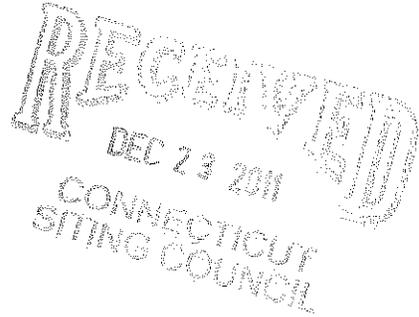


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December 23, 2011



VIA HAND DELIVERY

Mr. Robert Stein
Chairman, Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

Re: **CSC REGULATIONS REVISIONS** – Amendments to regulations relating to the Rules of Practice of the Council, Sections 16-50j-1 to 15-50z-4, inclusive, and Sections 22a-116-B-1 to 22a-116-B-11, inclusive, of the Regulations of Connecticut State Agencies

Dear Chairman Stein:

Enclosed, please find an original plus fifteen (15) copies of the supplemental comments of NRG Energy, Inc. in connection with the above-reference matter.

Very truly yours,

David J. Monz

DJM/dla

Enclosure

cc: Melanie A. Bachman, Esq.
Elizabeth Quirk-Hendry, Esq.

Updike, Kelly & Spellacy, P.C.

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**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

CSC REGULATIONS REVISIONS – Amendments to Regulations Relating to the Rules of Practice of the Council, Sections 16-50j-1 to 16-50z-4, inclusive, and Sections 22a-116-B1 to 22a-116-B-11, inclusive, of the Regulations of Connecticut State Agencies	December 23, 2011
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Supplemental Comments of NRG Energy, Inc. on Proposed Amendments to the Rules of Practice of the Council, Sections 16-50j-1 to 16-50-z-4 of the Regulations of Connecticut State Agencies

Pursuant to the Notice of Intent to Amend Regulations published in the Connecticut Law Journal on October 25, 2011, and as requested by the Connecticut Siting Council (the “Council”) at the public hearing, NRG Energy, Inc. (“NRG”) respectfully supplements its comments on the proposed amended regulations related to the Council’s Rules of Practice filed with the Council on December 6, 2011 as follows:

A. Background

On December 6, 2011, NRG submitted comments on the Council’s proposed amendments to its Rules of Practice. NRG supported, and continues to support, the Council’s efforts to streamline the process by which certain proposed energy projects may be deemed not to have a substantial adverse environmental effect. However, in light of the complex interdependency of energy facilities, NRG respectfully requests that the Council consider whether the process should provide adequate notice and a reasonable opportunity for potentially interested parties to comment on exemption requests related to energy components and

associated equipment. We strove in our comments to strike an appropriate balance between these two important and mutually compatible goals.

B. Supplemental Comments

At the public hearing on December 13, 2011, several members of the Council requested that NRG provide examples of potential modifications that may be eligible for exemption under Section 16-50j-57 as not having a substantial adverse environmental effect but that potentially interested parties may nonetheless want notice of. Our supplemental comments focus on this request.

As a threshold matter, under the current regulatory regime, energy facility modifications require application to and approval of the Council. These applications are published on the Council's meeting agenda, thus providing industries subject to Siting Council jurisdiction and other potentially interested parties with notice of all proposed modifications. Such notice provides these parties with an opportunity to evaluate any proposed modification and plan accordingly. NRG feels that such a process is beneficial and requests that the Council preserve the process under Section 16-50j-56.

More specifically, Section 16-50j-57(b) provides, in pertinent part: "None of the following shall constitute a modification of an existing energy facility that may have a substantial adverse environmental effect: (1) Routine general maintenance and one-for-one replacement of facility components that are necessary for reliable operation." The terms "routine general maintenance" and "one-for-one replacement," however, are not defined and therefore their meanings reasonably could be interpreted differently, and indeed broadly. Also, one-for-one replacements may not be practical when replacing vintage facility components with current day technology. The only way for interested parties to evaluate the potential impacts of such a

replacement is through notice from the Council once a request for exemption under Section 16-50j-57 is received. Even if there were a mutual acknowledgement that the proposed modifications to facility components are routine or one-for-one, it is conceivable that work such as the installation or change-out of circuit breakers, disconnects or transformers as set forth in Section 16-50j-57(a) may temporarily impact services to a generating station while that work is ongoing. Under the current Rules of Practice, information with respect to any such maintenance or replacement if timely provided to generators can be useful for planning work such as regulatory required equipment testing. Without knowing the universe of the modifications that may be eligible for exemption under Section 16-50j-57, it is difficult to provide specific advance predictions of examples of modifications that may be of interest to industries subject to Siting Council jurisdiction and to other potentially interested parties.

In light of the foregoing, and as set forth in greater detail in our previously filed comments, NRG respectfully requests that the Council remove the language “or its designee” from section 16-50j-57(a). NRG also requests that the Council redesignate proposed section 16-50-j-58 as 16-50j-58(a), revise the redesignated section 58(a) to reconcile the notice provisions of 16-50-j-57(a)(1)(C) and 16-50j-57(d)(3), and add a new subsection 16-50-j-58(b) as follows:

(NEW) Sec. 16-50j-58(a). Except as otherwise provided by sections 16-50-j-57(a)(1)(C) and 16-50j-57(d)(3), [T]he owner or operator of any energy component and associated equipment claiming such component and associated equipment are exempt pursuant to Section 16-50j-57 of the Regulations of Connecticut State Agencies shall give the Council, the property owner of record, if the property owner of record is different from the owner or operator of the energy component and associated equipment, and the chief elected official of the municipality and any adjoining municipalities having a boundary not more than 2500 feet from which the energy component and associated equipment is located notice in writing prior to construction of its intent to install such energy component and associated equipment, detailing its reasons for claiming exemption under Section 16-50j-57 of the Regulations of Connecticut State Agencies.

We are hopeful that the foregoing is responsive to the Council's request propounded at the December 13, 2011 public hearing.

Respectfully Submitted,

NRG ENERGY, INC.

By: /s/ Elizabeth Quirk-Hendry
Elizabeth Quirk-Hendry*
General Counsel – Northeast Region
*Not admitted in CT

UPDIKE, KELLY & SPELLACY, P.C.
Counsel for NRG

By: 
David J. Monz