



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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January 5, 2009

Joe Salemme
United Recycling and Energy, LLC
46 Oliver Terrace
Shelton, CT 06484

RE: PETITION NO. 837 – United Recycling and Energy, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the construction, maintenance, and operation of a 5-12 MW Biomass Generating Project located at 90 Oliver Terrace, Shelton, Connecticut.

Dear Mr. Salemme:

The Connecticut Siting Council (Council) received the above-referenced petition for a declaratory ruling from your company, United Recycling and Energy, LLC (United), on November 21, 2007. There are presently no other parties or intervenors associated with this petition and the matter remains listed with our agency as an open and pending matter. It is upon that basis that I write to you today.

You will recall that on December 14, 2007, the Council presented United with a set of interrogatories regarding the proposed project. The Council received responses to those interrogatories on January 10, 2008. On January 29, 2008, a meeting was held in our offices to discuss the general suitability of the record to support an evidentiary hearing, especially with respect to the interrogatory responses received. Our notes indicate that your company acknowledged that the material provided to date was insufficient. Your company further indicated that because of those insufficiencies United was not ready to proceed with the necessary evidentiary hearing, but would contact the Council once you were prepared to do so. There was not, however, any specific timeframe articulated as to when United would be prepared for such a hearing and we have received no communications from you since that meeting.

I wish to call your attention to Conn. Gen. Stat. §4-176(i):

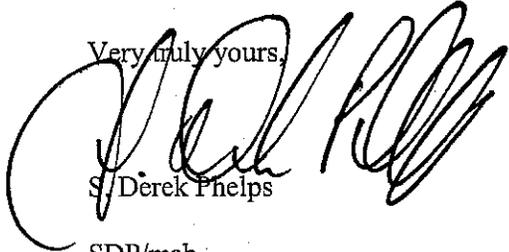
“If an agency does not issue a declaratory ruling within one hundred eighty days after the filing of a petition therefore, or within such longer period as may be agreed by the parties, the agency shall be deemed to have decided not to issue such ruling.”

As noted above, there are no other parties or intervenors associated with this petition other than United, the petitioner. This means that any such agreement, as envisioned by this statutory provision, would exist only between the Council and United. The record in this proceeding indicates that no such agreement exists, and of particular note, no such agreement existed prior to May 19, 2008, the date at which 180 days elapsed from the date the above-referenced petition was filed with the Council.

In light of the above, and pursuant to the provisions of Conn. Gen. Stat. §4-176(i), I write to advise you that the Council must be deemed to have decided not to issue a ruling on the subject petition. Thus, a new petition filing will be necessary in order for United to gain approval from the Council in connection with this project.

This letter will be placed into the file of the above-referenced proceeding in order to establish its closure. Thank you for your attention to this matter. If you have any questions or require further information, please do not hesitate to contact me, or Staff Attorney Melanie Bachman, at 860 827-2951.

Very truly yours,



S/Derek Phelps

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Council Members