April 17, 2009

S. Derek Phelps
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: Docket No. 370A, Application of the Connecticut Light and Power Company For Certificate of Environmental Compatibility and Public Need for the Connecticut Portion of the Greater Springfield Reliability Project and for the Manchester to Meekville Junction Circuit Separation Project

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Docket No. 370B, NRG Energy Inc. Application Pursuant to C.G.S. § 16-50l(a)(3) for Consideration for a 530 MW Combined Cycle Generation Plant in Meriden, CT

Dear Mr. Phelps:

Richard Blumenthal, Attorney General for the State of Connecticut ("Attorney General"), hereby submits his comments in opposition to the letter submitted by the Connecticut Light and Power Company ("CL&P") dated April 14, 2009 in the above-referenced proceedings.

Background

CL&P filed its Application for a Certificate of Environmental Compatibility and Public Need ("Certificate") for the Greater Springfield Reliability Project, a 345 kV transmission line and related transmission upgrades, on October 28, 2008. On November 4, 2008, the Connecticut Energy Advisory Board ("CEAB") issued a Request for Proposals for alternative solutions pursuant to Conn. Gen. Stat. § 16a-7c(a). This RFP sought alternatives that would address all or part of the needs claimed in CL&P's application. On December 31, 2008, NRG Energy, Inc. ("NRG") responded to the RFP by proposing its Meriden Plant as an alternative to CL&P's proposed project. NRG claimed that its project offered a local supply alternative and did not assert that it would address the local reliability issues in the Greater Springfield area.

On February 17, 2009, the CEAB recommended that the Connecticut Siting Council ("CSC" or "Council") evaluate the NRG project, as well as two other RFP respondent projects, but acknowledged that further study was required to fully assess issues such as need and cost-effectiveness. On March 19, 2009, pursuant to a Council order, NRG filed an application in this proceeding to allow its proposed project to be evaluated as an alternative to CL&P's application.

Discussion

In its letter of April 14, 2009, CL&P stated that "[i]f a project will not meet the [sic] electric system need for which the original project is proposed, it cannot be considered "appropriate."" The Attorney General respectfully disagrees.

Conn. Gen. Stat. § 16-50p(a)(3)(F) states that:

> [i]n the case of an application that was heard under a consolidated hearing process with other applications that were common to a request for proposal, that the facility proposed in the subject application represents the most appropriate alternative among such applications based on the findings and determinations pursuant to this subsection . . . .

As correctly argued by NRG in its filing dated April 15, 2009 and by the Connecticut Office of Consumer Council ("OCC") in its filing dated April 16, 2009, Connecticut law does not require the strict and unbending interpretation favored by CL&P. Rather, the Council has the flexibility to consider fully evaluate the competing proposals identified by the CEAB and to then consider which project, or which combination of projects, if any, meets the proposed and demonstrated needs in the most cost-effective manner. The Council should not, at this preliminary point in these proceedings, foreclose consideration of viable alternatives.

Sincerely,

RICHARD BLUMENTHAL
ATTORNEY GENERAL

By: _____

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Cc: Service list