

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  
Flagg Hill Road in Colebrook,  
Connecticut (“Wind Colebrook South”)**

**Petition No. 983**

**March 15, 2011**

**PETITIONER BNE ENERGY INC.’S INTERROGATORY RESPONSES  
TO WALTER M. ZIMA’S INTERROGATORIES**

Petitioner BNE Energy Inc. (“BNE”) submits the following response to Walter M. Zima’s Interrogatories dated March 7, 2011:

**Q1. In preparing Exhibit K, particularly the section pertaining to bats, was the outbreak of *White Nose Syndrome*, that according to the State of Connecticut Department of Environmental Protection’s report dated March 17, 2009 titled: *DEP Says CT Bat Population Hit Hard by White Nose Syndrome Severity of Syndrome will Reduce Number of Bats this Summer*, considered when determining the current bat population?**

**A1.**

When BNE met with representatives of the Department of Environmental Protection (“DEP”) to discuss the proposed project, DEP expressed concerns over the impact of the White Nosed Syndrome (WNS) on bat populations and indicated that they would be installing monitoring equipment at various locations in Connecticut to better understand the impact of WNS. DEP indicated that WNS affects cave-hibernating bat species which are not likely the type of bats that may be impacted by the wind turbines, but requested acoustic bat surveys be completed at the Project. BNE agreed to install acoustic bat surveys at the site and to coordinate with DEP in using similar equipment, methods and metrics to what DEP proposed to implement state-wide as part of a state and regional effort to understand the status of bat activity and bat populations, given current information on the impact of WNS on bats.

WNS is detrimentally affecting cave-hibernating bat species which occur in Connecticut and the region. The majority of bats which have been shown to be most susceptible to collision with wind turbines are long-distance migratory tree-roosting species – eastern red bat, hoary bat and silver-haired bat - which have not been shown to be susceptible to WNS at this time, to our knowledge. Bat acoustic monitoring studies such as the one completed at the Project provide information on bat activity and species composition. However, these studies do not measure populations, and population estimates for bats were not included in the study reports. Over time, bat acoustic monitoring at the state and regional scale will help measure the relative impact of WNS on bat activity and provide an index to impacts of the disease at the population level.

However, limited baseline (pre-WNS) data is available in Connecticut and surrounding states (to our knowledge). Therefore, the current index from the Colebrook South study serves to inform the current status of bat activity at the site. Data from the Colebrook South may be used by DEP as part of their statewide bat activity monitoring program for bats, yet (to our knowledge) pre-WNS baseline data from state or regional acoustic monitoring studies is sparse. In fact, acoustic monitoring studies completed at proposed wind-energy facilities are one of the most important sources of information on bat activity within the range of WNS syndrome and (to our knowledge) the USFWS and other entities utilize these data for research of bats and the impacts of WNS. BNE has agreed to conduct additional bat monitoring on the site during the breeding and migratory seasons of 2011, and has also agreed to monitor bat activity post-construction for a period of two years to better inform DEP on bat activity at the Site.

**Q2. Please provide the distance from each turbine as depicted on your site plans for both Petitions 983 and 984 to the property line, and to the home, respectively, of the Zima/Grants at 12B Greenwoods Turnpike, Colebrook CT.**

**A2.** The three proposed turbines will be approximately 3,650 feet, 2,525 feet and 3,220 feet from the property line of 12B Greenwoods Turnpike. The three proposed turbines will be approximately 3,750 feet, 2,610 feet and 3,310 feet from the residential structure at 12B Greenwoods Turnpike.

**Q3. How was it determined that the data collected and submitted as evidence in these proceedings on the proposed site of Petition 983 could be used to make assumptions to the conditions, environmental impact, and any other evidence submitted, on the site of Petition 984? Does BNE Energy, Inc. plan to conduct studies on site studies on the proposed site located at Winsted-Norfolk Road (Route 44), Colebrook, CT?**

**A3.** BNE objects to this interrogatory because it is not applicable to this petition.

**Q4. What liability insurance does BNE Energy, Inc. hold for complications to residences, such as compromised well water, ice throw damage to property, oil leakage from the turbines into ground water, adverse effects from defoliant used to keep vegetation around turbines from re-growing in the forested areas, or any other issues that arise due to the construction and maintenance of the turbines in Colebrook?**

**A4.** BNE objects to this interrogatory because it is irrelevant to this proceeding. Specifically, economic issues, such as liability insurance coverage, are outside the scope of this proceeding. Subject to this objection and without waiving the same BNE has conducted numerous studies and provided for appropriate setbacks from residential properties to ensure safe and reliable operations and comply with applicable laws. The wind project will operate safely on 80 acres of undeveloped land adjacent to hundreds of acres of conservation property and a gun club. Further, as detailed in the pre-filed testimony of Douglas Roy, BNE will be conducting pre and post construction well surveys to ensure that there will be no impact to wells in the vicinity of the Colebrook South project.

**Q5. Has BNE determined the effect of both turbine projects, or plan to conduct studies, on the property values of homes of families living within 1500 feet of each project.**

**Please identify any such studies, the date of the study, the entity performing the study, and the specifics of effects upon the property of the Zima/Grants at I2B Greenwoods Turnpike.**

**A5.** BNE objects to this interrogatory because the information requested is irrelevant and outside the scope of this proceeding. Specifically, economic impacts—both positive and negative—are outside the scope of the Siting Council’s jurisdiction pursuant to Conn. Gen. Stat. §§ 16-50g and 16-50k. Subject to this objection and without waiving the same, generally studies have shown no impact on property values. See the extensive property value study attached hereto conducted by the Berkeley National Laboratory titled, “The Impact of Wind Power Projects on Residential Property Values in the United States: A Multi-Site Hedonic Analysis” at <http://eetd.lbl.gov/ea/ems/reports/lbnl-2829e.pdf>.

**Q6. Is BNE Energy, Inc. (“BNE”) prepared to offer Residential Property Value Guarantee Agreements if, in fact, the turbines will have no negative effect on property values?**

**A6.** See response to interrogatory #5.

**Q7. What type of lights will be placed on top of the turbines to alert aircraft of their location? What is the wattage, intensity, and amount of distraction to homes with in 1,500 feet?**

**A7.** BNE objects to this interrogatory because it is vague and ambiguous. Subject to this objection and without waiving the same, BNE responds as follows:

BNE must comply with Federal Aviation Administration Lighting (“FAA”) requirements. Based on wind turbine lighting guidelines from the FAA, flashing red (L864), or white (L-865) lights may be used to light wind turbines. The FAA has indicated that studies have shown that red lights are most effective, and should be the first consideration for lighting recommendations of wind turbines. As a result, BNE proposes to utilize red lights on the wind turbines. The light fixtures will be placed on the turbine nacelle and will flash simultaneously.

The FAA guidelines also indicate that the white paint most often found on wind turbine units is the most effective daytime early warning device. Other colors, such as light gray or blue, appear to be significantly less effective in providing daytime warning. Daytime lighting of wind turbine farms is not required by the FAA, as long as the turbine structures are painted in a bright white color or light off-white color most often found on wind turbines. The GE 1.6-82.5 wind turbines will be white and therefore not require daytime lighting.

The specifications of the red lighting option that BNE proposes to utilize to comply with FAA lighting requirements are as follows:

1. IFH-1710-000 Red LED Obstruction Light (Red at night only)

**Specifications:** Complies with FAA AC150/5345-43F Type L-864  
and  
ICAO Annex 14, Medium Intensity, Type B

**Night Intensity:** 2,000  $\pm$ 25% effective candelas

**Beam Pattern:** 360° Horizontal,  $\geq$ 3° Vertical

**Flash Rate:** 20FPM or 30FPM Red Night, selectable

**Q8. Please provide the visibility areas for the maximum heights of both proposed turbine sites (“Wind Colebrook North” and “Wind Colebrook South”), including turbine blade, in relation to the home of Zima/Grant at 12B Greenwoods Turnpike, Colebrook, CT.**

**A8.** BNE objects to this interrogatory because the requested information has already been made available in the petition document at Exhibit J. Subject to this objection and without waiving the same, the 100 meter hubs will not be visible from any portion of the property at 12B Greenwoods Turnpike. Portions of the blade will be visible from approximately .14 acres of the property at 12B Greenwoods Turnpike.

**Q9. What is the C-weighted measurement and A-weighted measurement impact of sound from the combined number of proposed turbines located at the “Colebrook North” and “Colebrook South” sites?**

**A9.** BNE objects to this interrogatory because the information sought is irrelevant to this proceeding. Subject to this objection and without waiving the same, see Noise Evaluation included in BNE’s petition at Exhibit M.

**Q10. Please describe any specific actions BNE Energy, Inc. will take to minimize the visual (including but not limited to flicker effect), auditory, traffic, safety and other impacts of the proposed operation of this project on the property of the Zima/Grants at 12B Greenwoods Turnpike, Colebrook CT.**

**A10.** BNE has gone to great lengths in choosing the locations for the turbines at the Property in order to reduce visual impacts to the surrounding area. The three wind turbines proposed by BNE will be located in a heavily wooded area on 80 acres, adjacent to hundreds of acres of conservation property and a gun club. While there are a few homes near the project, BNE has provided for appropriate setbacks from residential properties to ensure safe and reliable operations and comply with applicable laws.

**Q11. In BNE Energy, Inc. Exhibit A for Petition 983, the petitioner states, “To put this into perspective, the Project will provide over two times the annual electric needs of the Town’s residential electric users on average over the course of a year.” How is this translated into individual savings to residents? Is BNE Energy, Inc. implying to the residents of Colebrook that residents of Colebrook will not have to pay for electricity? How does BNE Energy, Inc. plan to clear up any misconceptions of the benefits this project will have on the residents as whole in the town of Colebrook?**

**A11.** BNE objects to this interrogatory because the information requested is irrelevant and outside the scope of this proceeding. Specifically, economic impacts—both positive and

negative—are outside the scope of the Siting Council’s jurisdiction pursuant to Conn. Gen. Stat. §§ 16-50g and 16-50k. Subject to this objection and without waiving the same, BNE was not implying that residents of Colebrook will not have to pay for electricity. The statement is intended to demonstrate the amount clean, green, 100% renewable electricity that will be generated by the Project.

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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