



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

www.ct.gov/csc

October 31, 2018

Lee D. Hoffman, Esq.
Pullman & Comley LLC
90 State House Square
Hartford, CT 06103-3702

RE: Freedom of Information Act Request, dated October 26, 2018

Dear Attorney Hoffman:

This letter and the enclosed documents are submitted in response to your Freedom of Information Act (FOIA) request of the Connecticut Siting Council (Council), dated October 26, 2018, requesting the following:

1. A copy of the prepared statement read by Council Member Dr. Klemens during the Council meeting held on October 25, 2018 concerning unanswered questions Dr. Klemens had with respect to Petition 1345 and Petition 1347;
2. Copies of any notes, drafts, correspondences, emails, memoranda or other documents whether printed or in electronic form, relating to the prepared statement of Dr. Klemens or that were relied upon in the preparation of the prepared statement by Dr. Klemens; and
3. Any and all materials, including emails, in the possession of the Council, its employees, and individual members of the Council, whether such information is contained on Connecticut-issued computer systems or the computer systems of individual members of the Council.

A. With reference to Request No. 1 above, enclosed please find the following:

1. October 25, 2018 e-mail from Michael Klemens (Klemens) to Council office regarding "Statement of Michael W. Klemens on Petitions 1345 and 1347" and attached October 25, 2018 revised "Statement of Michael W. Klemens on Petitions 1345 and 1347."

B. With reference to Request No. 2 above, enclosed please find the following:

1. October 26, 2018 e-mail from Melanie Bachman (Bachman) to Council members and staff regarding the subject FOIA request;
2. October 26, 2018 e-mail from Robert Silvestri to Bachman regarding possession of no records that are responsive to the subject FOIA request;
3. October 26, 2018 e-mail from Klemens to Bachman regarding the October 25, 2018 "Statement of Michael W. Klemens on Petitions 1345 and 1347";
4. October 26, 2018 e-mail from Bachman to Klemens regarding the revised "Statement of Michael W. Klemens on Petitions 1345 and 1347" and attached "Introduction to the Connecticut Siting Council" documents;



CONNECTICUT SITING COUNCIL

Affirmative Action / Equal Opportunity Employer

5. October 26, 2018 e-mail from Michael Harder (Harder) to Bachman regarding absence from the October 25, 2018 meeting;
6. October 26, 2018 e-mail from Bachman to Harder regarding the “Statement of Michael W. Klemens on Petitions 1345 and 1347” and attached October 25, 2018 revised “Statement of Michael W. Klemens on Petitions 1345 and 1347”;
7. October 26, 2018 e-mail from Klemens to Bachman regarding versions of the “Statement of Michael W. Klemens on Petitions 1345 and 1347”;
8. October 26, 2018 e-mail from Klemens to Bachman regarding inability to open attachments;
9. October 26, 2018 e-mail from Bachman to Klemens regarding the FOIA request and attached October 26, 2018 FOIA request;
10. October 26, 2018 e-mail from Klemens to Bachman regarding the readable copy of the FOIA request;
11. October 25, 2018 e-mail from Markeithia Silver (Silver), intern at the Department of Energy and Environmental Protection Office of Legal Counsel, to Klemens regarding the “Statement of Michael W. Klemens on Petitions 1345 and 1347”;
12. October 25, 2018 e-mail from Klemens to Silver regarding the “Statement of Michael W. Klemens on Petitions 1345 and 1347”;
13. October 25, 2018 e-mail from Klemens to Council Chairman Stein (Stein) and Council office and attached October 25, 2018 revised “Statement of Michael W. Klemens on Petitions 1345 and 1347;”
14. October 24, 2018 e-mail from Klemens to Stein regarding prepared remarks and attached October 25, 2018 “Statement of Michael W. Klemens on Petitions 1345 and 1347”;
15. October 24, 2018 e-mail from Klemens to Stein regarding “slight adjustments” to the statement and attached October 25, 2018 revised “Statement of Michael W. Klemens on Petitions 1345 and 1347”;
16. October 25, 2018 e-mail from Klemens to Bob Hannon (Hannon) regarding sharing the statement with DEEP and attached October 25, 2018 revised “Statement of Michael W. Klemens on Petitions 1345 and 1347”;
17. October 25, 2018 e-mail from Klemens to Silver regarding the statement being sent to Hannon;
18. October 25, 2018 e-mail from Klemens to Hannon regarding sharing the statement with Silver and attached October 25, 2018 revised “Statement of Michael W. Klemens on Petitions 1345 and 1347”;
19. October 25, 2018 e-mail from Silver to Klemens;
20. October 25, 2018 e-mail from Silver to Klemens regarding failed delivery of the earlier e-mail to Hannon;
21. October 25, 2018 e-mail from Klemens to Silver regarding the correct e-mail address for Hannon;
22. October 25, 2018 e-mail from Silver to Klemens regarding receipt of the statement and internship at DEEP;
23. October 26, 2018 e-mail from Klemens to Council members and staff regarding submission of 14 e-mails and explanation of objections to certain projects;

24. October 26, 2018 e-mail from Bachman to Klemens, Council members and staff that Lee Hoffman is not the attorney alleged to be “actively attempting to impugn [Klemens] reputation and integrity”;
25. October 26, 2018 e-mail from Klemens to Bachman regarding “accusations;”
26. October 27, 2018 e-mail from Bachman to Klemens regarding creation of bias and recusal;
27. October 27, 2018 e-mail from Klemens to Bachman regarding the creation of bias and recusal “makes sense”;
28. October 27, 2018 e-mail from Bachman to Klemens regarding protection of the integrity of the Council as a collective entity;
29. October 27, 2018 e-mail from Klemens to Bachman and Stein regarding “poor judgement” and allegations of harassment;
30. October 27, 2018 e-mail from Stein to Bachman regarding the discussion and vote at the October 25, 2018 meeting;
31. October 29, 2018 e-mail from Bachman to Stein and Klemens regarding the timeframe for a response to a FOIA request and responses from other Council members;
32. October 29, 2018 e-mail from Klemens to Bachman and Stein regarding “distinguishing between versions of two documents”;
33. October 29, 2018 e-mail from Harder to Bachman regarding possession of no records that are responsive to the subject FOIA request;
34. October 29, 2018 e-mail from Klemens to Bachman regarding “distinguishing between versions of two documents”;
35. October 29, 2018 e-mail from Klemens to Bachman regarding a formal request for a hard copy of the response to the subject FOIA request;
36. October 29, 2018 e-mail from Bachman to Klemens regarding e-mailing the entire response to the Council and mailing a hard copy to Klemens;
37. October 29, 2018 e-mail from Klemens to Bachman and October 29, 2018 e-mail from Bachman to Klemens regarding cooperation; and
38. October 29, 2018 e-mail from Hannon to Bachman regarding possession of no records that are responsive to the subject FOIA request;
39. October 29, 2018 e-mail from Jerry Murphy to Bachman regarding possession of no records that are responsive to the subject FOIA request;
40. October 29, 2018 e-mail from Stein to Bachman regarding no involvement in the prepared statement and attached scan e-mail string between Stein and Klemens with dates October 19, 2018, October 23, 2018 and October 24, 2018;
41. October 30, 2018 e-mail from Bachman to Stein regarding absence of attached document marked on October 29, 2018 e-mail referenced in #40 above;
42. October 30, 2018 e-mail from Stein to Bachman regarding absence of attachment;
43. October 30, 2018 e-mail from Stein to Bachman regarding the “correct version” of the attachment and attached October 25, 2018 revised “Statement of Michael W. Klemens in the Matters of Petitions 1345 and 1347”;
44. October 30, 2018 e-mail from Klemens to Bachman regarding October 30, 2018 e-mail from Silver to Klemens.

C. With reference to Request No. 3 above, enclosed please find the following that are separated by petition number:

1. Petition No. 1345:

- a. May 31, 2018 e-mail from Klemens to Bachman and Stein regarding questions on the petition;
- b. **REDACTED** May 31, 2018 privileged attorney-client communications e-mail from Bachman to Klemens and Stein regarding Petitions 1312 and 1345;
- c. June 1, 2018 e-mail from Klemens to Robert Mercier (Mercier) regarding questions on the petition;
- d. **REDACTED** June 6, 2018 privileged attorney-client communications e-mail from Bachman to Klemens regarding questions on Petition 1345;
- e. **REDACTED** June 7, 2018 through June 11, 2018 privileged attorney-client communications e-mail exchange among Bachman, Klemens and Stein regarding Council review of solar projects, establishment of a policy for solar projects and regulation-making proceedings;
- f. June 11, 2018 e-mail exchange between Klemens and Mercier regarding questions on the petition;
- g. June 19, 2018 e-mail from Bachman to Mercier regarding questions on the petition;
- h. June 19, 2018 e-mail exchange between Klemens and Mercier regarding Klemens' interrogatories on the petition and attached Klemens June 18, 2018 Petition 1345 Interrogatories;
- i. June 18, 2018 e-mail from Klemens regarding "first line --- words left out" of the Klemens June 18, 2018 Petition 1345 Interrogatories;
- j. June 19, 2018 e-mail exchange between Klemens and Bachman regarding the general question about agriculture in Klemens June 18, 2018 Petition 1345 Interrogatories;
- k. **REDACTED** June 20, 2018 privileged attorney-client communications e-mail exchange between Klemens and Bachman regarding the Petition 1345 environmental consultant; and
- l. August 3, 2018 e-mail from Bachman to Mercier regarding questions on the petition.

2. Petition No. 1347:

- a. July 9, 2018 e-mail from Bachman to Christina Walsh and Mercier regarding Council member Silvestri and Hannon's questions on the petition;
- b. July 16, 2018 e-mail from Bachman to Stein and Jerry Murphy regarding the Town of Waterford request for party status;
- c. July 17, 2018 e-mail from Bachman to Stein and Murphy regarding Town of Waterford's request for party status;
- d. July 18, 2018 e-mail from Bachman to Klemens and Stein regarding the Town of Waterford's request for party status and field review;
- e. July 18, 2018 e-mail from Mercier to Klemens regarding the date of issuance of interrogatories;

- f. July 18, 2018 e-mail from Klemens to Bachman and Stein regarding “solar sprawl”;
- g. July 27, 2018 e-mail from Klemens to Mercier regarding the interrogatories for the petition and attached interrogatories;
- h. August 2, 2018 e-mail exchange between Bachman and Mercier regarding the interrogatories for the petition;
- i. August 31, 2018 e-mail from Bachman to Mercier regarding a revised interrogatory schedule for the petition;
- j. September 13, 2018 e-mail exchange between Bachman and Mercier regarding petition schedule progression and posting on the website; and
- k. October 18, 2018 e-mail exchange between Bachman and Mercier regarding the “PPA allows for changes of less than 2 MW in total output.”

Please be advised that there are privileged and confidential attorney-client communications related to the substance of this FOIA request and a log of such communications is as follows:

- 1. May 31, 2018 e-mail from Bachman to Klemens and Stein regarding Petitions 1312 and 1345 (submitted in redacted form in C.1.b. above);
- 2. June 6, 2018 e-mail exchange between Bachman and Klemens regarding questions on Petition 1345 (submitted in redacted form in C.1.d. above);
- 3. June 7, 2018 through June 11, 2018 e-mail exchange among Bachman, Klemens and Stein regarding Council review of solar projects, establishment of a policy for solar projects and regulation-making proceedings (submitted in redacted form in C.1.e. above); and
- 4. June 20, 2018 e-mail exchange between Bachman and Klemens regarding the Petition 1345 environmental consultant (submitted in redacted form in C.1.j. above);

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

Thank you.

Sincerely,



Melanie A. Bachman
Executive Director

MAB/laf

cc: Council Members