

**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

April 28, 2011

MOTION TO STRIKE SUPPLEMENTAL PRE-FILED TESTIMONY

Petitioner BNE Energy Inc. (“BNE”) hereby moves to strike the supplemental pre-filed testimony of Michael Klein, Eric Davison and D. Scott Reynolds, dated April 27, 2011. These supplemental testimonies are untimely and, as such, should be stricken from the record in this proceeding.

The schedule in this proceeding is clear and was established by the Council’s hearing schedule and subsequent Council notices. Consistent with the Council’s practice, the Council required that all testimony and exhibits be submitted by a second pre-filing deadline, April 19, 2011.

The Grouped Parties submitted these three additional testimonies claiming with some degree of surprise that BNE filed additional materials on April 19, 2011. In fact, BNE appropriately filed its materials by this established deadline, and the Grouped Parties also submitted multiple filings on that same date. The submission of three additional pre-filed testimonies eight days *after* the second pre-filing deadline as established by the Council in this proceeding is inappropriate. Moreover, by allowing the Grouped parties to flaunt deadlines and submit untimely testimony, the Council runs the risk of unfairly prejudicing BNE’s ability to properly pursue its petition.

WHEREFORE, BNE requests that the supplemental pre-filed testimonies of Michael Klein, Eric Davison and D. Scott Reynolds be stricken from the record in this proceeding.

Respectfully Submitted,

BNE ENERGY INC.

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CERTIFICATION

This is to certify that a copy of the foregoing has been mailed this date to all parties and intervenors of record.

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