



Daniel F. Caruso  
Chairman

# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

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February 4, 2011

TO: Parties and Intervenors

FROM: Linda Roberts, Executive Director 

RE: **PETITION NO. 980** - BNE Energy, Inc. petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the construction, maintenance, and operation of a 3.2 MW Wind Renewable Generating facility located at 178 New Haven Road, Prospect, Connecticut.

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At a pre-hearing conference held February 4, 2011, at the Connecticut Siting Council's (Council) office, the Council requested that the following format be used for the public hearing scheduled on February 23 and 24, 2011.

### Pre-hearing Procedure

1. On or before February 9, 2011, all parties and intervenors are requested to exchange pre-hearing interrogatories with all other parties and intervenors.
2. On or before February 16, 2011 all parties and intervenors are requested to file responses to pre-hearing interrogatories and exchange pre-filed testimony, exhibits, witness lists, and items to be noticed administratively with the Council and all other parties and intervenors. To save the time and expense of parties, intervenors, and the public, all parties and intervenors are encouraged to resolve discrepancies of these items before the hearing.
3. Any person seeking to be admitted as a party or intervenor to the proceeding is requested to file a written petition with the Council on or before February 16, 2011.
4. All filings are to be in accordance with the State Solid Waste Management Plan, the Council is requesting that all filings be submitted on recyclable paper, primarily regular weight white office paper. Please avoid using heavy stock paper, colored paper, and metal or plastic binders and separators.
5. At least ten business days prior to the public hearing, the petitioner shall erect and maintain, in a legible condition, a sign not less than six feet by four feet at the entrance to the property from a public road where the proposed facility is to be located. The sign shall set forth the name of the petitioner, the type of facility, the public hearing date, and contact information for the Council (Web site and phone number).
6. Enclosed is a list of items the Council wishes to notice administratively. Objections to any item on the list should be sent to the Council before the hearing.

## **Hearing Procedure**

7. A public field review of the proposed site will be held on Wednesday, February 23, 2011, beginning at 2:00 p.m. The Council will meet at the end of Kluge Road. Carpooling to the site is encouraged.
8. The 2:00 p.m., February 24, 2011, hearing session will provide the petitioner, parties, and intervenors an opportunity to introduce exhibits and witnesses, and cross-examine positions. The petitioner will be allowed to present its exhibits and witness panel, and then be subject to cross-examination by the Council and all parties and intervenors. All parties and intervenors will then be allowed to introduce their exhibits and witness panels, and be subject to cross-examination by the Council, the petitioner and all other parties and intervenors. The petitioner will be allowed a final rebuttal.
9. All participants are requested to place nameplates on the table in front of each witness at the hearing.
10. The order of appearances and cross-examination will be governed by a hearing program developed by the Council for the proceeding. The Council may issue a draft version of the hearing program to parties and intervenors prior to the hearing.
11. The 6:30 p.m. hearing sessions on February 23 and February 24, 2011, will be reserved for the public to make brief statements into the record.
12. If time remains, the 6:30 p.m. hearing session on February 24, 2011 may provide the petitioner, parties, and intervenors an opportunity to continue their appearances and cross-examination that began during the 2:00 p.m. hearing session.
13. The Council will provide public officials who have not been granted party or intervenor status an opportunity to make a statement.
14. The Council may, at its discretion, group parties and intervenors with the same interest.
15. Individuals will be encouraged to participate through their elected officials and other party or intervenor groupings.
16. Any party or intervenor, including those that are members of non-profit corporations or citizens groups, that have attained party or intervenor status in the proceeding are deemed to be represented in the proceeding and may not submit oral or written statements into the record.
17. All participants will be encouraged to be brief, concise, non-repetitious, and courteous of all other participants.

## **Post-hearing procedure**

18. A verbatim transcript of the hearing session will be made and deposited with the Prospect and Bethany Town Halls for the convenience of the public.
19. Parties and intervenors will be allowed to submit briefs and proposed findings of fact within 30 days after the close of the hearing.

20. Members of the public will be allowed to submit public statements into the record within 30 days after the close of the hearing.
21. Deadlines for briefs, proposed findings of fact, and public statements will be final and no extensions will be granted.

Thank you for your cooperation.

Enclosure: Administrative Notice List



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### Administrative Notice List

Petition No. 980

1. NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES, NATIONAL INSTITUTES OF HEALTH, EMF, ELECTRIC AND MAGNETIC FIELDS ASSOCIATED WITH THE USE OF ELECTRIC POWER (June 2002), *available at* <http://www.nema.org/gov/ehs/positions/upload/niehsqa.pdf> (last visited July 15, 2010).
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8. CONNECTICUT SITING COUNCIL, 2009 FORECAST OF ELECTRIC LOADS AND RESOURCES (October 8, 2009) *available at* [http://www.ct.gov/csc/lib/csc/f2009/f-2009final\[2\].pdf](http://www.ct.gov/csc/lib/csc/f2009/f-2009final[2].pdf) (last visited July 20, 2010).
9. CONNECTICUT COUNCIL ON SOIL AND WATER CONSERVATION, STATE OF CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION, CONNECTICUT GUIDELINES FOR SOIL EROSION AND SEDIMENT CONTROL, DEP BULLETIN 34 (May 2002, last revised September 2007), *available at* [http://www.ct.gov/dep/cwp/view.asp?a=2720&q=325660&depNav\\_GID=1654](http://www.ct.gov/dep/cwp/view.asp?a=2720&q=325660&depNav_GID=1654) (last visited July 20, 2010).



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**LIST OF PARTIES AND INTERVENORS**  
**SERVICE LIST**

<b>Status Granted</b>	<b>Document Service</b>	<b>Status Holder (name, address &amp; phone number)</b>	<b>Representative (name, address &amp; phone number)</b>
<b>Applicant</b>	<input checked="" type="checkbox"/> U.S. Mail	BNE Energy, Inc.	Carrie L. Larson, Esq. Pullman & Comley, LLC 90 State House Square Hartford, CT 06103-3702 (860) 424-4312 (860) 424-4370 fax <a href="mailto:clarson@pullcom.com">clarson@pullcom.com</a> Paul Corey, Chairman BNE Energy Inc. Town Center, Suite 200 29 South Main Street West Hartford, CT 06107 (860) 561-5101 (888) 891-6450 fax <a href="mailto:pcorey@bneenergy.com">pcorey@bneenergy.com</a>
<b>Party</b> <i>(granted on 01/06/11)</i>	<input checked="" type="checkbox"/> U.S. Mail	Town of Prospect	The Honorable Robert J. Chatfield Mayor Prospect Town Office Building 36 Center Street Prospect, CT 06712-1699 (203) 758-4461 <a href="mailto:Town.of.prspct.@sbcglobal.net">Town.of.prspct.@sbcglobal.net</a>
<b>Party</b> <i>(granted on 01/06/11)</i>	<input checked="" type="checkbox"/> U.S. Mail	Save Prospect Corp (SPC)	Jeffrey J. Tinley, Esq. Tinley, Nastri, Renehan & Dost, LLP 60 North Main Street Waterbury, CT 06702 (203) 596-9030 (203) 596-9036 fax <a href="mailto:jtinley@tnrdlaw.com">jtinley@tnrdlaw.com</a> <a href="mailto:noisyprospect@comcast.net">noisyprospect@comcast.net</a>
<b>Party</b> <i>(granted on 01/20/11)</i>	<input checked="" type="checkbox"/> E-Mail	John and Cheryl Lamontagne 225 New Haven Road Prospect, CT 06712 (203) 509-4158 <a href="mailto:John.lamontagneconstco.com">John.lamontagneconstco.com</a>  Thomas and Eileen Satkunas 232 New Haven Road Prospect, CT 06712 (203) 592-1344 <a href="mailto:Tom.satkunas@snet.net">Tom.satkunas@snet.net</a>	Thomas J. Donohue, Jr., Esq. Killian & Donohue, LLC 363 Main Street Hartford, CT 06106 (860) 560-1977 (860) 249-6638 <a href="mailto:tj@kdjlaw.com">tj@kdjlaw.com</a>

