

To: David Kooris[dkooris@ctportauthority.com]; John Henshaw[jhenshaw@ctportauthority.com]  
From: Andrew Lavigne[alavigne@ctportauthority.com]  
Sent on behalf of: Andrew Lavigne <alavigne@ctportauthority.com>  
Sent: Sat 9/18/2021 7:47:55 PM Eastern Daylight Time  
Subject: Re: [The Day] Collins: Company that Gov. Lamont put out of business will have its day in court

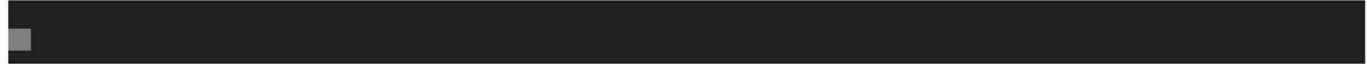
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As typical, the whole piece includes so many inaccuracies and flawed assumptions that correcting one does little to correct the blatant bias.

On Sat, Sep 18, 2021 at 7:32 PM Andrew Lavigne <alavigne@ctportauthority.com> wrote:

Riddled with inaccuracies and hyperbole, as usual. I think we could consider correcting that the \$18m in delivered steel is for already permitted work, not sitting unused due to premature arrival. He also repeats his claim that the RFP had a "specific requirement" to accommodate existing users.

## Company that Gov. Lamont put out of business will have its day in court



A payloaders fills a dump truck with road salt Nov. 27, 2020, at State Pier in New London. The Connecticut Port Authority has displaced the owner of the salt, DRVN Enterprises, from State Pier, where an assembly area for offshore wind turbines is planned. (Sean D. Elliot/The Day)

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By **David Collins** Day staff writer  
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The story of how Gov. Ned Lamont crushed a successful small business, one that created competition in the marketplace and filled a pressing need of municipalities in eastern Connecticut, may go down in the history books as one of the great commercial injustices served up by Connecticut power brokers.

Except the fat lady hasn't quite sung yet.

It turns out Steve Farrelly, whose DRVN Enterprises — originally recruited to create a new source of imported road salt for Connecticut, importing it through New London's State Pier — may finally get an impartial review of the way the governor, manipulating all the levers of power, put him out of business.

Farrelly has filed a lawsuit in Superior Court seeking to stop Lamont's \$235 million project to convert the deepwater shipping terminal to an assembly stage for offshore wind turbines.

Sometime soon, a Superior Court judge will hear Farrelly's lawyers argue for a stay to immediately stop work on the pier until they can make their full case in court.

Farrelly's company will be irreparably harmed if the rebuild of the pier is allowed to continue, they argue in a motion for the stay. There is no urgent need, they say, other than profit, for the project to continue without an appropriate legal review by a fair and neutral court.

It's not like we are not going to have offshore wind power in New England if New London's pier is not expensively remade. The wind utilities have been lining up facilities up and down the East Coast.

If the state again misses a deadline to secure a federal permit, Ørsted and Eversource could pull out and take their small contribution toward the cost of the project with them.

The issue in Farrelly's lawsuit is the recent Department of Energy and Environmental Protection's approval for the extensive work at the pier, including filling in 7 acres of the harbor. Permit requests from the U.S. Corps of Engineers are still under review.

The lawsuit contends that the work violates Connecticut law protecting water-dependent users of the waterfront and notes that, even in its preliminary finding on the application to rebuild the pier, DEEP said it needed to know how existing water-dependent users like Farrelly's company would be accommodated.

The lawsuit also notes, but doesn't dwell on, what is really the larger injustice here.

When the Connecticut Port Authority first issued its request for proposals for a new operator for the State Pier terminal, it included a specific requirement that existing users like Farrelly's salt business remain in place.

But then the Connecticut Port Authority chose Gateway Terminal, owner of the New Haven port, to become the New London operator. At least one other bidder promised to accommodate both wind turbine assembly and existing shipping, as the request for proposals insisted.

Not only did the authority's final selection allow Gateway to eliminate shipping competition from New London, but the New Haven operator, providing the only other road salt supplies in Connecticut, was able to help put Farrelly's company out of business. It was a clean swipe at all the competition, abetted by Connecticut's political leadership.

Attorney General William Tong declined to interfere in this breach of antitrust laws, and like so many lawmakers who remained mute as the injustice unfolded, allowed Lamont's port authority to reward a politically connected business gorilla a prize that allowed it to maul its competition.

Stay tuned to see what kind of fair hearing Farrelly might finally get.

The stakes are high. Not only is Farrelly's livelihood on the line, but so is the robust competition he created with his business, potentially reducing municipalities' costs for road salt, with New London added as a salt-importing port.

With the utilities threatening to flee and \$18 million worth of construction material already delivered and sitting unused at the New London pier, a setback, either by Farrelly's lawsuit or the lack of permit from the Army Corps of Engineers, could put a lot of egg on the governor's face, slowing or stopping his signature infrastructure project.

How many more times can they absorb huge cost overruns for a project that is already well past twice the original estimates?

You can see why Lamont's DEEP promptly approved an environmental permit for this massive project, as if it always routinely allows the filling of 7 acres of harbor and all the impact on fisheries and bird life that entails.

I look forward to Farrelly getting his day in court, finally, before an impartial judge.

*This is the opinion of David Collins.*