



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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April 19, 2011

TO: Parties & Intervenors

FROM: Linda Roberts, Executive Director

LR/MAB

RE: **PETITION NO. 983** - 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 4.8 MW Wind Renewable Generating facility located on Flagg Hill Road, Colebrook, Connecticut.

During the evidentiary hearing held on April 14, 2011, the Connecticut Siting Council (Council) ruled on the following motions and objections:

1. FairwindCT, Inc./Somers/Wagner Motion to Strike Certain Evidence from the Record dated March 23, 2011.

FairwindCT, Inc./Somers/Wagner's motion was denied.

2. FairwindCT, Inc./Somers/Wagner Motion for Council to Issue Subpoena dated March 29, 2011.

FairwindCT, Inc./Somers/Wagner's motion was denied.

3. FairwindCT, Inc./Somers/Wagner Motion for Mistrial or in the Alternative for Continuance, Reconsideration and to Alter Schedule dated March 29, 2011.

Fairwind's motion for mistrial was denied. Fairwind's alternative motion was denied in part as it related to continuance and to alter schedule. Fairwind's alternative motion was granted in part as it related to reconsideration. The Council thereby reaffirmed the following past rulings of the Council in these proceedings:

1. Robin Hirtle Request for Party Status, granted 1/6/11;
2. Town of Colebrook Request for Party Status, granted 1/20/11;
3. FairwindCT, Inc. Request for Party Status, granted 1/20/11;
4. CL&P Request for Intervenor Status, granted 1/20/11;
5. Benjamin & Kristin Mow Request for Party Status, granted 1/20/11;
6. Stella & Michael Somers Request for Party Status, granted 1/20/11;
7. David Lawrence & Jeannie Lemelin Request for Party Status, granted 2/8/11;
8. Fairwind Request to Consolidate Evidentiary Hearings for Petitions 980, 983 & 984, denied 2/8/11;
9. Robin Hirtle Request for CEPA Intervention Status, granted 3/17/11;
10. Benjamin & Kristin Mow Request for CEPA Intervention Status, granted 3/17/11;
11. Eva Villanova Request for Party Status and CEPA Intervention Status, granted 3/17/11;



12. Brandy Grant & Walter Zima Request for Party Status and CEPA Intervention Status, granted 3/17/11;
13. David Lawrence & Jeannie Lemelin Request for CEPA Intervention Status, granted 3/17/11;
14. Susan Wagner Request for Party Status and CEPA Intervention Status, granted 3/17/11;
15. Fairwind Request for CEPA Intervention Status, granted 3/23/11;
16. Fairwind/Somers/Wagner Objection to Hearing Procedure and Motion to Consolidate Evidentiary Hearing, denied 3/23/11;
17. Fairwind/Somers/Wagner Motion for Protective Order, denied 3/23/11;
18. BNE's Motion for Protective Order, granted 3/23/11.

4. BNE Energy, Inc. Objection to Witness List of Robin Hirtle dated April 7, 2011.

BNE Energy, Inc.'s objection was granted in part as it relates to listed witnesses, Paul Corey and Greg Zupkus. BNE Energy Inc.'s objection was denied in part as it relates to listed witness, Benjamin Mow.

5-9. BNE Energy Inc.'s Motion to Strike Testimony of Arline Bronzaft, Joyce Hemingson, Stella Somers, William Faude and David Pressman dated April 7, 2011.

BNE Energy Inc.'s motions to strike testimony of Bronzaft, Hemingson, Somers, Faude and Pressman were denied.

10. Fairwind/Somers/Wagner Motion to Compel Interrogatory Responses or in the Alternative to Strike dated April 11, 2011.

Fairwind/Somers/Wagner's motion to compel and motion to strike were denied.

11. Fairwind/Somers/Wagner Motion to Strike Pre-Filed Testimony of Joel Rinebold dated April 11, 2011.

Fairwind/Somers/Wagner's motion was denied.

12. Fairwind/Somers/Wagner Motion Concerning Schedule dated April 12, 2011.

Fairwind/Somers/Wagner's motion was denied.

13. BNE Energy Inc.'s Objection to Fairwind's Revised Witness List dated April 13, 2011.

BNE Energy Inc.'s objection was granted.

14. BNE Energy Inc.'s Motion to Strike Pre-Filed Testimony of Glenn Chalder dated April 13, 2011.

BNE Energy Inc.'s motion was denied.

15. Town of Colebrook Motion Concerning Schedule dated April 13, 2011.

The Town of Colebrook's motion was denied.

The next evidentiary hearing on this matter is scheduled for April 21, 2011 at 11 AM in Hearing Room 1 at the Council office. The hearing shall commence with the appearances of the parties and intervenors beginning with the Town of Colebrook.

Thereafter, cross examination of the petitioner shall resume by the Town of Colebrook, Walter Zima and Brandy Grant, and the Council. Of the two hours remaining for parties and intervenors to cross examine the petitioner, 40 minutes shall be set aside for Ms. Hirtle and Benjamin and Kristin Mow to cross examine the petitioner on Tuesday, April 26, 2011.

LR/MB/MP/cm