

EMILEE MOONEY SCOTT

One State Street  
Hartford, CT 06103  
Main (860) 275-8200  
Fax (860) 275-8299  
escott@rc.com  
Direct (860) 275-8362

Also admitted in Massachusetts

May 1, 2025

*Via Electronic and Hand Delivery*

Melanie A. Bachman  
Acting Executive Director  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

Re: **Docket No. 407C – 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. Reopening of this Certificate based on changed conditions specifically limited to the status of the existing Certificate, pursuant to Connecticut General Statutes §4-181a(b)**

Dear Attorney Bachman:

Enclosed please find an original and fifteen (15) copies of Windham Energy Center, LLC's Post-Hearing Brief and Proposed Finding of Fact regarding the above-referenced docket. Electronic copies of this Post-Hearing Brief and Proposed Finding of Fact have also been sent to the Council today.

If you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,



Emilee Mooney Scott

Enclosure

32092164-v1

<b>DOCKET NO. 470C</b> – 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. Reopening of this Certificate based on changed conditions specifically limited to the status of the existing Certificate, pursuant to Connecticut General Statutes §4-181a(b).	} } } } } }	Connecticut Siting Council May 1, 2025
---	----------------------------	---

**Proposed Findings of Fact**

**Introduction**

1. On June 6, 2019 the Connecticut Siting Council (Council) issued to NTE Connecticut, LLC (NTEC) a Certificate of Environmental Compatibility and Public Need (NTEC Certificate) for the construction, maintenance, and operation of a 650-megawatt dual-fuel combined cycle electric generating facility (Project) located at 189 Lake Road, Killingly, Connecticut (Property) and associated electrical interconnection switchyard located at 180 Lake Road, Killingly, Connecticut. (Docket No. 470B, Council Decision and Order, Opinion and Findings of Fact, June 6, 2019, collectively the “470B Decision and Order”)
2. Pursuant to Conn. Gen. Stat. § 4-181a(b), Windham Energy Center, LLC (WEC) on November 24, 2024 filed a Motion to Reopen Docket No. 470B for the limited purpose of evaluating the changed conditions as set forth below and modifying, based on such changed conditions, its 470B Decision and Order. (470C Motion to Reopen)
3. On February 6, 2025 the Council granted the 470C Motion to Reopen, specifically limited to a determination as to the status of the existing NTEC Certificate, pursuant to Connecticut General Statutes (CGS) §4-181a(b), with proceedings conducted under Docket No. 470C.

**Related Matters**

***NTEC Certificate***

4. Pursuant to Connecticut General Statutes (C.G.S.) §16-50g et seq., on August 17, 2016, NTEC applied to the Council (470 Application) for a Certificate for the construction, maintenance, and operation of the Project. (470 Application, Vol. 1, p. 1)
5. NTEC was a Delaware Limited Liability Company with principal offices located at 24 Cathedral Place, Suite 300, St. Augustine, Florida. NTEC was an affiliate of NTE Energy, LLC (NTE Energy). (470 Application, Vol. 1, p. 1)
6. NTEC originally sought to receive a Capacity Supply Obligation (CSO) for the 2020-2021 capacity commitment period for the Project through participation in ISO New England, Inc.’s (ISO-NE) Forward Capacity Auction (FCA) #11. (Docket No. 470, Findings of Fact # 1 and 95; Docket No. 470B, Finding of Fact # 6)

7. FCA #11 was held on February 6, 2017 and had six rounds of competitive bidding. NTEC participated in five rounds of bidding, but subsequently withdrew from the auction before it was concluded because of concerns about cost and schedule uncertainties regarding its ongoing permitting efforts. Thus, NTEC did not receive a CSO for the Project in FCA #11. (Docket No. 470, Findings of Fact #1, #99 and #100; Docket No. 470B, Finding of Fact #7)
8. On May 11, 2017, the Council issued its Decision and Order, Opinion and Findings of Fact (collectively the “470 Decision”), denying, without prejudice, NTEC’s application for a Certificate. (Docket 470, Council Findings of Fact, Opinion, and Decision and Order dated May 11, 2017)
9. On January 19, 2018, NTEC applied to the Council to reopen this docket, and modify the 470 Decision, based on changed conditions, including the removal of certain cost and schedule uncertainties, an upgrade to the turbine technology, and an expectation that the Project would receive a CSO in FCA #12. The Project participated in FCA #12, but did not receive a CSO. On February 8, 2018, NTEC withdrew its 2018 Motion to Reopen. (Motion of NTE Connecticut LLC to Reopen and Modify the Decision in Docket No. 470 Due to Changed Conditions dated January 18, 2019 (“470B Motion”), at 3)
10. On January 18, 2019, NTEC applied to the Council to reopen Docket No. 470, and modify the 470 Decision, based on changed conditions, including a change in the size of the facility from 550 MW to approximately 650 MW. (470B Motion)
11. On February 14, 2019, the Council granted NTEC’s motion to reopen the docket based on changed conditions. (Docket. No. 470B, Council Decision on Motion to Reopen and Modify dated February 15, 2019)
12. On June 6, 2019, the Council granted the NTEC Certificate. (470B Decision and Order)

### ***WEC Application***

13. Battery energy storage system (BESS) projects are a necessary component of Connecticut’s energy portfolio, consistent with the state and region’s decarbonization goals. (*Docket No. 527, Windham Energy Center, LLC application for a Certificate of Environmental Compatibility and Public Need, Application, Oct. 11, 2024, the “527 Application” p. 4; 527 Application App. B, p. 1-5*)
14. On October 11, 2024, WEC filed an application to construct a 325-megawatt BESS at the Property. (527 Application)
15. On November 8, 2024, the Council notified WEC that the 527 Application was incomplete because there was a “valid Council-issued Certificate of Environmental Compatibility and Public Need (Certificate) for an electric generating facility” at the Property and therefore it was “premature” for the Council to review the 527 Application before the NTEC

Certificate expired on September 28, 2026 or was surrendered. (527 Notice of Incomplete Application)

16. On December 17, 2024, WEC requested that the Council extend its deadline for filing a complete application in Docket No. 527 until the 470C Motion to Reopen was resolved. (Docket No. 527, WEC Extension Request to Council, Dec. 17, 2024)
17. On February 7, 2025, the Council extended WEC's deadline for filing a complete application in Docket No. 527 until the Council issues a final decision on the 470C Motion to Reopen, noting that the "incompleteness of Docket No. 527 cannot be resolved" until the status of the NTEC Certificate is resolved. (Docket Nos. 527 and 470C, Council Letter, Feb. 7 2025)

### **Council Procedures**

18. On February 6, 2025 the Council reopened its decision in Docket No. 470B due to changed conditions, as requested by WEC in the 470C Motion to Reopen. (470C Hearing Notice)
19. On March 5, 2025, the Council held a pre-hearing conference on procedural matters for parties and intervenors.
20. Pursuant to R.C.S.A § 16-50j-21, on March 17, 2025, WEC erected a public notice sign at the Property. The sign presented information regarding the 470C Motion to Reopen and the Council's public hearing. (470C Sign Posting Affidavit)
21. Pursuant to C.G.S. § 16-50m, the Council, after giving due notice thereof, held an evidentiary hearing on April 1, 2025 at 2:00 pm and a public comment session on April 1, 2025 at 6:30 pm, both remote via Zoom. (Tr.)

### **Status of Relevant Entities**

#### *NTEC*

22. NTEC was the applicant in Docket Nos. 470 and 470B. (470 Application; 470B Application)
23. In the application filed in Docket No. 470, NTEC acknowledged that it was an affiliate of NTE Energy. (470 Application, p. 1)
24. NTEC was formed as a Delaware LLC in December 2015. (470C Motion to Reopen, Ex. B)
25. NTEC withdrew its registration to do business in Connecticut in March 2023. (470C Motion to Reopen, Ex. A)
26. NTEC was dissolved as a Delaware LLC in December 2023. NTEC's Certificate of Cancellation was signed by Stephanie Clarkson. (470C Motion to Reopen, Ex. B)

27. Robinson & Cole, LLP's relationship with NTEC ended in May 2022. Attorneys Baldwin, Phillips and Schaefer are aware of this matter. (WEC Response to Interrogatory No. 4)
28. Attorney Paul McCary of Murtha Cullina has retired from the practice of law and no longer represents NTEC. (WEC Response to Interrogatory No. 4)
29. Tim Eves ended his employment with NTE Energy in/about March 2022 and has no authority to act on behalf of NTE Energy. (WEC Response to Interrogatory No. 4)
30. Chris Rega ended his employment with NTE Energy in/about March 2022 and has no authority to act on behalf of NTE Energy. (WEC Response to Interrogatory No. 4)
31. Seth Shortlidge retired from NTE Energy in/about October 2019, as reported in news articles. (WEC Response to Interrogatory No. 8)
32. WEC mailed to NTEC (i) on November 19, 2024, a notice of the filing of the 527 Application to NTEC's last known address; (ii) on November 21, 2024, a copy of the 470C Motion to Reopen to NTEC's last known address; (iii) on November 25, 2024, a notice of the filing of the 527 Application to the business address for Stephanie Clarkson c/o Vitis Energy LLC (Vitis Energy); (iii) on November 26, 2024, a copy of the 470C Motion to Reopen to the business address for Stephanie Clarkson c/o Vitis Energy; (iii) on January 10, 2025, a letter detailing attempts to contact NTEC, together with copies of the November 25, 2024 notice letter and the 527 Application to the business address for Stephanie Clarkson c/o Vitis Energy. All of these communications were returned to sender. WEC provided notice of the 470C Motion to Reopen to Attorney Zambrana by email on/about November 22, 2024/ (WEC Letter to Council, Jan. 29, 2025; WEC Response to Interrogatory Nos. 5, 22)
33. WEC sent additional notice letters to NTEC, NTE Energy and NTE Energy Services Company, LLC on March 14, 2025. WEC served a copy of the 470C Motion to Reopen on the Connecticut Secretary of the State on March 19, 2025. WEC has not received a response to any of these notice letters. (WEC Response to Interrogatory Nos. 5, 6, 23; Tr. at 13-15)

***WEC***

34. WEC was formed as a Delaware LLC on October 20, 2021. Stephanie Clarkson signed WEC's Certificate of Formation as Authorized Person. (WEC Response to Interrogatory No. 1, Att. 1(a))
35. At the time of formation, Connecticut Clean Energy Holdings, LLC ("CCEH") was the sole member of WEC. (WEC Response to Interrogatory No. 1, Att. 1(a))
36. On or about February 25, 2022, CCEH assigned its membership interests in WEC to NTE Clean Energy Partners, LLC. (WEC Response to Interrogatory No. 1)

37. On or about June 2, 2022, NTE Clean Energy Partners, LLC assigned its membership interests in WEC to SV Renewables LLC (“SV Renewables”), WEC’s current corporate parent. (WEC Response to Interrogatory No. 1)
38. SV Renewables is not an affiliate of CCEH, NTE Energy, or any other entities in the NTE corporate family and consequently WEC is not an affiliate of such entities. (WEC Response to Interrogatory No. 1)
39. WEC registered as a foreign LLC with the Connecticut Secretary of the State on or about March 17, 2025. (WEC Response to Interrogatory No. 13)

#### ***Other Entities***

40. NTE Energy is an active Florida LLC. (WEC Response to Interrogatory No. 1, Att. 1(b); WEC Response to Interrogatory No. 2)
41. NTE Energy’s 2024 Florida Limited Liability Company Annual Report filed with the Florida Secretary of State was signed by Stephanie Clarkson as Manager on April 30, 2024. (WEC Response to Interrogatory No. 1, Att. 1(b))
42. NTE Energy Services Company, LLC is an active Florida LLC. (WEC Response to Interrogatory No. 1, Att. 1(c); WEC Response to Interrogatory No. 2)
43. Vitis Energy was, until the end of 2024, engaged by WEC as “lead developer” of WEC’s BESS project. (WEC Response to Interrogatory No. 1; Tr. at 18-19)
44. Stephanie Clarkson and Attorney Maribel Zambrana worked for Vitis Energy during the time that Vitis Energy served as lead developer for the BESS. (WEC Response to Interrogatory No. 1)
45. WEC personnel had extensive communications with Ms. Clarkson and Attorney Zambrana in their roles with Vitis Energy. (WEC Response to Interrogatory Nos. Nos. 1, 5, 6, 20 through 23)
46. Ms. Clarkson and Attorney Zambrana declined to assist WEC in securing the surrender of the NTEC Certificate on the grounds that that NTEC had been cancelled and that they had no authority to act on its behalf. (WEC Response to Interrogatory No. 1)

#### **Status of Property**

47. The Property is owned by Gerald T. Erwin, Sr. and Annarita D. Erwin. (470C Motion to Reopen, p. 5)
48. NTEC secured access to the Property by virtue of a March 4, 2016 Option Agreement (“Option Agreement”), a notice of which was recorded on the Killingly land records. (470C Motion to Reopen, Ex. C)

49. The Option Agreement expired on March 3, 2022. (470C Motion to Reopen, p. 5)
50. CCEH entered into an Option Agreement with the Owners on March 6, 2022 (“2022 Option Agreement”). (470C Motion to Reopen, p. 5; WEC Response to Interrogatory No. 9, Att. 9)
51. The 2022 Option Agreement was assigned by CCEH to WEC on May 29, 2024. (WEC Response to Interrogatory No. 11, Att. 11)
52. WEC timely exercised its option to purchase the Property, and a Notice of Option to Purchase has been recorded on the Killingly land records. (470C Motion to Reopen, at 6; 470C Motion to Reopen, Ex. D)

### **Status In Energy Market**

#### ***NTEC’s Capacity Supply Obligation***

53. Connecticut and the rest of the ISO-NE region are inextricably interconnected and rely on each other for a reliable electricity system. (470B NTE 20, Supplemental Response 84)
54. ISO-NE holds an annual auction to acquire the power system resources needed to meet projected demand for the New England region in three years’ time. The annual FCA is held approximately three years before each capacity commitment period to provide time for new resources to be developed. Capacity resources can include traditional power plants, renewable generation, imports, and demand-side resources, such as load management and energy efficiency measures. Resources clearing in the auction receive a monthly payment during the delivery year in exchange for their commitment to provide power or curtail demand when called on by ISO-NE. Resources that fail to meet their capacity commitment during a shortage event must refund part of their capacity payment, and this refunded money goes to resources that overperformed during the shortage event. (470B Council Administrative Notice Item No. 37 – ISO-NE FCA #12 Press Release dated February 28, 2018; 470B NTE 2 – ISO-NE FCA #13 Press Release dated February 6, 2019)
55. NTEC participated in FCA #11, held in February 2017. NTEC then withdrew from FCA #11 before it was concluded and did not receive a CSO. (470B NTE 20, Supplemental Response 83, p. 4; 470B Tr. 8, pp. 1155-1156; 470B NTE 31, Supplemental Testimony of Seth Shortlidge, p. 2)
56. NTEC participated in but was not selected to receive a CSO in FCA #12. (470B Motion to Reopen, p. 3; 470B – NTE 1(a), p. 4)
57. In FCA #13, NTEC received a CSO for the Project, and ISO-NE expected the capacity from the Project to be available for the capacity commitment periods of 2022 through 2027. This award of the CSO in FCA #13 followed NTEC’s prior participation in FCA #11 and FCA #12, described above. (D470B – NTE 2)

58. Under ISO-NE’s Transmission, Markets and Services Tariff, ISO-NE may terminate a resource’s CSO if the date by which the resource will have achieved its critical path schedule milestones is more than two years after the capacity commitment period for which the resource first received a CSO. (470C Motion to Reopen, at 6; 470C Motion to Reopen, Ex. E, 178 FERC ¶ 61,001 (2022))
59. By virtue of its CSO, the Project was required to begin commercial operations by June 1, 2022, though a series of delays pushed the projected operation date back to June 1, 2024. (470C Motion to Reopen, at 6; 470C Motion to Reopen, Ex. E, 178 FERC ¶ 61,001 (2022))
60. ISO-NE submitted a termination of NTEC’s CSO to the Federal Energy Regulatory Commission (“FERC”) in November 2021, which (following a stay and rehearing) was effective in March 2022. By virtue of this termination, NTEC no longer holds a CSO. (470C Motion to Reopen, at 6-7; 470C Motion to Reopen, Ex. G, *In re NTE Connecticut, LLC*, No. 22-1011 (D.C. Cir., Mar. 2, 2022))

#### ***Interconnection Agreement***

61. An interconnection agreement between the Connecticut Light & Power Company, d/b/a/ Eversource (“Eversource”) and NTEC, dated June 16, 2020 (the “Interconnection Agreement”), had authorized the NTEC Project to feed its power into the electric grid, subject to certain terms and conditions. (470C Motion to Reopen, at 7)
62. On July 11, 2023, ISO-NE and Eversource jointly submitted a Notice of Termination notifying FERC that the Interconnection Agreement had been terminated due to NTEC’s breach of certain obligations under the Interconnection Agreement. FERC accepted the notice of termination on August 31, 2023. (470C Motion to Reopen, p. 7; 470C Motion to Reopen, Ex. H; 470C Motion to Reopen, Ex. I)

#### **Status of Environmental Permits**

##### ***Air Permit***

63. NTEC was issued its initial air permit from DEEP on June 30, 2017. On March 16, 2018, DEEP issued a modified air permit for a 550 MW facility with a Mitsubishi CTG. On December 10, 2018, NTEC received its latest modified permit for the Project, taking into account the proposed 650 MW facility with a Mitsubishi M501JAC CTG, duct burner and other equipment. (470B FOF 265; 470B NTE 1c – EOSPCC, pp. 16- 18 and Appendix A – Current Air Permits; 470B NTE 1a, p. 3; WEC Response to Interrogatory No. 17, Att. 17(a))
64. NTEC’s December 1, 2018 air permit provides at § VII.D that the Permittee shall resubmit for review and approval a Best Available Control Technology (“BACT”) analysis if construction does not begin within 18 months following DEEP’s approval of the current BACT determination for such phase of construction. (WEC Response to Interrogatory No. 17, Att. 17(a))



65. NTEC's BACT recertification dated Nov. 24, 2020 also provided that the Permittee shall resubmit for review and approval a BACT analysis if construction does not begin within 18 months following DEEP's approval of the current BACT determination for such phase of construction. (WEC Response to Interrogatory No. 17, Att. 17(b))
66. November 2020 was well over 18 months ago and construction has not commenced. NTEC would need to recertify its air permit analysis with DEEP before construction could begin. (WEC Response to Interrogatory No. 17, Att. 17(a))

#### ***Wastewater Discharge Permit***

67. On January 20, 2021 DEEP issued a final decision determining that NTEC should be granted a wastewater discharge permit allowing it to discharge wastewater to the local publicly-owned treatment works. (WEC Response to Interrogatory No. 17, Attachment 17(c))
68. On January 4, 2024, NTEC's wastewater discharge permit was ultimately denied because "[t]he facility was not built and NTE Connecticut, LLC has withdrawn the registration to transact business in Connecticut." (WEC Supplemental Response to Interrogatory No. 17, Attachment 17(e))

#### **Status of Compliance with 470B Decision and Order**

69. The 470B Decision and Order provides that the Project "shall be constructed and operated as specified by the Certificate Holder in the record in Docket No. 470 and [Docket No. 470B], except where otherwise ordered by the Council." (470B Decision and Order, Condition 1(a))
70. Construction has not begun, as evidenced by the lack of any commencement of construction notice in the record of Docket No. 470B. (470B Record)
71. It would now be impossible for NTEC to construct the Project as specified in the records of Docket Nos. 470 and 470B, as NTEC has lost control of the Property. (470 CMotion to Reopen, at 6; 470C Motion to Reopen, Ex. D)
72. Construction of the Project did not move forward in accordance with the Phase I Development and Management Plan approved in September 2019. It would now be impossible to move forward as described, since NTEC no longer has access to the Property. (Phase I Development and Management Plan; 470C Motion to Reopen, at 6; 470C Motion to Reopen, Ex. D)
73. The 470B Decision and Order directs NTEC to notify the Council if NTEC is "sold/transferred to another corporation or other entity" and provide updated contact information for representatives within 30 days of such sale and/or transfer. The 470B Decision and Order also notes that the NTEC Certificate may be transferred in accordance with Conn. Gen. Stat. § 16-50k(b), provided that both transferor and transferee are current

with Council assessments, and both transferor and transferee provide the Council with a written agreement as to the entity responsible for quarterly assessment charges. (470B Order, Conditions 1(k), 1(m))

74. The record for Docket No. 470B does not contain any updates as to NTEC's ownership status as would have been required under Condition 1(m) for a sale or transfer. Neither does Docket No. 470B contain any request to transfer the NTEC Certificate to another entity. (470B Record)
75. NTEC is directed to provide the Council with quarterly progress reports "to include the status of all permits, starting with the effective date of [the 470B Order] and ending with the commencement of facility operation, or as otherwise directed by the Council." (470B Order, Condition 5(a))
76. There is no evidence in the record of Docket No. 470B that NTEC updated the Council on the expiration of its air permit and revocation of its wastewater discharge permit, as required under Condition 5(a). (470B Record)

**CONNECTICUT SITING COUNCIL**  
**DOCKET NO. 470C**

IN THE MATTER OF:

---

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.  
REOPENING OF THIS CERTIFICATE BASED ON CHANGED CONDITIONS  
SPECIFICALLY LIMITED TO THE STATUS OF THE EXISTING  
CERTIFICATE, PURSUANT TO CONNECTICUT GENERAL STATUTES §4-  
181A(B)

WINDHAM ENERGY CENTER'S POST-HEARING BRIEF

---

Submitted by:

Emilee Mooney Scott, Esq.  
Robinson & Cole LLP  
One State Street  
Hartford, CT 06103  
(860) 275-8200

*MAY 1, 2025*

## Executive Summary

The project that is the subject of this matter has a long history. In 2016, NTE Connecticut, LLC (“NTEC”) filed an initial application for a 550-MW dual-fuel combined cycle electric generating facility (the “Project”), to be located at 189 Lake Road, Killingly, Connecticut (the “Property”), with an associated electrical switchyard to be located at 180 Lake Road. The Connecticut Siting Council (“Council”) denied the initial application without prejudice in May 2017, finding that, due to NTEC’s failure to secure a capacity supply obligation (“CSO”) from ISO-New England (“ISO-NE”), NTEC had not demonstrated that the Project was needed or supplied a public benefit.

Following that denial by the Council, there were a number of events and changes to the Project that caused NTEC to move that Docket No. 470 be reopened and that the Council grant a Certificate of Environmental Compatibility and Public Need (“Certificate”) for the Project. These changes included NTEC’s receipt of a CSO through the ISO-NE forward capacity market for the capacity commitment periods from June 1, 2022 to May 30, 2029, as a resource needed to meet the region’s reliability needs; and receipt of a modification to its air permit issued by the Connecticut Department of Energy and Environmental Protection (“DEEP”), reflecting dual fuel capability. With these changes, and additional changes, NTEC argued that it had demonstrated that the Project supplied a public benefit with minimal environmental impacts. The Council issued a Certificate for the Project on June 6, 2019 (“NTEC Certificate”).

Since that time, conditions have changed again drastically. NTEC’s CSO, which had formed the basis of the Council’s conclusion that the Project would provide a public benefit, was revoked by ISO-NE. NTEC then was dissolved as a legal entity, and there is no evidence in the record to suggest that it ever transferred the NTEC Certificate to another entity. Even if NTEC

still existed, or some other entity held the Certificate, it would be impossible to make use of the Certificate because NTEC no longer has control of the Property. NTEC has also lost its air and wastewater discharge permits previously issued by DEEP. Since the factors that caused the Council to issue the NTEC Certificate for the Project no longer exist, the Certificate should be revoked. As an independent basis for revocation, WEC notes that NTEC has failed to comply with several of the conditions of the order granting the NTEC Certificate.

## I. INTRODUCTION

This Post-Hearing Brief is filed on behalf of the moving party, Windham Energy Center, LLC (“WEC”) pursuant to Section 16-50j-31 of the Regulations of Connecticut State Agencies and the Council’s directive during the evening session of the April 1, 2025 public hearing. (Tr. at 7). The brief evaluates the new evidence filed in Docket No. 470C in light of the Council’s review criteria, as set forth in Connecticut General Statutes (“Conn. Gen. Stat.”) § 16-50p, and addresses other issues raised throughout the course of this reopened proceeding.

## II. BACKGROUND

### A. Project and NTEC Certificate

On August 17, 2016, NTEC filed with the Council an application (the “470 Application”) for a Certificate pursuant to Conn. Gen. Stat. §§ 16-50g et seq., for the construction, maintenance and operation of the Project at the Property located off Lake Road in Killingly, Connecticut. (Council Docket No. 470). In early February 2017, prior to the close of the evidentiary hearing, NTEC participated in the eleventh Forward Capacity Auction (“FCA 11”) conducted by ISO-NE. NTEC withdrew from FCA 11 prior to bidding in the final round of the auction. On May 11, 2017, the Council issued its Findings of Fact, Opinion, and Decision and Order (collectively the “470 Decision”) denying the Application, without prejudice. The Council found that, following the results of FCA 11, ISO-NE had determined the Project was not required for

resource adequacy, at least through the capacity commitment period of 2020 through 2021. (*Docket No. 470, NTE Connecticut, LLC, Certificate of Environmental Compatibility and Public Need, Opinion, May 11, 2017, the “470 Opinion”*). During its deliberations on the Decision, the Council recognized and discussed NTEC’s ability to request that the Docket No. 470 proceeding be reopened on a showing of changed conditions.

On January 19, 2018, NTEC filed with the Council a motion to reopen and modify the Council’s decision in Docket No. 470 on a showing of changed conditions (the “2018 Motion”), including NTEC’s expectation that it would receive a CSO in FCA 12. (*Docket No. 470B, Motion of NTE Connecticut, LLC to Reopen and Modify the Decision in Docket No. 470 Due to Changed Conditions, January 18, 2019, (“470B Motion”) at 3*). On February 8, 2018, however, NTEC notified the Council that the Project was not selected by ISO-NE to receive a CSO in FCA 12. (*Id.*) Thereafter, NTEC withdrew the 2018 Motion. (*Id.*) On January 18, 2019, NTEC filed the 470B Motion requesting that the Council reopen and modify the Council’s decision in Docket No. 470 on a showing of changed conditions. Similar to the 2018 Motion, the 470B Motion described the steps NTEC had taken to secure important permits, finalize project-related agreements and make beneficial facility modifications since the Council’s May 11, 2017 denial without prejudice.

On February 4, 2019, NTEC participated in FCA 13 and was notified, on February 6, 2019, that KEC was selected by ISO-NE to receive a CSO for the capacity commitment periods of 2022 through 2029. (*D470B – NTEC 2*). On February 15, 2019, the Council granted NTEC’s 470B Motion and reopened the proceedings as Docket No. 470B. On June 6, 2019, the Council issued its Findings of Fact, Opinion, and Decision and Order (collectively the “470B Decision”) granting a Certificate for the Project. The Council found that, following the results of FCA 13,

ISO-NE had determined KEC was “necessary for the reliability of the electric power supply of the state” and that therefore “there is a public benefit for the facility.” (*Docket No. 470, NTE Connecticut, LLC, Certificate of Environmental Compatibility and Public Need, Opinion, June 6, 2019, the “470B Opinion”*).

B. WEC Application

On October 11, 2024, WEC submitted the Council an application for a 325-megawatt battery energy storage system (“BESS”) at the same Property that would have been used by the Project. (*Docket No. 527, Windham Energy Center, LLC application for a Certificate of Environmental Compatibility and Public Need, Application, Oct. 11, 2024, the “527 Application”*). WEC’s proposed BESS, and similar storage resources, are a necessary component of Connecticut’s energy portfolio, consistent with the state and region’s decarbonization goals. (*Id.* at 4; *527 Application App. B at 1-5*). Since the Property is already the subject of the NTEC Certificate, however, the Council determined that it would be “premature” to review the 527 Application and deemed it incomplete. (*Docket No. 527, Windham Energy Center, LLC application for a Certificate of Environmental Compatibility and Public Need, Notice of Incomplete Application, Nov. 8, 2024, the “Notice of Incomplete Application”*). The 527 Application will remain incomplete until the matter of the NTEC Certificate is resolved. (*Docket No. 527, Windham Energy Center, LLC application for a Certificate of Environmental Compatibility and Public Need, Council Extension of Time to Respond to Notice of Incomplete Application, Feb. 7, 2025*). Consequently, this matter does not just evaluate the status and future of the Project and NTEC Certificate, it determines the future of an otherwise viable and important BESS project.

III. CHANGED CONDITIONS

Between the time the Council considered the Project for the first time in 2016-2017

(Docket No. 470), and for the second time in 2019 (Docket No. 470B), conditions changed. The Council denied NTEC's application in Docket No. 470 because the Project had not secured a CSO in ISO-NE's 2017 FCA 11. Since ISO-NE "acquired resources in excess" of its goal without the Project, ISO-NE "effectively determined that [the Project was] not required for resource adequacy..." (470 Opinion, at 5). In 2019 the Project secured a CSO in the 2019 FCA 13, which demonstrated that the Project was "necessary for the reliability of the electric power supply" of "New England and (by extension) Connecticut." (470B Opinion, at 7). The Council concluded that the Project was "necessary for the reliability of the electric power supply of the state" and that there is a "public benefit of the facility" with environmental impacts that could be sufficiently mitigated and therefore granted the Certificate. (470B Opinion, at 16).

Since the time the Certificate was granted, conditions have changed yet again. NTEC's CSO was revoked, and therefore the public benefits cited by the Council in its Opinion in Docket No. 470B no longer exist. Even if the Project would provide a public benefit, NTEC no longer exists and is unable to make use of its Certificate. WEC is aware of no evidence suggesting that NTEC or any successor entity made any attempt to transfer the Certificate to any entity that could make use of it.

For all of the reasons set forth below, conditions have changed and the Project no longer satisfies the criteria of Conn. Gen. Stat. § 16-50p for issuance of a Certificate. In light of these changed conditions, the Certificate should be revoked.

A. THE NTEC PROJECT WOULD NO LONGER PROVIDE A PUBLIC BENEFIT

The Public Utility Environmental Standards Act, at Conn. Gen. Stat. § 16-50g et seq., sets forth the criteria for Council decisions in Certificate proceedings. The Council must find that there is a public need for and public benefit of the facility, while considering neighborhood concerns and potential environmental impacts. A public benefit exists "when a facility is necessary for the



reliability of the electric power supply of the state or for the development of a competitive market for electricity.” Conn. Gen. Stat. § 16-50p(c)(3). The Council considers “the nature of the probable environmental impact” of the proposed facility through review of the numerous elements specified in Conn. Gen. Stat. § 16-50p(a)(3)(B), while considering neighborhood concerns (Conn. Gen. Stat. §16-50p(c)(1)), and then demonstrate that these impacts “are not sufficient reason to deny the application.” Conn. Gen. Stat. § 16-50p(a)(3)(C). The evidence in the record for this docket establishes that conditions have changed and the Project no longer provides a public benefit, so it is no longer entitled to a Certificate.

**1. *NTEC Lost the Capacity Supply Obligation it Secured in FCA 13, meaning that ISO-NE is not relying on any Capacity Supplied by the Project and the Project Does Not Provide a Public Benefit***

ISO-NE conducts the FCA to procure sufficient electric supply to ensure system reliability. Successful bidders into the auction (those who “clear the auction”) receive a CSO for the capacity commitment period, meaning ISO-NE is relying on their capacity to meet projected future electricity needs. Any facility owner with a CSO is required to offer its energy into the daily energy markets during the capacity commitment period in order to maintain reliability across ISO-NE. NTEC received a CSO in FCA 13, which means that ISO-NE needed and was relying on KEC’s capacity to be available beginning in June 2022, for a seven-year period. 470B Opinion, at 7; Tr. at 30-31.

The CSO that NTEC secured in FCA 13 in 2019, which covered the 2022-23 capacity commitment period, was revoked in 2022. (WEC 1, Ex. E; WEC 1, Ex. F). By virtue of its CSO the Project was required to begin commercial operations by June 1, 2022, though a series of delays pushed the projected operation date back to June 1, 2024. (WEC 1, Ex. E, pp. 3-4). Under ISO-NE’s Transmission, Markets and Services Tariff, ISO-NE may terminate a resource’s CSO if the date by which the resource will have achieved its critical path schedule milestones is

more than two years after the capacity commitment period for which the resource first received a CSO. (*Id.* at 2). ISO-NE submitted a termination of NTEC’s CSO to the Federal Energy Regulatory Commission (“FERC”) in November 2021, which (following a stay and rehearing) was effective in March 2022. (*In re NTE Connecticut, LLC*, No. 22-1011 (D.C. Cir., Mar. 2, 2022) (order lifting temporary stay of FERC termination order) (WEC 1, Ex. G)). Since NTEC no longer has a CSO for the Project, it can no longer demonstrate that there is a public need for the Project and the Certificate should be revoked. (*See* 470 Opinion, at 11 (denying NTEC’s initial application for a Certificate because without a CSO, the Project did not provide a public benefit)).

***2. NTEC Lost Its Interconnection Agreement, Which Means The Project Would Not Be Able To Supply Power To The Grid***

The Project also lost its ability to connect to the ISO-NE electric grid. An interconnection agreement between the Connecticut Light & Power Company, d/b/a/ Eversource (“Eversource”) and NTEC, dated June 16, 2020 (the “Interconnection Agreement”), had authorized the Project to feed its power into the electric grid, subject to certain terms and conditions. (WEC 1, at 7). On July 11, 2023, ISO-NE and Eversource jointly submitted a Notice of Termination notifying FERC that the Interconnection Agreement had been terminated due to NTEC’s breach of certain obligations under the Interconnection Agreement. (WEC 1, Ex. H). FERC accepted the notice of termination on August 31, 2023. (WEC 1, Ex. I). Without an interconnection agreement, the Project is unable to feed its power to the grid and cannot provide a public benefit.

**B. NO EXISTING ENTITY HOLDS THE NTEC CERTIFICATE**

Even if the Council concluded that the Project would still potentially provide a public benefit, conditions have changed in a number of ways that would make it impossible for NTEC

to make use of the NTEC Certificate. Most significantly, NTEC ceased to exist as a legal entity, so it can no longer hold the NTEC Certificate. Furthermore, the record does not include any evidence that NTEC, or anyone else, has attempted to transfer the NTEC Certificate from NTEC to an entity that could make use of it.

1. ***NTEC No Longer Exists***

The Certificate for the Project was issued to NTEC. NTEC is no longer registered to do business in Connecticut (WEC 1, Ex. A) and no longer exists as a Delaware limited liability company (WEC 1, Ex. B). As NTEC no longer exists as a legal entity, it is also not able to formally relinquish its Certificate.<sup>1</sup> The WEC team has been advised by former NTEC employees and principals that NTEC no longer exists and is unable to relinquish (or otherwise act upon) the NTEC Certificate. (Tr. at 28-30; 44-48). Since NTEC no longer exists, and NTEC can no longer make use of the Certificate, the Certificate should be revoked.

2. ***The NTEC Certificate Has Not Been Transferred***

As discussed above, NTEC no longer exists as a legal entity. There is no evidence in the record indicating that NTEC transferred the Certificate to any other entity before it ceased to exist. A number of entities that appear to be related to NTEC and/or its corporate parent NTE Energy, LLC were involved in various aspects of Project development, and included Stephanie Clarkson as a Principal. (WEC Response to Interrogatory No. 1). Stephanie Clarkson was also a principal of Vitis Energy LLC (“Vitis Energy”), which (until the end of 2024) was supporting WEC’s efforts to develop the BESS project at the Property. (WEC Response to Interrogatory Nos. 1, 20). Ms. Clarkson and Attorney Maribel Zambrana advised the WEC team that NTEC

---

<sup>1</sup> When a Delaware LLC has been cancelled, its legal existence ends, and it cannot even secure counsel to represent it opposing the appointment of a receiver. *In re Reinz Wisconsin Gasket, LLC*, C.A. No. 2022-0859-MTZ (Del. Ch. 8 May 2023).

had been dissolved and that they were unable to assist WEC by surrendering the NTEC Certificate. (Tr. at 28-30; 44-48).

As a matter of general business law, when an LLC dissolves, its assets are distributed to its creditors and its members. (See 6 Del. C. § 18-804(a)); Conn. Gen. Stat. § 34-267f). A Certificate is not just any business asset to be distributed in the ordinary course on the dissolution of an LLC, however. By statute, a Certificate may only be transferred with approval of the Council, “to a person who agrees with to comply with the terms, limitations and conditions contained therein.” Conn. Gen. Stat. § 16-50k(b). A Certificate comes with liabilities, that may outweigh the value of the right to build in accordance with the Certificate. There is no evidence in the record indicating that NTEC ever sought the Council’s approval to transfer the NTEC Certificate (Tr. at 25), let alone that such transfer was approved. While WEC acquired an option to purchase the Property, it did not acquire the Certificate. (Tr. at 36-37). Since the Certificate was never properly transferred to an affiliate of NTEC, or to anyone else, the NTEC Certificate may not be used by anyone.

As detailed in WEC’s responses to Interrogatories Nos. 1, 5, 6, 20 through 23, there have been extensive communications with Stephanie Clarkson and Attorney Maribel Zambrana at times when they were working for, and/or in touch with, affiliates of NTEC and both these individuals advised that they were unable to assist in relinquishing the NTEC Certificate. When the Motion to Reopen was filed, WEC provided notice to Atty. Zambrana by email. (WEC Response to Interrogatory No. 5). Numerous other attempts have been made to contact NTEC affiliates. (WEC Response to Interrogatory Nos. 5, 6, 23). Despite the fact that principals of NTEC affiliates were aware of the project that WEC has proposed to construct at the Property

(See Docket No. 527) and WEC's Motion to Reopen in this proceeding, no affiliate of NTEC has come forward to request that the NTEC Certificate be transferred to them.

C. NTEC IS NO LONGER ABLE TO MAKE USE OF THE CERTIFICATE

Even if the Council concluded that the Project would still potentially provide a public benefit, and even if NTEC or some other entity held the Certificate, conditions have changed in a number of ways that would make it impossible for NTEC to make use of the Certificate. In particular, NTEC no longer has access to the Property, and NTEC no longer holds the environmental permits required to construct and operate the Project.

1. ***NTEC Has No Legal Interest in The Property On Which It Planned To Construct The Project***

The Property is owned by Gerald T. Erwin, Sr. and Annarita D. Erwin and NTEC secured access to the Property by virtue of a March 4, 2016 Option Agreement (the "NTEC Option"), a notice of which was recorded on the Killingly land records. (WEC 1, Ex. C.) By the terms of the NTEC Option, the NTEC Option expired no later than March 3, 2022. An entity known as Connecticut Clean Energy Holdings, LLC entered into an Option Agreement with the Owners on March 6, 2022, which option was assigned to WEC on May 29, 2024. (WEC Response to Interrogatory Nos. 9, 11). WEC timely exercised its option to purchase the Property. A Notice of Option to Purchase confirming that WEC currently holds the option to purchase the Property was recorded on the Killingly land records on November 19, 2024. (WEC 1, Ex. D.).

The agreement by which NTEC secured access to the Property is no longer in effect, and NTEC no longer has access to the Property. WEC has exercised its option to purchase the Property. Since the conditions have changed, and WEC, rather than NTEC, now holds an option to purchase and develop the Property, NTEC can no longer make use of the Certificate to construct the Project on the Property. Therefore, the Certificate should be revoked.

## 2. *The Project Lost Its Environmental Permits*

NTEC will not be able to make use of the Certificate because it no longer holds the necessary environmental permits. NTEC's December 1, 2018 air permit provides at § VII.D that the NTEC shall resubmit for review and approval a Best Available Control Technology ("BACT") analysis if construction does not begin within 18 months following approval by the Connecticut Department of Energy and Environmental Protection ("DEEP") of the current BACT determination for such phase of construction. (WEC Response to Interrogatory No. 17, Attachment 17(a)). NTEC's November 24, 2020 BACT recertification also provided that the Permittee (i.e., NTEC) shall resubmit for review and approval a BACT analysis if construction does not begin within 18 months following DEEP's approval of the current BACT determination for such phase of construction. November 2020 was well over 18 months ago and construction has not commenced. NTEC would need to recertify its air permit analysis with DEEP before construction could begin. (WEC Response to Interrogatory No. 17, Attachment 17(b)).

On January 20, 2021 DEEP issued a final decision determining that NTEC should be granted a wastewater discharge permit allowing it to discharge wastewater to the local publicly-owned treatment works. (WEC Response to Interrogatory No. 17, Attachment 17(c)). On January 4, 2024, however, NTEC's wastewater discharge permit was ultimately denied because "[t]he facility was not built and NTE Connecticut, LLC has withdrawn the registration to transact business in Connecticut." (WEC Supplemental Response to Interrogatory No. 17, Attachment 17(e)). In other words, DEEP denied NTEC's wastewater discharge permit for exactly the same reasons WEC requests that the Council revoke the NTEC Certificate.

Finally, even if NTEC's air and wastewater discharge permits were still valid, such permits apply to a facility with a specific design and location on a specific property. NTEC has lost access to the Property, so it has lost access of the only property to which its air and

wastewater discharge permits could apply.

IV. NTEC HAS NOT COMPLIED WITH THE CONDITIONS OF THE 470B ORDER

Each holder of a Certificate must comply with such Certificate and any conditions of such Certificate. Conn. Gen. Stat. § 16-50u. The Decision and Order granting the NTEC Certificate included several such conditions. (*Docket No. 470, NTE Connecticut, LLC, Certificate of Environmental Compatibility and Public Need, Decision and Order, June 6, 2019* (“470B Order”)). The Council may revoke the Certificate of a Certificate holder that fails to comply with the Certificate and related conditions. NTEC has failed to comply with a number of conditions of the NTEC Certificate, and other conditions are now impossible to achieve. The failure of NTEC to comply with the conditions of the NTEC Certificate forms an independent basis upon which the Council can and should revoke the NTEC Certificate, in addition to the changed conditions discussed above.

A. PROJECT CONSTRUCTION CANNOT PROCEED AS DIRECTED

The 470B Order provides that the Project “shall be constructed and operated as specified by the Certificate Holder in the record in Docket No. 470 and [Docket No. 470B], except where otherwise ordered by the Council.” (470B Order, Condition 1(a)). Construction has not begun, as evidenced by the lack of any commencement of construction notice in the record of Docket No. 470B. It would now be impossible for NTEC to construct the Project as specified in the records of Docket Nos. 470 and 470B, as NTEC has lost control of the Property. *See* Sec. III.C.1 above. Similarly, construction of the Project did not move forward in accordance with the Phase I Development and Management Plan approved in September 2019. It would now be impossible to move forward as described, since NTEC no longer has access to the Property. NTEC has not complied, and now cannot comply, with the directives in the 470B Order related to construction of the Project.

**B. NTEC HAS NOT REQUESTED A CERTIFICATE TRANSFER OR PROVIDED NOTICE OF CORPORATE TRANSFER**

The 470B Order directs NTEC to notify the Council if NTEC is “sold/transferred to another corporation or other entity” and provide updated contact information for representatives within 30 days of such sale and/or transfer. (470B Order, Condition 1(m)). The 470B Order also notes that the NTEC Certificate may be transferred in accordance with Conn. Gen. Stat. § 16-50k(b), provided that both transferor and transferee are current with Council assessments, and both transferor and transferee provide the Council with a written agreement as to the entity responsible for quarterly assessment charges. (470B Order, Condition 1(k)).

The record for Docket No. 470B does not contain any updates as to NTEC’s ownership status as would have been required under Condition 1(m) for a sale or transfer. Neither does Docket No. 470B contain any request to transfer the NTEC Certificate to another entity. To the extent any entity claims an interest in NTEC or the Certificate, this would show noncompliance with the 470B Order due to the failure of NTEC or such other entity to request a transfer of the NTEC Certificate or otherwise provide an update.

**C. NTEC HAS NOT SUBMITTED PROGRESS REPORTS REGARDING PERMITS**

NTEC is directed to provide the Council with quarterly progress reports “to include the status of all permits, starting with the effective date of [the 470B Order] and ending with the commencement of facility operation, or as otherwise directed by the Council.” (470B Order, Condition 5(a)). There is no evidence in the record of Docket No. 470B that NTEC updated the Council on the expiration of its air permit and revocation of its wastewater discharge permit, as required under Condition 5(a). NTEC’s failure to update the Council on the loss of its air and wastewater permits is a violation of Condition 5(a) of the 470B Order and supports revocation of the NTEC Certificate.



V. THE BESS IS THE ONLY VIABLE PROJECT PROPOSED FOR THE PROPERTY

WEC has requested that the Council revoke the NTEC Certificate because its 527 Application will be deemed incomplete until the NTEC Certificate is revoked, or until it expires in September 2026. (Notice of Incomplete Application, at 1). As the 527 Application shows, WEC has proposed a viable project that will provide important public benefits, including furthering the state and region's decarbonization goals while enhancing grid reliability. (527 Application, at 4-5, 19; 527 Application, App. B, at 1-7). For as long as the NTEC Certificate remains in place, WEC's BESS project will be delayed, and its viability will be threatened.

During the April 1, 2025 hearing the Council and WEC witnesses engaged in a discussion of whether it would be possible for NTEC to reemerge, to re-acquire an option to purchase the Property, to re-secure a CSO and interconnection agreement, and to re-secure the necessary air and wastewater permits. (Tr. at 37-42). The evidence in the record overwhelmingly demonstrates that whatever might be the theoretical possibilities, NTEC will never utilize the Certificate, and there is an intention by NTEC and its affiliates, and/or others involved in the original Project, to move on from the Project in favor of the BESS.

A. NTEC PRINCIPALS WERE ACTIVELY FACILITATING BESS PROJECT

Until the end of 2024, Vitis Energy was actively involved in facilitating the BESS project as lead developer. (Tr. at 19). Stephanie Clarkson and Attorney Maribel Zambrana were both involved in facilitating the BESS project through their roles with Vitis Energy. (WEC Response to Interrogatory Nos, 1, 5). While WEC was advised that Vitis Energy and NTEC were not affiliates (Tr. at 28), Ms. Clarkson was acting on behalf of both these entities as well as numerous other entities, including NTEC affiliates at the same time that Vitis Energy was facilitating the BESS project. Specifically, Ms. Clarkson signed the annual report for NTEC's affiliate NTE Energy, LLC as late as April 2024. (WEC Response to Interrogatory No. 1). Ms.

Clarkson also signed NTEC's March 2023 Certificate of Withdrawal of Registration to do Business in Connecticut and the December 2023 Certificate of Cancellation terminating NTEC's existence as a legal entity. (WEC Response to Interrogatory No. 1, Att. 1(b)).

Ms. Clarkson was actively working to facilitate the BESS project with Vitis Energy at the same time that she was acting on behalf of an NTEC affiliate. Whether or not there is a formal relationship between Vitis Energy and NTEC, Ms. Clarkson and Attorney Zambrana's involvement demonstrates that the principals of entities affiliated with NTEC had actual knowledge of WEC's BESS project. The fact that principals of NTEC affiliates were facilitating the BESS project demonstrates that there is no intention on the part of those entities to re-engage with or attempt to resurrect the Project. While it is theoretically possible for NTEC to take certain actions (Tr. at 37-42) the record demonstrates an intention by those involved with NTEC to do exactly the opposite: to facilitate the development of an alternate project for the same Property.

**B. NO AFFILIATES OF NTEC HAVE PARTICIPATED IN THIS PROCEEDING**

The record includes numerous notices to entities including NTEC; NTE Energy, LLC; NTE Energy Services Company, LLC; and the Connecticut Secretary of the State. (WEC Response to Interrogatory Nos. 1, 5, 6, 23). WEC has not received a single reply to any of those communications. (Tr. at 13-15). There has been ample opportunity for NTEC and its affiliates to participate in this proceeding, and none have done so. If there was any intention by NTEC or its affiliates to re-engage with the Project, they would have objected to WEC's motion to revoke the Certificate.

**VI. CONCLUSION**

For all the foregoing reasons, the Council should revoke the Certificate of Environmental Compatibility and Public Need for the Project.

Respectfully submitted,  
WINDHAM ENERGY CENTER, LLC

By Emilee Mooney Scott

Emilee Mooney Scott, Esq.  
Robinson & Cole LLP  
One State Street  
Hartford, CT 06103-3597  
Its Attorneys

## CERTIFICATION OF SERVICE

I hereby certify that on this 1<sup>st</sup> day of May, 2025, a copy of the foregoing was sent via electronic mail, to the following:

Kenneth C. Baldwin, Esq.  
Earl W. Phillips, Jr., Esq.  
Jonathan Schaefer, Esq.  
Robinson & Cole LLP  
One State Street  
Hartford, CT 06103  
(860) 275-8200  
[kbaldwin@rc.com](mailto:kbaldwin@rc.com)  
[ephillips@rc.com](mailto:ephillips@rc.com)  
[jschaefer@rc.com](mailto:jschaefer@rc.com)

Paul R. McCary  
Murtha Cullina, LLP  
CityPlace 1  
185 Asylum Street  
Hartford, CT 06103-3469  
(860) 240-6037  
(860) 240-6150 – fax  
[pmccary@murthalaw.com](mailto:pmccary@murthalaw.com)

Tim Eves, Senior Vice President  
NTE Energy, LLC  
24 Cathedral Place, Ste. 300  
St. Augustine, FL 32084  
[teves@nteenergy.com](mailto:teves@nteenergy.com)  
[kec.notices@nteenergy.com](mailto:kec.notices@nteenergy.com)

Chris Rega, Senior Vice President  
Engineering & Construction  
NTE Energy, LLC  
800 South Street, Ste. 620  
Waltham, MA 02453  
[crega@nteenergy.com](mailto:crega@nteenergy.com)

John Bashaw, Esq.  
Mary Mintel Miller, Esq.  
Reid and Riege, P.C.  
One Financial Plaza, 21st Floor  
Hartford, CT 06103  
[jbashaw@rrlawpc.com](mailto:jbashaw@rrlawpc.com)

[mmiller@rrlawpc.com](mailto:mmiller@rrlawpc.com)

Richard P. Roberts, Esq.  
Ann Catino, Esq.  
Halloran & Sage LLP  
225 Asylum Street  
Hartford, CT 06103  
(860) 522-6103

[Roberts@halloransage.com](mailto:Roberts@halloransage.com)  
[catino@halloransage.com](mailto:catino@halloransage.com)

Katherine M. Fiedler, Esq.  
Roger Reynolds, Esq.  
Connecticut Fund for the Environment  
900 Chapel Street, Upper Mezzanine  
New Haven, CT 06510

[kfiedler@ctenvironment.org](mailto:kfiedler@ctenvironment.org)  
[rreynolds@ctenvironment.org](mailto:rreynolds@ctenvironment.org)

Joshua Berman, Staff Attorney  
Diana Agnes Csank, Esq.  
Sierra Club  
50 F Street NW., 8th Floor  
Washington, DC 20001

[josh.berman@sierraclub.org](mailto:josh.berman@sierraclub.org)  
[diana.csank@sierraclub.org](mailto:diana.csank@sierraclub.org)

*Emilee Mooney Scott*  
\_\_\_\_\_  
Emilee Mooney Scott