

**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 19, 2011

**MOTION TO STRIKE PRE-FILED TESTIMONY
OF GLENN CHALDER**

Petitioner BNE Energy Inc. (“BNE”) hereby moves to strike the pre-filed testimony of Glenn Chalder, dated April 7, 2011. FairwindCT, Inc. (“FairwindCT”) has submitted the pre-filed testimony of Glenn Chalder which provides a visual simulation featuring seven turbines. This testimony is baseless, incorrect and misleading and as such should be stricken from the record.

Each and every page of Mr. Chalder’s presentation—the substance of his pre-filed testimony, attached to his pre-filed testimony as Exhibit 2—as well as the pre-filed testimony itself, refers to seven turbines. This is baseless, incorrect and misleading.

As the Council is well aware, and is clear from the record, BNE’s petition in this proceeding proposes to construct three wind turbines on Winsted-Norfolk Road. Despite Fairwind’s repeated efforts to consolidate this petition with other BNE petitions pending before the Council, the Council has, not once but now twice, rejected such efforts. The petitions are not consolidated. Items submitted into the record in each proceeding must therefore relate to the petition at issue—a concept is so evident it seems almost silly to argue in a filing to the Council, yet seems to continue elude Fairwind. It is incorrect and baseless to submit documents into the

record referring to a proposed seven turbines and will serve only to mislead and muddy the record.

Fairwind's repeated attempts to consolidate BNE's petitions have failed. Fairwind should not now be allowed to do an end-run around the Council's rulings that the petitions should not be consolidated by submitting documents into the record which depict the petitions as consolidated. To allow Mr. Chalder's testimony would be to muddy the record with incorrect and misleading information.

Furthermore, Mr. Chalder's testimony is not only misleading but is also simply incorrect. Mr. Chalder bases the inaccuracy of his simulations, in part, on the fact that "the petitioner and its visual resources team have refused to provide the dimensions on the grounds that they are confidential and proprietary information." In fact, BNE has provided this information pursuant to the protective order in place in this proceeding. It is available for review at the Council's offices should Fairwind choose to avail itself of this established procedure. In addition, Fairwind has the ability to issue interrogatories to BNE regarding this information but has also chosen to not do so. The fact that Fairwind and Mr. Chalder have simply chosen not to avail themselves of these opportunities does not and cannot lead to the conclusion that BNE has refused to provide such information. This allegation is simply false.

For these reasons, BNE the pre-filed testimony of Glenn Chalder should 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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