

**CONNECTICUT SITING COUNCIL
PARTY STATUS REQUEST FORM**

Docket/Petition No. 980 **Town/City:** Prospect, Connecticut

Name: Save Prospect Corp

Address: 42 Woodcrest Dr.

City: Prospect

State: CT

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I. Manner in which petitioner claims to be substantially and specifically affected:

Petitioner, Save Prospect Corp ("SPC"), is a Connecticut corporation formed as a not-for-profit entity by a group of Connecticut residents who are concerned with protecting the health, safety and welfare of the residents of Prospect, Connecticut, and the natural environment in and around Prospect, Connecticut. SPC's present efforts are focused on promoting the adoption of reasonable and appropriate standards for the siting of industrial size wind power projects within the Town of Prospect and in the State of Connecticut. Thus, the Petition filed by BNE Energy, Inc. ("BNE") with the State of Connecticut Siting Council seeking approval for the Location, Construction and Operation of a 3.2 MW Wind Renewable Energy Project (the "Project") at 178 Prospect Road in the Town of Prospect (the "Site") relates to the core mission of SPC.

In addition, the membership of SPC would be substantially and specifically affected by the Project, because the membership includes many Prospect residents who live, work and travel in close proximity to the Site and home owners whose property is directly within the area affected by and at risk from the noise, vibration, shadow flicker strobe effects, blade breakage, blade throw and ice throw associated with industrial wind turbines of the type BNE proposes to install at the Site. The size of the proposed Site, its location in a residential zone, and the consequent inability of BNE to locate the proposed commercial wind turbines on the Site at reasonable and appropriate setbacks from residences, town roads and State Route 69 pose direct and immediate threats to the membership of SPC.

2. Contentions of the petitioner:

SPC contends that development of the Site as described in the Petition would pose serious threats to the public health, safety, and welfare of the residents of Prospect and the natural environment in and around Prospect. SPC also contends that the Site, which is in a residential area, within close proximity to homes, town roads, and State Route 69, is completely inappropriate for industrial wind turbines because of the noise, vibration, strobe or shadow flicker effect, disturbances to subsurface soils and water, proximity to a Superfund site that has been identified as the cause of contamination of residential wells, the risks of blade breakage, ice throw, malfunction and fire associated with wind turbines, and the substantial and immediate negative effects that the proposed facility will have on property values in the area.

Experience with wind power projects in other parts of the country and in other countries throughout the world has validated SPC's concerns with respect to locating such industrial turbines within or in proximity to residential areas. Such experience also has highlighted the irresponsibility of proceeding with an industrial wind turbine project without first establishing reasonable regulations and guidelines for siting such projects before proceeding with an approval process.

While renewable energy sources should be developed as part of a responsible energy policy, other communities have learned through disastrous experience the folly of siting industrial wind turbines facilities in a residential area. The State of Connecticut must learn from this experience and must not allow Prospect and its citizens to suffer the same fate as communities that have proceeded with such projects before thoroughly investigating and evaluating the risks and carefully drafting and adopting responsible regulations and siting criteria.

SPC also contends that the Petition for Declaratory Ruling process utilized by BNE in this case is invalid and unconstitutional. While SPC hopes and believes that the Siting Council will be thorough and conscientious in fulfilling its duties, the existing statutory and regulatory framework is not adequate to protect the property interests and other substantive and procedural rights of those who would be adversely affected by allowing BNE's proposed industrial wind turbine facility to be constructed and operated at the Site.

3. Relief sought by the petitioner:

SPC requests that the Siting Council conduct a public hearing on Petition No. 980 in the Prospect area. SPC further seeks a final decision of the Siting Council denying the approvals sought by Petition No. 980 and declaring that the Site is not appropriate for the industrial wind turbine project proposed by BNE.

In addition, as well as in the alternative, SPC seeks a ruling that BNE's Petition is deficient in that it fails to identify with sufficient specificity the locations of the proposed

wind turbines, thus clouding the critical issue of setback from adjoining properties, occupied structures and roadways. Further, BNE's application omits construction or engineering plans or drawings, fails to define the proposed rules, procedures and protocols for operating the proposed wind turbine project, and otherwise lacks sufficient information and specificity to allow the Siting Council to issue a ruling that includes appropriate protections for the health, safety and property interests of nearby residents or the public in general. In considering a wind turbine site, location of the turbines, construction plans and operational protocols are not "details" that may reasonably be deferred for consideration later in the process. In the present case in particular, because of the small size of the Site at approximately 68 acres, its location within a residential area, and its proximity to a Superfund site, evaluation of the basic suitability of the Site for construction and operation of industrial wind turbines requires that these matters be addressed from the outset. The information BNE has provided to date is inadequate to permit a full and responsible assessment of the Site in a manner that will ensure protection of public health and safety with regard to issues such as noise, shadow flicker, hazards from blade breakage and ice throw, disturbance of contaminated subsurface soils and waters, and other hazards.

SPC seeks in addition, as well as in the alternative, a moratorium on the issuance of Declaratory Rulings relating to approval of the siting, construction or operation of wind energy projects until such time as appropriate rules and regulations have been adopted to protect public health and safety with respect to siting, construction and operation of wind generating facilities.

4. Statutory or other authority therefore; and

Statutory and other authority include the following:

- a. Connecticut General Statutes §§ 16-50g-hh and Regulations § 16-50j; Connecticut General Statutes §§ 22a-15 through 22a-20; Connecticut General Statutes § 4-177a.
- b. The Connecticut and U.S. Constitutions.
- c. Ordinances, regulations, and orders of the Town of Prospect, its agencies, boards and commissions.
- d. The common law of the State of Connecticut.

5. Nature of evidence that the petitioner intends to present:

- a. Testimony of SPC members, Prospect residents and others who live, work or travel in proximity to the proposed Project.
- b. Testimony of residents of other areas where industrial wind turbine projects have been constructed, to discuss: (i) health issues and

unreasonable interference with the peaceable enjoyment of homes and property as a result of noise, vibration, and shadow flicker effects; (ii) safety risks related to blade breakage, blade throw and ice throw; (iii) substantial reduction in property values.

- c. Expert testimony in the areas of wind turbine technology, product specifications, disturbance of subsurface soils and water, noise, vibration, shadow flicker and strobe effects, blade breakage, ice throw, fire, and other safety risks and malfunctions.
- d. Expert testimony in the areas of adverse physical and psychological health impacts from the improper siting of industrial wind turbines in proximity to residential areas.
- e. Expert testimony in the area of real estate appraisal and valuation as it relates to the siting of industrial wind turbine facilities in proximity to residential areas.

6. Other comments for the Siting Council's consideration:

A group of concerned citizen organized as Save Prospect Corp has been mobilized in response to the BNE Petition seeking approval for an industrial wind turbine facility to be located in a residential area in Prospect. The Siting Council should hear the concerns of the SPC membership and other concerned citizens at a public hearing on Petition No. 980 held in the Prospect area.

SPC contends the proposed facility at the Site fails to satisfy the combined requirements of functionality, responsible environmental stewardship and public health and safety for an industrial alternative energy facility. At approximately 68 acres, the small size of the Site makes it impossible to incorporate reasonable and appropriate setback allowances from neighboring properties, town and state roads, and an abutting Superfund site that has been identified as the source of contamination of area residential wells with volatile organic compounds.

The absence of appropriate local and state regulations for this new form of energy generation creates a grave risk to public health and safety. These issues should be addressed through careful study, investigation and adoption of a comprehensive regulatory framework that takes into account health, safety and environmental risks that have been identified through experience with such projects in other areas. We must ensure that there is no gap in Connecticut's regulatory framework that may be exploited in a manner that would give profits precedence over health, safety, the environment and the legitimate property rights and interests of local residents.

After intense and in-depth research, including a site visit to existing wind turbine facilities in Falmouth, Massachusetts, discussions with citizens and government officials across the country where industrial wind turbines have been sited in proximity to

residential areas, and extensive review of the accumulated literature and data regarding such facilities, SPC has set out to disseminate information and to educate citizens and public officials regarding the siting mistakes that have been made elsewhere, with devastating effects to local communities, so that those mistakes may be avoided here. SPC has reached out to both local and state officials to take action and to call for a moratorium on industrial wind power development in the State of Connecticut until such a time as an appropriate and comprehensive regulatory framework is in place.

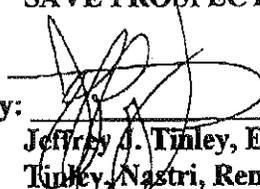
As a result of SPC's efforts to help others understand the impacts of industrial wind turbines sited in or adjacent to residential areas, SPC has received the support of its local officials in Prospect, its legislators Vickie Nardello, Representative 89th District (also co-chairman of legislative Energy Committee), Joan Hartley, Senator 15th District, and State Attorney General Richard Blumenthal to call for expedited legislation for a moratorium on wind power development and the creation of a framework to safely regulate this new industry.

Prospect must not be made a sacrificial lamb or a testing ground for a developing technology that poses unacceptable risks and dangers when sited in a residential area. After due consideration of all relevant evidence, SPC submits that the Siting Council will recognize that the Site chosen by BNE is a wholly inappropriate location for an industrial wind turbine facility in fundamental ways that cannot be remedied.

Accordingly, SPC urges the Siting Council to deny the approval and all other relief sought by BNE in Petition No. 980.

Respectfully submitted,

SAVE PROSPECT CORP

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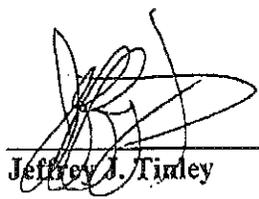
Certification

This is to certify that a copy of the foregoing has been sent by first class mail, postage prepaid, to all participants, this 29th day of December, 2010, at least five (5) business days before the meeting/hearing scheduled for January 6, 2010.

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