



Daniel F. Caruso  
Chairman

# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: [siting.council@ct.gov](mailto:siting.council@ct.gov)

Internet: [ct.gov/csc](http://ct.gov/csc)

January 21, 2011

TO: Council Members

FROM: Linda Roberts, Executive Director *LR*

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.

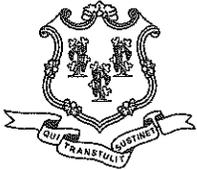
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Enclosed please find a copy of the Council's notice of public hearing.

LR/laf

Enclosure (1)

c: Secretary of the State (via e-mail service)  
Robert L. Marconi, Assistant Attorney General  
Melanie A. Bachman, Staff Attorney  
Parties and Intervenors  
Application Service Recipients  
Ginger Teubner, DPUC (via e-mail service)



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### HEARING NOTICE

Pursuant to provisions of General Statutes § 16-50m and Section 16-50j-21 of the Regulations of Connecticut State Agencies, notice is hereby given that the Connecticut Siting Council (Council) will conduct public hearings on a petition from BNE Energy, Inc. 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. The scheduled hearing dates and locations are as follows:

**Wednesday, February 23, 2011**

**2-5:00 p.m. (field review)/6:30 p.m. to conclusion (public comment)**

**Thursday, February 24, 2011**

**2-5:00 p.m. (evidentiary hearing)/6:30 p.m. to conclusion (public comment)**

**Long River Middle School Gymnasium**

**38 Columbia Avenue**

**Prospect, CT 06712**

The Council will conduct a public field review of the proposed site on Wednesday, February 23, 2011, beginning at 2:00 p.m. The Council will meet at the end of Kluge Road.

The 2:00 p.m. hearing session on February 24, 2011 will provide the petitioner, parties, and intervenors an opportunity to cross-examine positions. The petitioner will be allowed a final rebuttal. Briefs will be entertained after the close of the last hearing session.

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.

Applicable law for this proceeding includes the Public Utility Environmental Standards Act, General Statutes § 16-50g, et seq., and Sections 16-50j-1 through 16-50v-1a of the Regulations of Connecticut State Agencies.

The Council will hold a pre-hearing conference on procedural matters on Wednesday, February 2, 2011, beginning at 10:00 a.m. at the Council's office, 10 Franklin Square, New Britain, Connecticut.

The Council directs that all testimony and exhibits be pre-filed with the Council and all parties and intervenors by February 16, 2011. In accordance with the State Solid Waste Management Plan, the Council requests 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.

Individuals are encouraged to participate through their elected officials, and other party/intervenor groupings.

Any person seeking to be named or admitted as a party or intervenor to the proceeding may file a written request to be so designated at the office of the Connecticut Siting Council, 10 Franklin Square, New Britain, Connecticut 06051, on or before February 16, 2011.

Parties and intervenors will be allowed to submit briefs and proposed findings of fact within 30 days after the close of the hearing.

Any person who is not a party or intervenor to this proceeding may file a written statement with the Council up to 30 days after the close of the hearing. Such statements will become part of the record. No written statement or any other material, evidence, or other information will be accepted from any person not a party or intervenor to the proceeding after 30 days following the close of the hearing, except as otherwise prescribed by law or the Council.

A verbatim transcript of the hearing session(s) will be made and deposited with the Town Clerk's Offices of the Prospect and Bethany Town Halls for the convenience of the public.

Requests for information in alternative formats or for sign-language interpreter services must be submitted in writing by February 16, 2011.

The petitioner of this facility is represented by the following:

**Petitioner**

BNE Energy, Inc.

**Its Representative**

Carrie L. Larson, Esq.  
Pullman & Comley, LLC  
90 State House Square  
Hartford, CT 06103-3702

A copy of the petition is available for review at the Council's office during office hours at 10 Franklin Square, New Britain, Connecticut, (860) 827-2935 or on Council website at <http://www.ct.gov> under the link "Pending Proceedings." The Council has assigned this petition no. 980.

January 21, 2011

Connecticut Siting Council



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Chairman

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January 21, 2011

Derrylyn Gorski, First Selectman  
Bethany Town Hall  
40 Peck Road  
Bethany, CT 06524

RE: Hearing Dates – February 23, 2011 and February 24, 2011 in connection with **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.

Dear First Selectman Gorski:

The Connecticut Siting Council (Council) has received a petition for the above referenced project that entails the construction of a 3.2 MW Wind Renewable Generating facility located in the Town of Prospect. Connecticut General Statute § 16-50l(b) provides for municipalities within 2,500 feet of a proposed facility to receive adequate notice of the project. The Town of Bethany is within 2,500 feet of the proposed facility. Although not required by law in a petition for declaratory ruling, because of the nature of this filing the Council has concluded that a public hearing is appropriate. I am writing to invite you to participate in this hearing.

Please be advised that the Council's processes enable municipal governments to engage in meaningful discourse and, if they choose, to assert a legal role in the proceedings of filings that come before the Council. Your participation at such hearing may take many forms; municipal officials may make opening statements to the Council, present written documents, or may seek Party or Intervenor Status and put on a case with witnesses.

Our staff is available to assist you in understanding our process and your options. In the event you have specific legal questions, please contact our Staff Attorney Melanie Bachman (860 827-2951). Otherwise, you may contact Executive Director Linda Roberts (860 827-2935).

Additionally, please note these proceedings are governed by Connecticut General Statutes § 16-50(g) et seq. and the Uniform Administrative Procedures Act (UAPA). These statutes require the Council to proceed in ways often very different from your local planning and zoning agencies. Accordingly, you may wish to consult with your attorney so that you may more effectively assist your community.

The Council weighs many issues before rendering its decisions. It is important that we know the Town's views as part of that decision making process. We hope you will take part in our hearing process.

Sincerely,

Daniel F. Caruso  
Chairman

DFC/LR/laf



CONNECTICUT SITING COUNCIL  
Affirmative Action / Equal Opportunity Employer



Daniel F. Caruso  
Chairman

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January 21, 2011

TO: Classified/Legal Supervisor  
**980110223**  
Waterbury Republican American  
389 Meadow Street, P.O. Box 2090  
Waterbury, CT 06722

Classified/Legal Supervisor  
**980110223**  
Citizen's News  
71 Weid Drive  
Naugatuck, CT 06770

FROM: Lisa A. Fontaine,  Fiscal Administrative Officer

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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Please publish the attached legal notice for one day on the first day possible from receipt of this notice, except on Saturday, Sunday, or holiday.

Pursuant to General Statutes § 16-50m(c), the general notice to be public shall be published in its entirety in not less than **TEN POINT BOLDFACE TYPE**. If you have any questions concerning the ten point type, please contact me. If your newspaper does not have ten point type, please so state and also state the size type actually used in the legal notice in your affidavit.

Please send affidavit of publication and invoice to: Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

laf

Enclosure (1)



Daniel F. Caruso  
Chairman

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January 21, 2011

Joseph Reese  
Tech Theatrical Services, LLC  
98 Knight Street  
Watertown, CT 06795

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.

Dear Mr. Reese:

Your attendance will be required at a hearing of the Connecticut Siting Council regarding the subject petition on:

**Wednesday, February 23, 2011**

**6:30 p.m. to conclusion**

**Thursday, February 24, 2011**

**2-5:00 p.m./6:30 p.m. to conclusion**

**Long River Middle School Gymnasium (right behind Prospect Town Hall)**

**38 Columbia Avenue**

**Prospect, CT 06712**

I am enclosing a copy of our hearing notice for your convenience. If you have any questions concerning this matter, please call me.

Very truly yours,

Lisa A. Fontaine  
Fiscal Administrative Officer

laf

Enclosure



CONNECTICUT SITING COUNCIL  
Affirmative Action / Equal Opportunity Employer



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Daniel F. Caruso  
Chairman

January 21, 2011

Ruth Girolomo  
Post Reporting Service, Inc.  
2015 Dixwell Avenue  
Hamden, CT 06514

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.

Dear Ms. Girolomo:

Your attendance will be required at a hearing of the Connecticut Siting Council (Council) regarding the subject petition on:

**Wednesday, February 23, 2011**

**6:30 p.m. to conclusion**

**Thursday, February 24, 2011**

**2-5:00 p.m./6:30 p.m. to conclusion**

**Long River Middle School Gymnasium (right behind Prospect Town Hall)**

**38 Columbia Avenue**

**Prospect, CT 06712**

The Council will require delivery of the complete transcript, an original and one copy, within one week of the hearing. I am enclosing a copy of the petition filing and our hearing notice for your convenience. If you have any questions concerning this matter, please call me.

Very truly yours,

Lisa A. Fontaine  
Fiscal Administrative Officer

laf

Enclosure (2)



# STATE OF CONNECTICUT

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*Daniel F. Caruso*  
Chairman

January 21, 2011

The Honorable Robert J. Chatfield  
Mayor  
Prospect Town Office Building  
36 Center Street  
Prospect, CT 06712

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.

Dear Mayor Chatfield:

Confirming our telephone conversation of December 29, 2010, I appreciate the reservation of the Gymnasium at the Long River Middle School for a public hearing on Wednesday, February 23, 2011 from noon to 10:00 p.m. and Thursday, February 24, 2011 from noon to 10:00 p.m.

For your information, I have attached a general plan for seating arrangements.

If any other information is needed, please contact me at my office. Thank you for your assistance.

Very truly yours,

Lisa A. Fontaine  
Fiscal Administrative Officer

laf

Enclosure (1)



Seating Arrangements:

X X X X X X X X X X X X

Council Table  
(seating for twelve)  
(x = chairs)

X  
Table  
for  
Court  
Reporter  
& Audio  
Tech  
X  
(x =  
chairs)

Party Table  
(seating for  
four)  
(x = chairs)

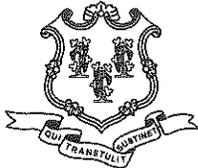
X  
X  
X  
X

Applicant Table  
(x = chairs)

X X X X X

Podium for  
public

SEATING FOR PUBLIC  
(chairs facing Council table)



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Chairman

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January 21, 2011

TO: Commissioner Amey Marrella  
Department of Environmental Protection

Commissioner J. Robert Galvin  
Department of Public Health

Commissioner Kevin M. DelGobbo, Chrmn.  
Department of Public Utility Control

Commissioner Joan McDonald  
Department of Economic and  
Community Development

Commissioner Peter J. Boynton  
Department of Emergency Management  
and Homeland Security

Commissioner F. Philip Prelli  
Department of Agriculture

Karl Wagener, Executive Director  
Council on Environmental Quality

Brenda Sisco, Secretary  
Office of Policy and Management

Thomas A. Harley, P.E., Chief Engineer  
Bureau of Engineering and Construction  
Department of Transportation

FROM: Linda Roberts, Executive Director *LR*

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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Pursuant to General Statutes § 16-50j(h), the Connecticut Siting Council hereby solicits your written comments and consultation. Your response by or before February 16, 2011 will be appreciated.

If a copy of the petition with location maps had not been previously been provided to you, you may access the petition filing on our website at  
<http://www.ct.gov/csc/cwp/view.asp?a=2397&q=468692>

LR/CMW/RDM/laf

c: Parties & Intervenors  
Council Members



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**Screening Checklist**  
**Connecticut Department of Transportation**  
**Potential Transportation Infrastructure Impacts**  
**Connecticut Siting Council Petition # 980**

**Location:**  
**178 New Haven Road, Prospect, Connecticut**

Is the proposed facility abutting the right-of-way of a State maintained highway?

- No  
 Yes – Specify the location and show location on a detail site plan.

Is access for construction or maintenance of the proposed facility needed directly from a State maintained highway

- No  
 Yes – Identify specific needs and access location.

Does the proposed construction or maintenance of the proposed facility impact any licensed aviation facility (L.A.F.)? Definition: L.A.F. is a facility licensed to operate by DOT, airport, heliport or parachute coop area.

- No  
 Yes – Please provide an area and site plan.

Is the proposed facility within or abutting a State owned Railroad Right-of-Way?

- No  
 Yes – Please provide an area and site plan.

Is the proposed facility within a two mile radius of any lands classified as preserved scenic land in accordance with CGS Section 13a-85a, "Acquisition of land adjacent to state highways for preservation and enhancement of scenic beauty and development of rest and recreation areas", or any designated scenic road in accordance with CGS Section 13b-31c, "Designation of scenic roads"?

- No  
 Yes - Specify the location of the preserved scenic land and/or road on a detailed site plan.



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### Electric Generation

### Screening Checklist

### Connecticut Department of Public Health

### Potential Public Health Impacts

### Connecticut Siting Council Petition # 980

### Location:

### 178 New Haven Road, Prospect, Connecticut

1) Does the project involve the combustion of coal, waste oil, tires, recycled materials, wood products, hazardous wastes or any other non-traditional fuel source that may contain toxics?

No.

2) Will the project be sited within a short distance (500 feet) of schools, day care facilities, hospitals, or residential neighborhoods?

No.

3) Are there other major air releases (smoke stacks, bus garages, etc) in the area that could combine with the proposed application to create air quality issues?

No.

4) Does the project involve major transmission line or substation installation within 300 feet of schools, day care facilities, hospitals or residential neighborhoods?

No.



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

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
<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>Intervenor</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> <b>(if granted 01/20/11)</b>	<input checked="" type="checkbox"/> U.S. 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>

