



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: [siting.council@ct.gov](mailto:siting.council@ct.gov)

Internet: [ct.gov/csc](http://ct.gov/csc)

Daniel F. Caruso  
Chairman

March 18, 2011

TO: Parties & Intervenors

FROM: Linda Roberts, Executive Director *LR*

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. Request for Party/Intervenor Status. Requests for CEPA Intervention.

**PETITION NO. 984** - 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 Winsted-Norfolk Road (Route 44), Colebrook, Connecticut. Request for Party/Intervenor Status. Requests for CEPA Intervention. Request to Extend Pre-File Deadline.

---

In reference to the above-mentioned petitions, at a meeting held on March 17, 2011, the Connecticut Siting Council (Council) considered the following matters:

### 1. Party and Intervenor Requests:

#### **Petition 983:**

The Council granted party status to Eva Villanova, Walter Zima and Brandy Grant, and Susan Wagner. The Council granted intervenor status under the Connecticut Environmental Protection Act (CEPA) to Robin Hirtle, Eva Villanova, Benjamin and Kristin Mow, David Lawrence and Jeannie Lemelin, Walter Zima and Brandy Grant, and Susan Wagner.

#### **Petition 984**

The Council granted party status to Eva Villanova and Brandy Grant. The Council granted intervenor status under CEPA to Eva Villanova, Benjamin and Kristin Mow, David Lawrence and Jeannie Lemelin, and Walter Zima and Brandy Grant.

### 2. Grouping of Parties with the Same Interests.

The Council voted in accordance with its statutory authority under Conn. Gen. Stat. §16-50n(c) to group the following parties and intervenors in each proceeding with the same interests:

#### **Petition 983:**

The Council voted to group Robin Hirtle, David Lawrence and Jeannie Lemelin, Benjamin and Kristin Mow, Walter Zima and Brandy Grant, and Eva Villanova on the basis that all of the parties have the same interests in that each filed for party status as abutting property owners to one or the other proposed project.

The Council voted to group Susan Wagner with FairwindCT, Inc. (Fairwind) and the Somers' on the basis that all three parties have the same interests in that each filed for party status to protect the use and enjoyment and natural beauty of property in proximity to the proposed project, as well as to protect area property values, tourism and commercial viability. The Council also exercised its discretion to group Susan Wagner with Fairwind and the Somers on the basis that Ms. Susan Wagner is listed as the Treasurer of Fairwind in the corporation documents filed with the Secretary of the State. All of the parties are also represented by the same counsel.

**Petition 984:**

The Council voted to group Jeffrey and Mary Stauffer, David Lawrence and Jeannie Lemelin, Benjamin and Kristin Mow, Walter Zima and Brandy Grant, and Eva Villanova on the basis that all of the parties have the same interests in that each filed for party status as abutting property owners to one or the other proposed project.

The grouped parties shall conduct cross examination of the petitioner and other parties and intervenors, and present their direct cases as a joint panel during the evidentiary proceedings. This does not preclude any grouped party from submitting individual pre-filed testimony, exhibits or interrogatories, nor does it preclude any grouped party from conducting individual cross examination of the petitioner and other participants. Moreover, it does not preclude any other proceeding participants from conducting individual cross examination of grouped parties.

**3. BNE Request to Extend Pre-File Deadline dated March 9, 2011 in Petition 984 and Fairwind/Wagner/Somers' Objection to BNE's Request to Extend the Pre-File Deadline dated March 15, 2011.**

The Council granted BNE's request to extend the pre-file deadline for Petition 984 *only* to March 25, 2011 and denied Fairwind/Wagner/Somers' Objection to BNE's request. Pre-filed testimony, exhibits and responses to interrogatories shall be filed with the Council and other parties and intervenors in Petition 984 on or before March 25, 2011.

**4. Petitions 983 and 984 Evidentiary Hearing Continuation Dates.**

Given the number of participants in these proceedings, continuation of the evidentiary hearings shall be necessary. The Council announces the following dates for continuation of the evidentiary hearings:

**Thursday, April 14, 2011 beginning at 11AM (Petition 983)  
10 Franklin Square, New Britain, CT 06051, Hearing Room 1**

\*There is a Council meeting scheduled at 2 PM on the same date. The Council will commence the evidentiary hearing at 11 AM, take a lunch break, hold a meeting at 2 PM and resume the evidentiary hearing thereafter.

**Thursday, April 21, 2011 beginning at 11 AM (Petition 983)  
10 Franklin Square, New Britain, CT 06051, Hearing Room 1**

**Tuesday, April 26, 2011 beginning at 11 AM (Petition 983 and Petition 984)  
10 Franklin Square, New Britain, CT 06051, Hearing Room 1**

**Thursday, April 28, 2011 beginning at 11 AM (Petition 984)  
10 Franklin Square, New Britain, CT 06051, Hearing Room 1**

\*There is a Council meeting scheduled at 2 PM on the same date. The Council will commence the evidentiary hearing at 11 AM, take a lunch break, hold a meeting at 2 PM and resume the evidentiary hearing thereafter.

**Thursday, May 5, 2011 beginning at 11AM (Petition 984)  
10 Franklin Square, New Britain, CT 06051, Hearing Room 1**

**With regard to Petition 983**, the Council requests that the parties and intervenors issue any additional pre-hearing interrogatories to other parties and intervenors on or before March 30, 2011. Responses to interrogatories and any additional pre-filed testimony and exhibits are requested to be filed with the Council and other parties and intervenors on or before April 7, 2011.

**With regard to Petition 984**, the Council requests that the parties and intervenors issue any additional pre-hearing interrogatories to other parties and intervenors on or before April 12, 2011. Responses to interrogatories and any additional pre-filed testimony and exhibits are requested to be filed with the Council and other parties and intervenors on or before April 19, 2011.

The Council also requests that any motions or objections and any responses thereto be presented in writing no less than 5 days before the date of the next evidentiary hearing. The Council will rule on the motions or objections on the papers. For the convenience of the public and in the interests of efficiency, oral argument on these matters will not be entertained during the evidentiary proceedings.