

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

**Petition of BNE Energy Inc. for a
Declaratory Ruling for the Location,
Construction and Operation of a 4.8 MW
Wind Renewable Generating Project on
Winsted-Norfolk Road in Colebrook,
Connecticut (“Wind Colebrook North”)**

Petition No. 984

March 15, 2011

OBJECTION TO MOTION TO MODIFY PRE-FILING DEADLINE

FairwindCT, Inc., Susan Wagner, and Stella and Michael Somers (collectively, the “Grouped Parties”) hereby object to the motion to modify the pre-filing deadline, filed by the petitioner, BNE Energy, Inc. (“BNE”), on March 9, 2011. In support of this Objection, the Grouped Parties state the following:

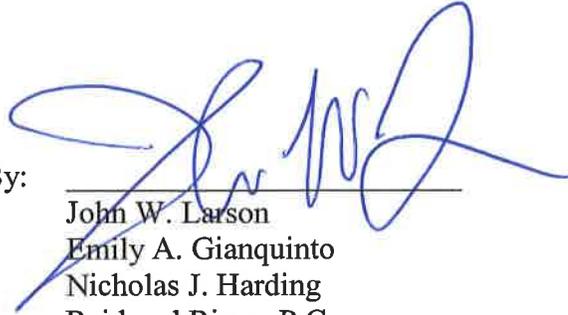
1. On February 2, 2011, the Council published the schedule for Petitions 983 and 984. This schedule included a March 8, 2011, deadline for the exchange of interrogatories between participants, and hearing dates of March 22 and 23, 2011. The March 22 date is scheduled for the site visit and public comment, while the March 23 date serves as the commencement of the evidentiary portion of the hearing.
2. On March 9, 2011, BNE filed a motion to modify the pre-filing deadline in Petition 984, arguing, inter alia, that because the Council has indicated that the proceedings with respect to Petition 983 will take place prior to those with respect to Petition 984, the pre-filed deadline with respect to Petition 984 can be moved to March 25, 2011, to allow BNE additional time to furnish responses to interrogatories.
3. The Grouped Parties object to the relief requested in BNE’s motion.

4. First, the Grouped Parties note that FairwindCT's interrogatories were submitted to BNE on March 8, 2011, in accordance with the Council's deadlines, and there is no dispute that the interrogatories were timely propounded to BNE. The Grouped Parties further have complied with each of the pre-filing deadlines, often at considerable effort and expense to the citizen groups opposing the BNE petitions. Certainly if citizen-funded groups are expected to maintain the Council's deadlines, the petitioner should be as well.
5. Second, BNE seeks to move the pre-filing deadline to March 25, 2011, which is after the public comment period and after the start of the evidentiary hearing regarding BNE's petitions. While BNE observes that the Council has indicated that the hearing on Petition 984 will not begin until an undetermined date in the future, after the conclusion of the evidentiary hearing on Petition 983, the Grouped Parties have contemporaneously filed with the Council an objection – incorporated by reference hereto – to this aspect of the hearing procedure. For the reasons set forth in greater detail in the Grouped Parties' motion, the procedure approved by the Council is inefficient and unduly prejudicial to the Grouped Parties. Accordingly, the evidentiary hearings on Petitions 983 and 984 should be consolidated, which would preclude the relief requested by BNE.
6. Finally, the Grouped Parties note that in filing its motion to modify, BNE in effect already has been granted a de facto extension of time. This is so because the Council will not have occasion to take up BNE's motion until the Council's March 17, 2011, meeting. The Grouped Parties therefore urge the Council to order BNE to submit its pre-filing materials immediately, or, at a minimum, on or

before March 21, 2011, the day before the date of the field review and public comment for Petitions 983 and 984.

WHEREFORE, the Grouped Parties object to the relief requested by BNE in its motion to modify the pre-filing deadline.

By: _____

A handwritten signature in blue ink, appearing to be "John W. Larson", written over a horizontal line.

John W. Larson
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CERTIFICATION

I hereby certify that a copy of the foregoing document was delivered by first-class mail and e-mail to the following service list on the 15th day of March, 2011:

Carrie L. Larson
Paul Corey
Jeffery and Mary Stauffer
John R. Morissette
Thomas D. McKeon
David M. Cusick
Richard T. Roznoy
David R. Lawrence and Jeannie Lemelin
Walter Zima and Brandy L. Grant
Eva Villanova

and sent via e-mail only to:

John R. Morissette
Christopher R. Bernard
Joaquina Borges King



John W. Larson