



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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DATE: October 28, 2010

TO: Parties and Intervenors

FROM: Daniel F. Caruso 
Chairman

RE: **DOCKET NT-2010** – Reopening of final decisions pursuant to C.G.S. §4-181a(b) for jurisdictional natural gas-fired electric generating facilities under C.G.S. §16-50i(a)(3) and C.G.S. §16-50k(a) limited to Council consideration of changed conditions and the attachment of conditions to the certificates and declaratory rulings consistent with the findings and recommendations in the Final Report issued by the Kleen Energy Plant Investigation Review Panel (Nevas Commission) and the findings and recommendations in the Executive Report issued by the Thomas Commission.

The Nevas Commission Final Report urged the Connecticut Siting Council (Council) to attach as conditions to any permit it issues, language that addresses the findings of the Nevas Commission and the adoption of the specific recommendations of the Thomas Commission.

The Thomas Commission issued its Executive Report on September 21, 2010. Recommendation #5 of the Report urges the Council to “make the recommendations of this Commission applicable to **existing power plants** where necessary” (emphasis added).

Since the Nevas Commission, Thomas Commission and the Governor’s Executive Order #45 directly relate to “natural gas fired power plants,” Council staff conducted an analysis of electric generating facilities under Council jurisdiction that use natural gas. Under Section 4-181a(b) of the Administrative Procedures Act (APA), on a showing of changed conditions, the Council may modify a final decision at any time on its own motion and shall follow the procedure for contested cases. Section 4-166 (3) of the APA defines a “final decision” as “(A) the agency determination in a contested case; (B) a declaratory ruling issued by an agency pursuant to section 4-176...”

At a regular meeting held on October 21, 2010, the Council voted to reopen the final decisions of several jurisdictional facilities, a list of which is attached hereto. Enclosed please find the Council’s notice of hearing and request for responses to interrogatory questions.

Also, please provide the appropriate contact information, including e-mail addresses if future notification of matters concerning this docket by e-mail is acceptable.

Fuel cell decisions will likely be heard on Tuesday, December 14, 2010. A draft hearing program will be forthcoming.



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