



December 16, 2020

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

Via FERC Online eFile

RE: P-6985-005: Kinneytown Hydroelectric Project; Comments by Interested Persons

Dear Secretary Bose:

The Naugatuck Valley Council of Governments (NVCOG) submits the following comments in response to project owner Enel's November 9, 2020 response to the Commission's October 9, 2020 Addition Information Request. The NVCOG has previously explained the very important public interest and investment in the operations of the Kinneytown Hydroelectric Project (KHP).¹ The information provided by the Fish and Wildlife Service² and more recently by Save the Sound/Naugatuck River Revival Group³ indicates that the Kinneytown Dam never met its obligation to provide effective fish passage, and that fish passage went from ineffective to essentially zero when the Ansonia unit (Unit 2) shut down sometime between 2010 and 2014. Those comments are important.

NVCOG is studying these filings and Enel's subsequent response to the Commission's information request.⁴ NVCOG also is reviewing other related information and is in the process of seeking further information needed to inform NVCOG's position, including CEII reports relating to the Kinneytown Dam's safety.

NVCOG intends to file comprehensive substantive comments within 21 days of receipt of this information. In the meantime, NVCOG wishes to share its initial reaction to Enel's response to the Commission's information request.

Enel's comments amount to a request that its heightened state of non-compliance be allowed to indefinitely persist. Enel states that:

Unit 2 has been out of service because it was not financially viable to keep repairing due to the age of the main equipment. KHC has sought and plans to continue to seek financial incentives such as grants, tax credits, or alternative revenue sources that would make it financially viable to return Unit 2 to service. KHC does not believe it is prudent to completely decommission Unit 2 as the renewable energy space is

¹ NVCOG Comments (Oct. 27, 2020).

² F&W Comments (Sept. 29, 2020) at 2, Table 1.

³ Joint Comments of Save the Sound and Naugatuck River Revival Group (Nov. 30, 2020) at 2, 11-13, and Attachment E.

⁴ Enel Comments (Nov. 9, 2020) at 1.

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growing and with the right incentive Unit 2 can be returned to service. Therefore, KHC respectfully requests addition additional time to seek a financially viable solution to return Unit 2 to service while still addressing the concerns of FWS.⁵

However, Enel has been in a state of increasing non-compliance for about ten years now. Enel's comments fail to demonstrate that an end is in sight.

Enel's suggestion that it "can recreate the effect of Unit 2 operating has on fish passage"⁶ misses the point. Evidence indicates that the Kinneytown Dam's fish passage has never been effective. A vague, unstudied, and unengineered representation that Enel can "recreate" an ineffective situation only allows non-compliance to persist.

NVCOG respectfully requests that it be allowed adequate time to obtain and review information needed to file comprehensive comments. CEII requests are underway and NVCOG intends to file its comments within 21 days of receipt of requested information.

Please let me know if you have questions or can provide more information in the interim.

Sincerely,



Rick Dunne
Executive Director

cc: Via E-Mail Only:

Neil O'Leary, Chairman, NVCOG

NVCOG Board

Elinor Carbone, Mayor, Torrington

Denise Raap, First Selectman, Litchfield

Michael Criss, First Selectman, Harwinton

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Service List via FERC eSubscription

Mason Trumble Deputy Commissioner, CTDEEP

⁵ Id.

⁶ Enel Comments at 2.