



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

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Hearing Program

Docket No. 470C

Tuesday, April 1, 2025

2:00 p.m./6:30 p.m.

### I. Opening by Council

A. Statement read by Chair Designate

B. Motions

1. Windham Energy Center, LLC Motion for Protective Order – Responses to Interrogatory Nos. 9 and 11 – Option Agreements Financial Terms, dated March 21, 2025.

C. Administrative Notice taken by Council

### **FEDERAL**

1. United States Energy Information Administration, *Levelized Cost and Levelized Avoided Cost of New Generation Resources in Annual Energy Outlook 2022*, March 2022, available at [https://www.eia.gov/outlooks/aeo/pdf/electricity\\_generation.pdf](https://www.eia.gov/outlooks/aeo/pdf/electricity_generation.pdf)
2. United States Fish and Wildlife Service, New England Field Office, Addressing Northern Long-eared Bat, available at <https://www.fws.gov/office/new-england-ecological-services/endangered-species-project-review#Step4>

### **REGIONAL**

3. ISO-New England, Inc., *Operational Fuel-Security Analysis*, January 17, 2018, available at [https://www.iso-ne.com/static-assets/documents/2018/01/20180117\\_operational\\_fuel-security\\_analysis.pdf](https://www.iso-ne.com/static-assets/documents/2018/01/20180117_operational_fuel-security_analysis.pdf)
4. ISO-New England, Inc., *2023 Regional System Plan*, November 1, 2023, [https://www.iso-ne.com/static-assets/documents/100005/20231114\\_rsp\\_final.pdf](https://www.iso-ne.com/static-assets/documents/100005/20231114_rsp_final.pdf)
5. ISO-New England, Inc., *Regional System Plan Project List*, October 2024, available at <http://www.iso-ne.com/system-planning/system-plans-studies/rsp>
6. ISO-New England, Inc., *2024-2033 Forecast Report of Capacity, Energy, Loads & Transmission (CELT)*, revised May 17, 2024, available at <https://www.iso-ne.com/system-planning/system-plans-studies/celt>
7. ISO-New England, Inc., *ISO New England's Internal Market Monitor 2023 Annual Markets Report*, May 24, 2024, available at <https://www.iso-ne.com/static-assets/documents/100011/2023-annual-markets-report.pdf>

8. ISO-New England, Inc., *Interconnection Request Queue*, available at <https://www.iso-ne.com/system-planning/transmission-planning/interconnection-request-queue>
9. ISO-New England, Inc., *New England's Forward Capacity Auction Closes with Adequate Power System Resources for 2027/2028*, February 9, 2024, available at [https://www.iso-ne.com/static-assets/documents/100008/20240209\\_pr\\_fca18\\_initial\\_results.pdf](https://www.iso-ne.com/static-assets/documents/100008/20240209_pr_fca18_initial_results.pdf)
10. ISO-New England, Inc., *FCA Results Filing in FERC Docket No. ER24-\_\_\_\_-000*, February 21, 2024, available at [https://www.iso-ne.com/static-assets/documents/100008/er24-\\_\\_\\_\\_-000\\_fca\\_18\\_results\\_filing.pdf](https://www.iso-ne.com/static-assets/documents/100008/er24-____-000_fca_18_results_filing.pdf)
11. ISO-New England, Inc., *Connecticut 2034 Final Needs Assessment Scope of Work*, August 20, 2024, available at [https://www.iso-ne.com/static-assets/documents/100014/final\\_connecticut\\_2034\\_na\\_sow.pdf](https://www.iso-ne.com/static-assets/documents/100014/final_connecticut_2034_na_sow.pdf)

## **STATE**

### **Connecticut Siting Council**

12. Connecticut Siting Council, *2024 Review of the Ten-Year Forecast of Connecticut Electric Loads and Resources*, December 19, 2024, available at [https://portal.ct.gov/-/media/csc/1\\_dockets-medialibrary/forecast2024/2024-forecast-report-final-wcvrmemo\\_a.pdf?rev=f73a2ba10b11466ebb2edcc4c734ecb5&hash=E3BD32719F72DE1DC165C380B7044942](https://portal.ct.gov/-/media/csc/1_dockets-medialibrary/forecast2024/2024-forecast-report-final-wcvrmemo_a.pdf?rev=f73a2ba10b11466ebb2edcc4c734ecb5&hash=E3BD32719F72DE1DC165C380B7044942)
13. Connecticut Siting Council, *White Paper on the Security of Siting Energy Facilities*, October 8, 2009, available at [https://portal.ct.gov/-/media/CSC/Dockets-and-Other-Pending-Proceedings/Dockets300-400/docket\\_346/whitepprFINALpdf.pdf](https://portal.ct.gov/-/media/CSC/Dockets-and-Other-Pending-Proceedings/Dockets300-400/docket_346/whitepprFINALpdf.pdf)
14. Connecticut Siting Council, *2022 Analysis of Life-Cycle Costs of Electric Transmission Lines*, January 5, 2023, available at [https://portal.ct.gov/-/media/CSC/1\\_Dockets-medialibrary/LifeCycle/2022LifeCycle/Lifecycle2022finalmemoandreport\\_s.pdf](https://portal.ct.gov/-/media/CSC/1_Dockets-medialibrary/LifeCycle/2022LifeCycle/Lifecycle2022finalmemoandreport_s.pdf)
15. Connecticut Siting Council, Docket No. 470B – NTE Connecticut, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 550-megawatt dual-fuel combined cycle electric generating facility and associated electrical interconnection switchyard located at 180 and 189 Lake Road, Killingly, Connecticut. Reopening of this application based on changed conditions pursuant to Connecticut General Statutes §4-181a(b). Record, Final Decision and Development and Management Plan, available at [https://portal.ct.gov/csc/1\\_applications-and-other-pending-matters/applications/3\\_docketnos400s/docket-no-470b-ntekillingly](https://portal.ct.gov/csc/1_applications-and-other-pending-matters/applications/3_docketnos400s/docket-no-470b-ntekillingly)
16. Connecticut Siting Council, Docket No. 527 - Windham Energy Center, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 325-megawatt battery energy storage facility and associated equipment located at 189 Lake Road, Killingly, Connecticut, and associated

electrical interconnection, available at [https://portal.ct.gov/csc/1\\_applications-and-other-pending-matters/applications/4\\_docketnos500s/docket-no-527](https://portal.ct.gov/csc/1_applications-and-other-pending-matters/applications/4_docketnos500s/docket-no-527)

17. Connecticut Siting Council, Docket No. 470C - NTE Connecticut, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 650-megawatt dual-fuel combined cycle electric generating facility and associated electrical interconnection switchyard located at 180 and 189 Lake Road, Killingly, Connecticut. Certified Mailing Return Receipts for Connecticut Secretary of the State; NTE Energy Services Company, LLC and NTE Energy, LLC; Delaware Department of State, Division of Corporations; Florida Department of State, Division of Corporations; Graham Jesmer, Esq., ISO – New England, Inc.; Thomas O. Lemon, Esq., Eversource Energy Service Company; and NTE Connecticut, LLC.

**Department of Energy and Environmental Protection**

18. Department of Energy and Environmental Protection, Bureau of Energy and Technology Policy, *2018 Comprehensive Energy Strategy for Connecticut*, February 8, 2018, available at <https://portal.ct.gov/-/media/DEEP/energy/CES/2018ComprehensiveEnergyStrategypdf.pdf>
19. Department of Energy and Environmental Protection, *2020 Integrated Resource Plan for Connecticut*, October 2021, available at <https://portal.ct.gov/DEEP/Energy/Integrated-Resource-Planning/Integrated-Resource-Planning>
20. Department of Energy and Environmental Protection, Stormwater Program, *Stormwater Construction Filings*, available at <https://filings.deep.ct.gov/DEEPPortal/PublicSearch/SWC>
21. Department of Energy and Environmental Protection, Stormwater Program, *General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities*, available at [https://portal.ct.gov/-/media/DEEP/Permits\\_and\\_Licenses/Water\\_Discharge\\_General\\_Permits/stormconstgp.pdf.pdf](https://portal.ct.gov/-/media/DEEP/Permits_and_Licenses/Water_Discharge_General_Permits/stormconstgp.pdf.pdf)

**Other State Agencies**

22. Office of Policy and Management, *Conservation and Development Policies Plan for Connecticut 2018-2023*, adopted May 4, 2022, available at <https://portal.ct.gov/OPM/IGPP/ORG/Conservation-and-Development-Policies-Plan/Conservation-and-Development-Policies-Plan>
23. Final Report of the Two Storm Panel, January 9, 2012, available at [http://www.governor.ct.gov/malloy/lib/malloy/two\\_storm\\_panel\\_final\\_report.pdf](http://www.governor.ct.gov/malloy/lib/malloy/two_storm_panel_final_report.pdf)
24. Governor's Council on Climate Change, *Taking Action on Climate Change and Building a More Resilient Connecticut for All (Phase I Report: Near-Term Actions January 2021)*, available at [https://portal.ct.gov/-/media/deep/climatechange/gc3/gc3\\_phase1\\_report\\_jan2021.pdf](https://portal.ct.gov/-/media/deep/climatechange/gc3/gc3_phase1_report_jan2021.pdf)

25. Public Utilities Regulatory Authority, 2022 *Connecticut Public Utility Annual Cybersecurity Report*, March 31, 2023 available at <https://portal.ct.gov/-/media/PURA/electric/2022-Connecticut-Public-Utility-Annual-Cybersecurity-Report.pdf>
26. *Corcoran v. Conn. Siting Council*, 284 Conn. 455 (2007).
27. *Woodbridge Newton Neighborhood Env't Trust, et al v. Conn. Siting Council*, 2024 Conn. LEXIS 163 (2024)

#### **TECHNICAL**

28. Institute of Electrical and Electronics Engineers, *National Electrical Safety Code*, American National Standards Institute, Standard C2-2023, February 1, 2023.
29. National Fire Protection Association 70: *National Electrical Code*, 2020.

#### **ENVIRONMENTAL**

30. United States Army Corps of Engineers, *Regional Permits for the State of Connecticut*, Effective Date December 15, 2021, Expiration Date December 15, 2026, available at: [https://portal.ct.gov/-/media/DEEP/Permits\\_and\\_Licenses/Land\\_Use\\_Permits/LWRD/USACEctGeneralPermit2021.pdf](https://portal.ct.gov/-/media/DEEP/Permits_and_Licenses/Land_Use_Permits/LWRD/USACEctGeneralPermit2021.pdf)

#### **MAPS**

31. Connecticut Department of Energy and Environmental Protection, *Natural Diversity Database Maps for the Town of Killingly*, June 2024 available at <http://www.depdata.ct.gov/naturalresources/endangeredspecies/nddbpdfs.asp>
32. Connecticut Department of Energy and Environmental Protection, *Aquifer Protection Area Maps*, last updated December 23, 2021, available at <https://portal.ct.gov/deep/aquifer-protection-and-groundwater/aquifer-protection/aquifer-protection-area-maps>
33. Connecticut Department of Energy and Environmental Protection, *Connecticut Northern Long-eared bat Observations by Town*, last updated July 24, 2023, available at <https://portal.ct.gov/-/media/deep/nddb/nolongearedbat-map.pdf>
34. Connecticut Department of Energy and Environmental Protection, *Connecticut Critical Habitats Interactive Map*, available at <https://ct-deep-gis-open-data-website-ctdeep.hub.arcgis.com/datasets/critical-habitats/explore?location=41.654537%2C-72.831884%2C16.73>
35. Connecticut Forest & Park Association, *Blue-Blazed Hiking Trails Interactive Map*, available at <https://www.ctwoodlands.org/blue-blazed-hiking-trails/blue-blazed-hiking-trails-interactive-map>

36. National Audubon Society, *Connecticut Important Bird Areas Interactive Map*, available at [https://gis.audubon.org/portal/apps/sites/?\\_gl=1\\*\\_jvotz7\\*\\_ga\\*MjEzOTE0NjgxNi4xNjcxMTM0NzA4\\*\\_ga\\_X2XNL2MWTT\\*MTY4MTI0NTQ2NC4zLjEuMTY4MTI0NTU0MS41My4wLjA.#/nas-hub-site/pages/data-review](https://gis.audubon.org/portal/apps/sites/?_gl=1*_jvotz7*_ga*MjEzOTE0NjgxNi4xNjcxMTM0NzA4*_ga_X2XNL2MWTT*MTY4MTI0NTQ2NC4zLjEuMTY4MTI0NTU0MS41My4wLjA.#/nas-hub-site/pages/data-review)
  37. Connecticut Department of Transportation - Connecticut Official State Maps, available at [https://portal.ct.gov/DOT/PP\\_Bureau/Documents/Maps](https://portal.ct.gov/DOT/PP_Bureau/Documents/Maps)
  38. Connecticut Department of Energy and Environmental Protection, 2022 Forest Action Plan Priority Areas Map, available at <https://ctdeep.maps.arcgis.com/apps/webappviewer/index.html?id=d4d74b090d8047ca80bb4b9ff6baa819>
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II. Appearance by Moving Party

Windham Energy Center, LLC (WEC)

Representative:

Emilee Mooney Scott, Esq.  
Robinson & Cole LLP

A. Administrative Notice.

1.

B. Exhibits for Identification.

1. Motion to Reopen and Modify the Council's June 7, 2019 final decision to issue a Certificate to NTE Connecticut, LLC for the construction, maintenance and operation of a natural gas-fueled electric generating facility at 180 and 189 Lake Road in Killingly, Connecticut specifically limited to a determination as to the status of the existing Certificate based on changed conditions pursuant to Connecticut General Statutes §4-181a(b), received November 25, 2024, and attachments.
2. Correspondence Regarding Efforts to Contact NTE, dated January 29, 2025
3. Sign Posting Affidavit, dated March 19, 2025
4. Responses to Council Interrogatories, dated March 19, 2025
5. Supplemental Response to Council Interrogatory No. 17, dated March 27, 2025

C. Swear Witnesses

1. Kenneth Baldwin, Esq., Robinson & Cole, LLP, Windham Energy Center, LLC
2. Zvi Nixon, Esq., E. Landau Law Offices, Sunflower Sustainable Investments, Ltd.

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
2. Certificate Holder
3. Grouped Parties

- a. Not Another Power Plant (NAPP)
- b. Sierra Club
- c. Wyndham Land Trust
4. Town of Killingly
5. CT Fund for the Environment

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III. Appearance by Certificate Holder: NTE Connecticut, LLC (NTE)

Representatives:

Kenneth C. Baldwin, Esq.  
Earl W. Phillips, Jr., Esq.  
Jonathan Schaefer, Esq.  
Robinson & Cole LLP

A. Administrative Notice.

- 1.

B. Exhibits for Identification.

- 1.

C. Swear Witnesses

- 1.

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
2. Moving Party
3. Grouped Parties
  - a. Not Another Power Plant (NAPP)
  - b. Sierra Club
  - c. Wyndham Land Trust
4. Town of Killingly
5. CT Fund for the Environment

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IV. Appearance by Grouped Parties: Not Another Power Plant (NAPP)  
Sierra Club (SC)  
Wyndham Land Trust (WLT)

Representatives:

John Bashaw, Esq.  
Mary Mintel Miller, Esq.  
Reid and Riege, P.C.

Joshua Berman, Esq., Sierra Club  
Diana Agnes Csank, Esq., Sierra Club

A. Administrative Notice.

1.

B. Exhibits for Identification.

1.

C. Swear Witnesses

1.

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
2. Moving Party
3. Certificate Holder
4. Town of Killingly
5. CT Fund for the Environment

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V. Appearance by Party:

Town of Killingly (Town)

Representatives:

Richard P. Roberts, Esq.  
Ann Catino, Esq.  
Halloran & Sage LLP

A. Administrative Notice.

1.

B. Exhibits for Identification.

1.

C. Swear Witnesses

1.

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
2. Moving Party

3. Certificate Holder
4. Grouped Parties
  - a. Not Another Power Plant (NAPP)
  - b. Sierra Club
  - c. Wyndham Land Trust
5. CT Fund for the Environment

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VI. Appearance by Party:

Connecticut Fund for the Environment  
(CFE)

Representatives:

Katherine M. Fiedler, Esq.  
Roger Reynolds, Esq.  
Connecticut Fund for the Environment

A. Administrative Notice.

- 1.

B. Exhibits for Identification.

- 1.

C. Swear Witnesses

- 1.

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
2. Moving Party
3. Certificate Holder
4. Grouped Parties
  - a. Not Another Power Plant (NAPP)
  - b. Sierra Club
  - c. Wyndham Land Trust
5. Town of Killingly

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VII. Closing by Connecticut Siting Council.