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AUG 22 2006
CONNECTICUT
SITING COUNCIL

WIGGIN AND DANA
Counsellors at Law

VIA MESSENGER

August 22, 2006

Colin C. Tait, Esq.
Chairman
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

Re: Petition of Plainfield Renewable Energy LLC for a Declaratory Ruling that No Certificate of Environmental Compatibility and Public Need Is Required for the Construction, Maintenance, and Operation of a 37.5 MW Wood Biomass Staged Gasification Generating Project in Plainfield, Connecticut

Dear Chairman Tait:

The petition filed on August 14, 2006 by Plainfield Renewable Energy LLC's requests that the Connecticut Siting Council ("Council") issue a declaratory ruling that the construction and operation of this proposed wood biomass generating project in Plainfield, Connecticut will have no substantial adverse environmental effect. The petition (at pp. 7 and 8) references Conn. Gen. Stat. § 16-50k as the statutory authority for the granting of this petition. I am writing to provide a citation to the specific statutory language within § 16-50k that supports the Council's consideration of this project in a declaratory ruling proceeding.

Public Act 05-01 (June Special Session), *An Act Concerning Energy Independence* (the "Act"), made several significant changes to the siting process for certain generating facilities. Section 18 of the Act amended Conn. Gen. Stat. §16-50k to add "grid-side distributed resources" up to 65 MW to the types of generators that expressly may be approved by declaratory ruling. Conn. Gen. Stat. §16-50k now provides:

[T]he council shall, in the exercise of its jurisdiction over the siting of generating facilities, approve by declaratory ruling... (2) the construction or location of any fuel cell, unless the council finds a substantial adverse environmental effect, or of any customer-side distributed resources project or facility *or grid-side distributed resources project or facility with a capacity of not more than sixty-five megawatts, so long as such project meets air quality standards of the Department of Environmental Protection.* (emphasis added)

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“Grid-side distributed resources” is defined in § 1 of the Act, and codified at Conn. Gen. Stat. § 16-1(a)(43), to mean “the generation of electricity from a unit with a rating of not more than sixty-five megawatts that is connected to the transmission or distribution system, which units may include, but are not limited to, units used primarily to generate electricity to meet peak demand.”

This project meets each element of the § 16-50k statutory requirement for consideration and approval by declaratory ruling: it is a grid-side distributed resource, less than 65 MW, connected to the transmission system, will meet air quality standards of the Department of Environmental Protection, and will not have a substantial adverse environmental effect.

If the Council or its staff wishes the project to provide any further information on this matter, please let me know.

Very truly yours,



Linda L. Randell

cc: AAG Robert Marconi

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