



State of Connecticut
CONNECTICUT GENERAL ASSEMBLY
STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591

July 19, 2018

Hon Robert J. Klee, Commissioner
Department of Energy and Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

**RE: DRAFT NOTICE OF REQUEST FOR PROPOSALS FROM PRIVATE DEVELOPERS
FOR ZERO CARBON ENERGY**

Dear Commissioner Klee:

Thank you for this opportunity to submit written comments regarding the Draft Notice of Request for Proposals from Private Developers for Zero Carbon Energy ("draft RFP") issued by the Department of Energy and Environmental Protection ("DEEP") on June 22, 2018.

Public Act No. 17-3, An Act Concerning Zero Carbon Solicitation and Procurement ("Public Act 17-3"), directed your agency and the Public Utilities Regulatory Authority ("PURA") to conduct an appraisal regarding nuclear power generating facilities and to determine whether a solicitation process for nuclear power generating facilities should be conducted.

On February 1, 2018, DEEP and PURA concluded that DEEP should conduct a procurement or procurements, for new and existing zero carbon generation facilities, including nuclear power. Public Act No. 17-3 further directed that the procurement had to be initiated by May 1, 2018 if the results of your appraisal determined action was necessary.

While we are pleased that DEEP recently issued a draft RFP, we were shocked and dismayed to discover DEEP is ignoring the legislative intent of the law. The intent was crystal clear. DEEP and PURA had to decide if a RFP was warranted and if so, initiate it by May 1, 2018. Unfortunately, in the draft RFP, DEEP usurped legislative authority by defining a new term which would significantly delay the timeframe of potential contracts for certain resources.

The term is “At Risk Time Period” and the definition is commencing on June 1, 2023. If a resource is determined to be “At Risk” and it wins the competitive procurement, its contract is supposed to take effect June 1, 2023. If the contract takes effect before that date, the “At Risk” resource will not receive any of the non-price attributes afforded “At Risk” resources until June 1, 2023.

This is inappropriate and unfair. Millstone Power Station is the only resource participating in the comprehensive “At Risk” determination process and thus is the only resource potentially impacted. What’s more, DEEP waited until it knew that Millstone was the only resource seeking “At Risk” treatment before it defined the new term.

Nowhere in Public Act No. 17-3, is there any mention of “At Risk Time Period” and June 1, 2023. Nor was it mentioned anywhere in the Governor’s Executive Order No. 59. DEEP and PURA were silent on the term and date in the Determination they made to recommend proceeding with a competitive procurement. Additionally, the term and date were not contemplated in the “At Risk” proceeding currently underway at PURA.

This language in the draft RFP is unacceptable and **MUST** be removed before the Final RFP is issued on July 31, 2018.

If Millstone is determined to be an existing resource confirmed At Risk, the risk is **NOW** and it should not be forced to wait until June 1, 2023 to be treated as such.

We cannot overstate the urgency and necessity for DEEP to comply with the legislative intent of Public Act 17-3 for a variety of reasons but most importantly because the draft RFP as currently written puts the entire process in jeopardy. The adverse economic and environmental ramifications of a premature closing of Millstone to Waterford, Southeastern Connecticut and the state as a whole have been stated repeatedly by us over the past three years.

Millstone has acted in good faith and goodwill throughout the entire process and has cooperated to the fullest extent possible with DEEP and PURA.

We are respectfully requesting that DEEP alter the language in the draft RFP and eliminate the “At Risk Time Period” term and definition.

We thank you in advance for your cooperation in this request.

Respectfully submitted,