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May 15, 2007

Daniel F. Caruso, Chairman
Connecticut Siting Council
10 Franklin Square
New Britain CT 06051

RE: PETITION NO. 784: Plainfield Renewable Energy, LLC Petition for a
Declaratory Ruling No Certificate of Environmental Compatibility and Public
Need is Required for the Proposed Construction, Maintenance, and Operation of a
37.5 MW Wood Biomass Generating Project, Plainfield, Connecticut

Dear Chairman Caruso:

Enclosed please find an original and 20 copies of The Connecticut Light and Power
Company's Request to Add Condition to the Council's Decision and Order with regard to
the above-referenced matter.

Very truly yours,



Robert S. Golden, Jr.

Copies to the service list

{W1519024}

WATERBURY

NEW HAVEN

SOUTHURY

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

PLAINFIELD RENEWABLE ENERGY, LLC :
PETITION FOR A DECLARATORY RULING NO :
CERTIFICATE OF ENVIRONMENTAL : **PETITION NO. 784**
COMPATIBILITY AND PUBLIC NEED IS :
REQUIRED FOR THE PROPOSED :
CONSTRUCTION, MAINTENANCE, AND :
OPERATION OF A 37.5 MW WOOD BIOMASS : **MAY 15, 2007**
GENERATING PROJECT, PLAINFIELD, :
CONNECTICUT. :

**REQUEST TO ADD CONDITION TO THE COUNCIL'S
DECISION AND ORDER**

Introduction

Plainfield Renewable Energy, LLC ("PRE"), on April 14, 2006, filed with the Connecticut Siting Council ("Council") a petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction, maintenance, and operation of a 37.5-MW Wood-Biomass Generating Project, Plainfield, Connecticut. The Connecticut Light & Power Company ("CL&P") requested and was granted Intervenor status on November 15, 2006. Consistent with CL&P's rights under the FERC-approved procedures, terms and conditions for generator interconnections in New England, CL&P will assume ownership of the transmission interconnection facilities from Fry Brook Substation to at least where it enters PRE's property.¹

¹ See, ISO New England Inc., FERC Electric Tariff No. 3 Open Access Transmission Tariff, Schedule 22 – Large Generator Interconnection Agreement ("LGIA").

Draft Findings Of Fact Pose Concern For CL&P

Draft Findings of Fact of May 2, 2007, number 40, states that PRE proposes to avoid impacting wetlands with the interconnection facilities to CL&P's Frye (sic) Brook Substation by abandoning the route in its petition and using the Providence and Worcester Railroad ("Railroad") right-of-way ("ROW") (See Appendix A)².

This is a factual development that occurred after notice and the public hearing on November 16, 2006, when, on February 14, 2007, the Council, post hearing, issued a third set of interrogatories to PRE. On April 6, 2007, PRE responded to interrogatory 24 of the third set of Council interrogatories, stating that it had redesigned the transmission portion of the Project and would avoid any temporary or permanent impact to wetlands by using the Railroad ROW (Appendix B). The response alluded, for the first time, to an agreement with the Railroad to build the transmission facilities along a Railroad ROW.

This dramatic change in PRE's proposal causes serious concerns to CL&P, as future owner and maintainer of the transmission interconnection facilities, from the point where it leaves PRE's property.³ CL&P had been closely involved with PRE in the design of the route that crossed intervening properties between PRE's property and the Fry Brook Substation; but it was not consulted at all with respect to the new Railroad route or with regard to line designs that such a route might require.

The record does not contain the terms of this agreement between PRE and the Railroad, nor is there anything in the record to establish that a transmission line can be

² The Proposed Finding of Facts includes the letter "e" in its spelling of Frye and CL&P's name for the substation does not have an "e" in the word Fry.

³ Under ISO-NE procedures for generator interconnections, and the terms of the LGIA, PRE will be required to enter into an agreement with CL&P and ISO-NE. Section 5.2(8) of the LGIA requires that if the Interconnection Customer assumes responsibility for the design and construction of the transmission owner's interconnection facilities, the Interconnection Customer shall transfer control of the transmission facilities to the transmission owner.

installed along the Railroad consistent with applicable safety and reliability requirements, or that the terms of the agreement permitting the line to be built and maintained would be acceptable to CL&P. Railroad ROWs present unique difficulties for collocation of transmission facilities. There are a number of technical issues that need to be resolved such as property right issues, clearances between existing facilities, engineering considerations unique to railroads, just to name a few, all of which call into question whether the transmission facilities could be constructed to meet the Institute of Electrical and Electronic Engineers (IEEE), National Electrical Safety Code, Conn. Gen Stat. § 16-243 and RCSA § 16-11-137-139, Occupational Safety and Health Administration standards, railroad worker safety practices, and CL&P transmission standards.⁴

The hearing procedures in this Petition have deviated from the usual procedures for hearings held in Petition proceedings, in that evidence has been admitted into the record following the close of the hearing. This procedure has hampered CL&P's efforts to assure that the transmission line will be safe, reliable, and acceptable.

Relief

CL&P is reluctant to request a re-opening of the hearing to explore the implications of the newly proposed Railroad ROW. In order to avoid the necessity for

⁴ Other items that could be of concern in a railroad agreement:

- Fees such as a License fee.
- Liability for repair and replacement costs.
- Removal costs upon the end of the agreement.
- Transferability of the agreement to CL&P.
- Is there enough space to safely construct and maintain the transmission line?
- Are there existing environmental issues?
- What rights does the Railroad retain for future expansion by the Railroad?
- What rights have the Railroad granted to other parties which, if exercised, could cause relocation of the Transmission Line?
- What impact might the agreement have on pole height and line design in general?

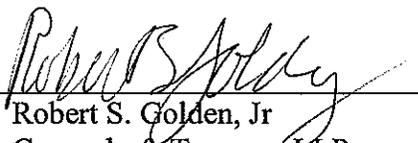
such further proceedings, CL&P does request that, should the Council rule favorably on PRE's petition, the Decision and Order include a condition requiring PRE to reach a satisfactory resolution with CL&P regarding CL&P's concerns with the PRE agreement with the Railroad. The condition should read:

The Petitioner shall provide, as part of the Development and Management Plan:

1. A certification by CL&P that the line design and studies of potential electric effects on railroad facilities to be done by PRE's qualified consultant, by CL&P's consultant, or by CL&P employees, complies with the previously cited applicable standards and practices.
2. A certification by CL&P that:
 - A. The Petitioner has demonstrated to CL&P's satisfaction that the Petitioner has acquired rights necessary to enable it to construct and maintain the transmission line. That further, there are no underlying encumbrances, environmental impairments or other obstacles to the construction and maintenance of a transmission line.
 - B. Such rights are assignable to CL&P.
 - C. The Petitioner has undertaken, by agreement satisfactory to CL&P, to indemnify CL&P against any expense resulting from the exercise by the owner or licensor of any right to require relocation of the line, and that the Petitioner has provided security for such indemnity that is satisfactory to CL&P.

Respectfully submitted

THE CONNECTICUT LIGHT & POWER COMPANY

By: 
Robert S. Golden, Jr
Carmody & Torrance LLP
Its Attorney

Copy to Service List

Appendix A

40. The plant would be connected to the substation via a single-circuit 115-kV line. PRE initially proposed to route the transmission line through a wetland north of the site. This proposal would of required the installation of six transmission poles and the construction of temporary access roads. To avoid wetland impacts, PRE now proposes to use an existing railroad right-of-way for connection to the substation. The railroad is adjacent to both the site parcel and Frye Brook substation. (PRE 1, Figure 17; PRE 4, Q. 11, Figure 11-1; PRE late file 4, Q. 24)

Appendix B

Interrogatory CSC-24

Plainfield Renewable Energy LLC
Petition 784

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- Q-CSC-24: Describe the temporary and permanent wetland impact from the installation of transmission poles within the wetland north of the site. How many poles are proposed in the wetland area?
- A-CSC-24: PRE has been able to redesign the transmission aspect of the project so that there will be no temporary or permanent impact to the wetland north of the site. This is because the Project has entered into an agreement with Providence and Worcester Railroad which allows PRE to place the project's transmission line within the railroad's right-of-way. As a result, the transmission line will leave the PRE property, travel along the railroad right-of-way and terminate at the CL&P substation. Accordingly, there will be no need to install transmission poles within the wetland north of the site and the transmission line itself will cause no impact to wetlands.

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	Plainfield Renewable Energy LLC	Daniel Donovan, Vice President Plainfield Renewable Energy LLC 20 Marshall Street, Suite 300 Norwalk, CT 06854 (203) 354-1529 (203) 549-0596 fax ddonovan@prelic.net Linda L. Randell Bruce L. McDermott Wiggin and Dana LLP One Century Tower New Haven, CT 06508-1832 (203) 498-4400 (203) 782-2889 fax lrandell@wiggin.com bmcdermott@wiggin.com

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