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May 19, 2003

**VIA FACSIMILE (301) 713-4408  
AND FEDERAL EXPRESS**

Mr. Branden Blum  
Senior Counselor  
c/o Office of Assistant General Counsel for Ocean Services  
National Oceanic and Atmospheric Administration  
U.S. Department of Commerce  
1305 East-West Highway  
Room 6111, SSMC-4  
Silver Spring, MD 20910

Re: Appeal of Islander East Pipeline Company, L.L.C.; Request for Remand

Dear Mr. Blum:

We have just received this morning the May 16, 2003 letter from the State of Connecticut which requests until Friday, May 23, 2003 to respond to Islander East's request for remand of this matter. We are perplexed and disappointed by Connecticut's implication that this material is new to or has not yet been filed with the State and its statement that, as a result, it needs a week to consider how to respond to the request for remand.

The fact is that Islander East submitted this material to the Connecticut Department of Environmental Protection ("CT DEP") over two months ago, if not earlier. The material was formally submitted to CT DEP no later than March 13, 2003, when Islander East's re-filed § 401 Water Quality Certificate Application was filed. DEP's May 5, 2003 letter acknowledged that the material filed on that date "ha[d] a bearing on" resolution of this appeal.

Furthermore, on April 30, 2003, Islander East provided Connecticut with a draft of the letter requesting remand in substantially the form it was submitted to NOAA on May 15, 2003. Accordingly, DEP has been aware of Islander East's intention to seek a remand for over two weeks.

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In sum, Connecticut has been aware of Islander East's intention to request a remand by the Secretary in light of significant new information that has been developed and shared with Connecticut for several months. We would note that on the conference call on May 15, 2003, representatives of Connecticut initially stated that they had difficulty reaching the decision makers within the CT DEP. Apparently, they have abandoned that excuse and now state that Connecticut is "considering the ramifications of Islander East's request." We can only view Connecticut's request to respond until May 23, 2003 as a dilatory tactic and request that the Secretary deny it. We ask that Connecticut be required to respond to Islander East's request for remand by close of business Tuesday, May 20, 2003.

Very truly yours,



Frank L. Amoroso  
Nixon Peabody LLP  
Attorneys for Islander East Pipeline Company, L.L.C.

FLA:mm

cc: Thomas L. Stanton, Jr., Esq.  
David Wrinn, Esq.