

Hon: William Bouteiller
Administrative Law Judge
New York State Public Service Commission (PSC)
Three Empire State Plaza
Albany, NY 12223-1350
(518) 474-6436 Fax: (518) 473-3263
RRR #7003 3110 0001 3178 6470

Thomas Bermel
208 Wood Acres Road
East Patchogue, NY 11772
May 16, 2006

In the Matter of:

CAITHNESS BELLPORT, LLC – Petition for a Certificate of Public Convenience and Necessity and Petition for a Declaratory Ruling on Regulatory Regime pursuant to Section 68 of the Public Service Law and Petition for an Order Regarding Financing Approval pursuant to Section 69 of the Public Service Law.

**Request to Become an
Intervenor & Active Party**

Case No. 05-E-0098

Accordingly, I hereby request to become an Intervenor and Active Party, or in the alternative, that the Commission dismiss Petitioner's Petitions dated January 25, 2005 and February 10, 2006, and its pleadings dated April 18, 2005, May 6, 2005, and any other documents missing from the tainted Brookhaven Town Clerk's record, upon the following grounds.

1. In all of Caithness Bellport, LLC's presentations to the general public, the existence of a petition or petitions filed with the PSC by Caithness Bellport, LLC was inexcusably and fraudulently omitted, causing the public at large to be unaware of such a filing;
2. As a result of the non-disclosure of the filing of the petition or petitions, the general public, being unaware of the existence of a petition or petitions filed with the PSC, was unable to respond to said petition or petitions;
3. The effect of pollution on local farmlands was not addressed in the FEIS;
4. A Public Health Action Plan (PHAP) or Health Risk Assessment has not been provided by Caithness Bellport, LTD to date;
5. Councilwoman Connie Kepert independently and without the knowledge, consent, or express approval of the Brookhaven Town Board negotiated and brokered a Community Benefit package deal with Caithness Bellport, LLC. **before** even being sworn into office;
6. LIPA has stated publicly that Sales and Use Tax will be paid on building materials for the proposed power plant by LIPA, using ratepayer dollars.

Fraudulent Service and Record Tampering

1. The Brookhaven Town Clerk's files do not contain the: (1) January 25, 2005 Petition, (2) February 10, 2006 Petition, (3) April 18, 2005 Motion for Expedited Proceedings, (4) Brookhaven Town's April 25, 2005 Motion to Intervene, or (5) Petitioner's May 6, 2005 Response to this Motion to Intervene; and (6) Town-funded engineering reports for Caithness are also missing from the Town Record.

2. On May 11th Don Seubert and I, Thomas Bermel, attempted to locate the records identified in #1 above, as well as the Retainer Agreement and documents pertaining to the law firm hired to file said Motion to Intervene by an unknown Brookhaven Town Official[s].
3. On May 12th , I, Thomas Bermel, returned to the Brookhaven Town Hall to file a formal record tampering complaint. (Exhibit A)
4. It is presently unknown whether or not the Petitioner served the Brookhaven Town Clerk with any of the documents before this Commission; however, the Brookhaven Town Clerk states that these documents are not in the possession of the Town.

Therefore, I respectfully request that the Commission grant my request and permit me to intervene, become an active party, and/or, in the interest of justice, dismiss both Petitions and strike Petitioner's pleadings, and for such other and further relief deemed appropriate under the circumstances.

Sincerely,

Thomas Bermel
208 Wood Acres Road
East Patchogue, NY 11772

631-286-0752



Town of Brookhaven Long Island

RECEIVED
TOWN OF BROOKHAVEN
LAW DEPARTMENT

2006 MAY 12 PM 3:30

Robert F. Quinlan
Town Attorney

TOWN OF BROOKHAVEN COMPLAINT FORM

PLEASE TYPE OR PRINT ALL ENTRIES WITH BALL POINT PEN

This form is being sent to you in response to your request for assistance from the Brookhaven Town Department of Law concerning violations of the Brookhaven Town Code. You may provide a copy of any documentation you wish to have reviewed.

ALL INFORMATION, INCLUDING SIGNATURE, MUST BE PROVIDED

FUTURE INQUIRIES MUST BE MADE IN WRITING, INCLUDING THE COMPLAINT NUMBER _____
FORWARD INQUIRIES TO BROOKHAVEN LAW DEPARTMENT, ONE INDEPENDENCE HILL, FARMINGVILLE,
NY 11738. TO MAINTAIN CONFIDENTIALITY, WE CANNOT RESPOND TO TELEPHONE INQUIRIES REGARDING
THIS MATTER.

THIS FORM MUST BE COMPLETED AND RECEIVED BY OUR OFFICE WITHIN 30 DAYS OF _____
THE ORIGINAL WHITE COPY MUST BE RETURNED. NO PHOTOCOPY OR FAX COPIES WILL BE ACCEPTED.

VIOLATION ADDRESS Street Number _____ Street Name _____
Hamlet _____ Town of Brookhaven, New York, Zip Code _____
Nearest Cross Street _____

VIOLATOR NAME _____

NATURE OF COMPLAINT THE FORMER SUPERVISOR, JOHN LAVALLE,
THE TOWN CLERK, STANLEY ALLEN, COUNCILMAN

BRIEF DESCRIPTION OF COMPLAINT JAMES TULLO, AND PLANNING
COMM. OF THE TOWN OF BROOKHAVEN WERE ALL SERVED WITH PETITION
RE: CAITHNESS APPLICATION BEFORE THE PSC 05-E-0098
THERE ARE NO COPIES ANYWHERE IN TOWN HALL. TOM TALBOT, AIDE TO
COUNCILWOMAN KEPERT, TOLD ME THERE WERE NO RECORD IN THAT OFFICE WHEN
SHE TOOK OVER IN JAN 2006, THIS IS, IN MY OPINION, RECORD
TAMPERING AND THEFT OF TOWN OF BROOKHAVEN PROPERTY.

HAS PREVIOUS COMPLAINT BEEN MADE?
UNKNOWN YES DATE MADE _____

IS HOUSE OWNER-OCCUPIED?
UNKNOWN NO YES

I AFFIRM THAT ALL INFORMATION PROVIDED IN THIS COMPLAINT IS TRUE AND FACTUAL.
Thomas Bermel THOMAS BERMEL 5/12/06
YOUR SIGNATURE PRINT NAME DATE

PLEASE RETURN ORIGINAL WHITE COPY IN THE PROVIDED ENVELOPE AND RETAIN YELLOW COPY FOR YOUR RECORD

Requested by Name THOMAS BERMEL
Address 208 WOODACRES RD
E. PATCH. N.Y. 11772

Telephone Number(s) 286-0752