



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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E-Mail: siting.council@ct.gov

Web Site: portal.ct.gov/csc

VIA ELECTRONIC MAIL

December 16, 2020

Emily A. Gianquinto, Esq.
EAG Law, LLC
21 Oak Street, Suite 601
Hartford, CT 06106

RE: Freedom of Information Act Request, dated December 7, 2020

Dear Attorney Gianquinto:

This letter and the attached documents are submitted in response to your Freedom of Information Act (FOIA) request of the Connecticut Siting Council (Council), dated December 7, 2020, requesting the following:

1. Copies of any documents, including but not limited to emails, notes, drafts, memos, or opinions, related to the recusal of Edward Edelson from the Council's vote on Petition 1347A;
2. Copies of any documents, including but not limited to emails, notes, drafts, memos, or opinions, related to the abstention of Daniel P. Lynch, Jr. from the Council's vote on Petition 1347A;
3. Copies of any documents, including but not limited to emails, notes, drafts, memos, or opinions, related to the abstention of Quat Nguyen from the Council's vote on Petition 1347A;
4. Copies of any documents related to the appointment to/membership on the Council of Quat Nguyen;
5. Copies of any documents related to the appointment to/membership on the Council of Nicole Lugli;
6. Copies of any documents indicating that Nicole Lugli reviewed the record of Petition 1347A before voting on the same; and
7. Copies of any documents related to the Council's obligations, policies, rules, guidance, or other authority with respect to quorums for attendance at hearings, meetings and/or votes.

With reference to Request No. 1 above, attached please find a November 5, 2020 email from Edward Edelson (Edelson) to Melanie Bachman (Bachman) and Robert Silvestri related to Mr. Edelson's recusal.

With reference to Request No. 2 above, the Council does not have any documents, including, but not limited to emails, notes, memos, or opinions, related to the abstention of Daniel P. Lynch, Jr. from the Council's vote on Petition 1347A.

With reference to Request No. 3 above, the Council does not have any documents, including but not limited to emails, notes, drafts, memos, or opinions, related to the abstention of Quat Nguyen from the Council's vote on Petition 1347A.

With further reference to Request Nos. 1-3, please see the following Council Meeting Minutes and Petition 1347A Hearing Transcripts:

- a. October 22, 2020 Council Meeting Minutes, *available at* https://portal.ct.gov/-/media/CSC/Minutes/2020/2020_1022-minutes-final.pdf;
- b. November 5, 2020 Council Meeting Minutes, *available at* https://portal.ct.gov/-/media/CSC/Minutes/2020/2020_1105_final.pdf
- c. Petition 1347A, July 14, 2020 Hearing Transcript, *available at* https://portal.ct.gov/-/media/CSC/3_Petitions-medialibrary/Petitions_MediaLibrary/MediaPetitionNos1301-1400/PE1347A/HearingInfo/PE1347a-20200714-transcript.pdf
- d. Petition 1347A, August 4, 2020 Hearing Transcript, *available at* https://portal.ct.gov/-/media/CSC/3_Petitions-medialibrary/Petitions_MediaLibrary/MediaPetitionNos1301-1400/PE1347A/HearingInfo/ContinuedEvidentiaryRemoteHearing080420/PE1347A-20200804-transcript.pdf
- e. Petition 1347A, August 25, 2020 Hearing Transcript, *available at* https://portal.ct.gov/-/media/CSC/3_Petitions-medialibrary/Petitions_MediaLibrary/MediaPetitionNos1301-1400/PE1347A/HearingInfo/HearingInfo-20200825/PE1347a-20200825-transcript.pdf

With reference to Request No. 4 above, attached please find October 9, 2020 correspondence from PURA Chairperson Marissa Gillett to Bachman appointing Quat Nguyen as her designee on the Council, effective October 13, 2020.

With reference to Request Nos. 5 and 6, the Council does not have any documents related to the appointment to/membership on the Council of Nicole Lugli nor does the Council have any documents indicating that Nicole Lugli reviewed the record of Petition 1347A before voting.

With reference to Request No. 7, documents related to the Council's obligations, policies, rules, guidance, or other authority with respect to quorums for attendance at hearings, meetings and/or votes are as follows:

1. Connecticut General Statutes §1-200(2);
2. Connecticut General Statutes §16-50j;
3. Connecticut General Statutes §16-50m;
4. *Fleischman v. Connecticut Bd. of Examiners in Podiatry*, 22 Conn. App. 181, 186 (1990) ("The almost universally accepted common-law rule is ...[that] a majority of a quorum constituted of a simple majority of a collective body is empowered to act for the body."); and
5. *U-Haul of Connecticut v. Planning & Zoning Comm'n*, 1994 Conn. Super. LEXIS 2249 ("In the absence of a controlling statute, the rule in this state is that where a quorum of an agency is present, a majority of the votes actually cast is sufficient even though the number of votes is less than a quorum, provided there are a sufficient number of members present, whether voting or not, to constitute a quorum.")

Please be advised that there is one privileged and confidential attorney-client communication related to the substance of this FOIA request in a June 22, 2020 e-mail exchange between Bachman and Edelson regarding Edelson's recusal from Petition 1347A.

Should you have any questions or require additional information, please feel free to contact me at your convenience.

Thank you.

Sincerely,

s/Melanie A. Bachman

Melanie A. Bachman
Executive Director

MAB/laf

cc: Council Members
Enclosures

From: Ed Edelson
Sent: Thursday, November 5, 2020 8:33 AM
To: Robert Silvestri
Cc: Bachman, Melanie <Melanie.Bachman@ct.gov>
Subject: Recusal for P 1347A

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Robert,

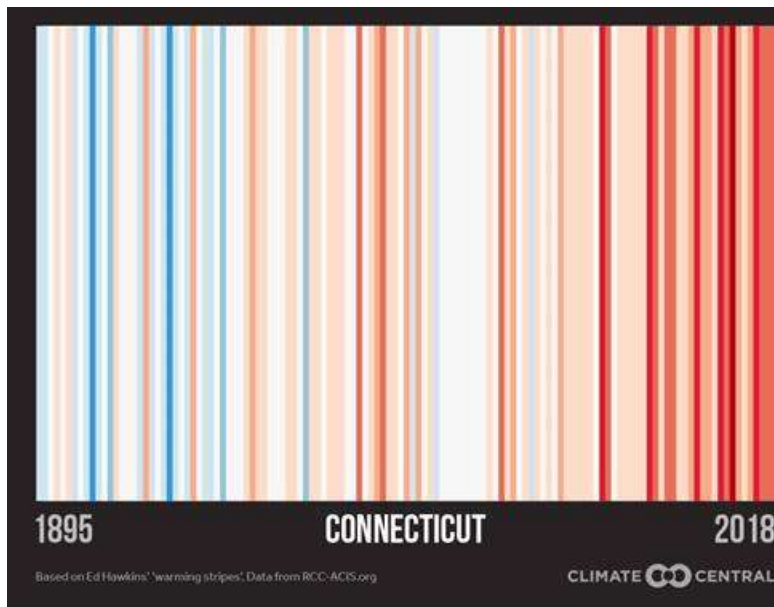
Just a reminder that I will be recusing myself from P1347A. Assume I should announce this after Melanie introduces the agenda item.

Let me know if you have any questions/concerns.

Best Regards,

A handwritten signature in dark ink, appearing to read "Ed Edelson". The signature is fluid and cursive, with the first "Ed" being more prominent than the second.

Ed Edelson



Average Annual Temperature by Year

From: McElrath, Sheena <Sheena.McElrath@ct.gov>
Sent: Friday, October 9, 2020 8:53 AM
To: Bachman, Melanie <Melanie.Bachman@ct.gov>
Cc: Gillett, Marissa <Marissa.Gillett@ct.gov>; Muska, Scott <Scott.Muska@ct.gov>; Guliuzza, Linda <Linda.Guliuzza@ct.gov>; Nguyen, Quat <Quat.Nguyen@ct.gov>
Subject: 2020 PURA Designee for Siting Council (Effective Oct. 13)

Good morning Melanie! Attached please find the PURA designee letter from Chairman Gillett assigning Quat Nguyen as her designee to the Siting Council effective October 13, 2020.

If you need anything further, please feel free to contact me.

Thank you and hope all is well!

Sheena S. McElrath
PURA-Commissioner's Office
Administrative Assistant to: Chairman Marissa P. Gillett, Vice Chairman John W. Betkoski, III &
Commissioner Michael A. Caron
10 Franklin Square, New Britain, CT 06051
P: 860.827-2658 | F: 860.827-2806 | E: sheena.mcelrath@ct.gov
www.ct.gov/pura



STATE OF CONNECTICUT

PUBLIC UTILITIES REGULATORY AUTHORITY

Marissa P. Gillett, Chairman
John W. Betkoski III, Vice Chairman
Michael A. Caron, Commissioner

October 9, 2020

Melanie A. Bachman, Esq.
Executive Director/ Staff Attorney
Siting Council
10 Franklin Square
New Britain, CT 06051

Dear Executive Director Bachman,

I designate Quat Nguyen to be the designee for normal business on the Siting Council when needed effective October 13, 2020. Quat will keep me apprised of Siting Council matters and will attend meetings as PURA's representative on certain occasions.

While Quat will fulfill the duties as my designee, I am available to meet with you to discuss Siting Council matters at any time.

Sincerely,

A handwritten signature in black ink that reads "Marissa P. Gillett".

Marissa P. Gillett
Chairman
Public Utilities Regulatory Authority

Cc: Quat Nguyen
Scott Muska
Linda Guliuzza

10 Franklin Square, New Britain, CT 06051

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