2 THE WITNESS (Eves): It won't fit into  
3 our operation. We will not be providing spinning  
4 reserve, for -- for a relatively quick start unit  
5 which will provide -- provide that reliability and  
6 flexibility.

7 THE HEARING OFFICER: So spinning  
8 reserve really shouldn't be in the testimony that  
9 we received?

10 THE WITNESS (Eves): That's correct. We  
11 will not be providing spinning reserve.

12 THE HEARING OFFICER: I want to move  
13 onto firm delivered natural gas contract and  
14 dual-fuel capability.

15 This started on page 6 and further on,  
16 on page 9 specifically you stated that KEC would  
17 be able to always -- and I'll emphasize the always  
18 part -- burn natural gas given its long-term firm  
19 natural gas transportation supply contract.

20 And then it's stated that it would also  
21 provide flexibility to support the delivery of  
22 natural gas for heating to critical public  
23 institutions and residents, slash, businesses  
24 under emergency conditions.

25 So my question, could you explain how

1 KEC would be able to always burn natural gas and  
2 can support the delivery of natural gas to others?

3 THE WITNESS (Eves): Yes, and I will.  
4 So we, as we discussed earlier, we'll have firm  
5 transportation on that pipe, which guarantees us  
6 delivery of natural gas whenever we want to burn  
7 it. And -- and it's in -- or it's shown on the  
8 gas contract on the confirmation page that this is  
9 a firm delivered product.

10 So let's use Yankee as an example, a  
11 local distribution company. So when you look at  
12 that pipe, that pipe has different firm  
13 transporters on it. Yankee is a firm transporter.  
14 So Yankee will get their expected maximum demand  
15 met through firm transportation, so we will always  
16 be able to pull off our firm transportation.

17 Now if there was, you know, some kind of  
18 an event, a winter event that caused Yankee's  
19 demand to -- of hospitals and schools, and those  
20 kinds of things to exceed their firm capacity on  
21 that pipe, then any other firm shipper on that  
22 pipe would be reduced a pro rata share to make  
23 sure that those important facilities got the gas.

24 But there, you've got to keep in mind  
25 that Yankee already has firm transportation on



1           there. So the times that Yankee may need a little  
2           more gas is going to be -- is going to be  
3           extremely slim. Where it would come into play  
4           would be if there were some interruption on the  
5           pipeline that some -- some curtailment.

6                         So when a pipeline has a curtailment  
7           then we would be curtailed a pro rata share.  
8           Whatever portion we had of firm transportation we  
9           would get that same percentage of the -- of the  
10          gas that was available in the pipe, assuming there  
11          was no emergency winter condition.

12                        THE WITNESS (Hibbard): And just, if I  
13          may just add?

14                        THE HEARING OFFICER: Go ahead.

15                        THE WITNESS (Hibbard): That when  
16          Mr. Eaves is talking about curtailment, that would  
17          be an event where the pipeline could not meet its  
18          firm delivery requirements. So think of the loss  
19          of a compressor or something happening on the  
20          pipeline.

21                        So it literally could not meet all of  
22          its firm delivery requirements. It's not what we  
23          often think about as a typical peak winter day  
24          where there are operational flow orders on the  
25          pipelines, or something like that. Under those

1 conditions KEC will receive its full firm  
2 commitment.

3 It would just be a situation where  
4 because of some sort of major contingency on the  
5 pipeline system the deliverer, the shipper could  
6 not meet all of the firm delivery requirements.

7 THE HEARING OFFICER: Now I have a lot  
8 of follow-up on that that I know I'm not going to  
9 get to in the five minutes that we have left  
10 before we're adjourning.

11 So I'm going to keep that in the back of  
12 mind, and if you would too? And the next time we  
13 do meet I will bring that up, because it's going  
14 to be a little bit lengthy.

15 But getting back to the current  
16 situation, Mr. Eves, you had corrected one of the  
17 submittals that it wasn't 115,000 million BTU of  
18 natural gas. It was 110. Is the pipeline sized  
19 for 110,000, or could more gas go through that  
20 pipeline?

21 THE WITNESS (Eves): So the Algonquin is  
22 considerably larger than 110. I can't tell you  
23 what it is, but we have only a relatively minor  
24 percentage of transportation in the Algonquin  
25 pipe.

1 Yankee is going to build a 16-inch pipe,  
2 replace their old pipe with -- with a new 16-inch  
3 pipe that will be able to carry everything that we  
4 need to our facility with a minimum pressure drop,  
5 and also have excess capacity to bring -- to  
6 continue to serve the customers that are on the  
7 existing pipe, and to bring more capacity into  
8 that industrial park area.

9 THE HEARING OFFICER: So if I could  
10 phrase that in another way, you would still be  
11 able to get your 110,000?

12 THE WITNESS (Eves): 110,000. Right.

13 THE HEARING OFFICER: Yeah. And there  
14 still would be more going through there that other  
15 customers will be able to get from that pipeline?

16 THE WITNESS (Eves): Right.  
17 Considerably more, yeah.

18 THE HEARING OFFICER: Thank you. Let's  
19 see if I've got a short one. All right. I'm  
20 going to go back to Mr. Rega. The size of the oil  
21 tank is still 1 million gallons. Correct?

22 THE WITNESS (Rega): It is.

23 THE HEARING OFFICER: The firing rate of  
24 the turbine now is 23,594 gallons per hour?

25 THE WITNESS (Rega): Subject to check,

1           yes.

2                         THE HEARING OFFICER:   Okay.  My  
3           calculations have that drained in approximately 42  
4           hours without replenishing.  I'm not sure where  
5           the 45.7 came from?

6                         THE WITNESS (Rega):  I would have to  
7           check.

8                         THE HEARING OFFICER:  Okay.  The concern  
9           I have on that, and going back to a comment that  
10          was made before about having two tankers being  
11          able to refill that tank in an hour.  If I'm  
12          correct on Connecticut road law, I believe the  
13          biggest tanker that you can get is 7,700 gallons.  
14          I don't think anything bigger than that could come  
15          in due to weight.

16                        So if I look at the burn, the original  
17          application in Docket 470 for burning ULSD, it was  
18          on the order of 17,500 gallons per hour.  With the  
19          Mitsubishi you're up to 23,594.  If you could only  
20          get two trucks in there at 7,700 gallons apiece,  
21          that's 15,400 gallons an hour.  How could you keep  
22          up a burn when you can't get enough oil into that  
23          tank at full load?

24                        THE WITNESS (Rega):  I understand the  
25          question.  Yes, if I could check?  I just need to

1 check the map and see -- check the assumption on  
2 7700 gallons. I don't have that calculation with  
3 me. I guess, in that case accepting that map then  
4 I guess it would be three trucks per hour rather  
5 than the two I stated earlier.

6 THE HEARING OFFICER: Yeah, I'd like a  
7 clarification on that, because you had mentioned  
8 earlier that the two trucks would keep up. My  
9 math says, no. My math says your tank isn't big  
10 enough or you don't have enough trucks to do the  
11 job.

12 THE WITNESS (Rega): Yeah. Okay. I  
13 will check, though.

14 THE HEARING OFFICER: Thank you.

15 Ladies and gentlemen, I'm going to stop  
16 here in the remaining time. The Council will  
17 recess until 6:30 p.m. this evening at which time  
18 we will commence the public comment session of  
19 this hearing.

20 Thank you.

21

22 (Whereupon, the above proceedings were  
23 concluded at 4:58 p.m.)

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CERTIFICATE

I hereby certify that the foregoing 108 pages are a complete and accurate computer-aided transcription of my original verbatim notes taken of the Regular Hearing in Re: DOCKET NO. 470B, MOTION TO REOPEN AN APPLICATION FROM NTE CONNECTICUT, LLC, FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A 550-MEGAWATT DUEL-FUEL COMBINED CYCLE ELECTRIC GENERATING FACILITY AND ASSOCIATED ELECTRICAL INTERCONNECTION SWITCHYARD LOCATED AT 180 AND 189 LAKE ROAD, KILLINGLY, CONNECTICUT, which was held before ROBERT SILVESTRI, The Hearing Officer, at the Killingly Town Hall, Killingly Town Hall Meeting Room, 172 Main Street, Killingly, Connecticut, Thursday, April 4, 2019.



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Robert G. Dixon, CVR-M 857  
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My Commission Expires: 6/30/2020

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