

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

June 19, 2020

Petition No. 1408 - FairWindCT, Inc., et al petition, pursuant to Connecticut General Statutes §4-176, for a declaratory ruling that: (a) the January 9, 2020 Development and Management Plan (D&M Plan) Modification submitted by BNE Energy, Inc. in Petition No. 983 conflicts with the Connecticut Siting Council’s (Council) June 2, 2011 final decision on Petition No. 983; (b) the Council did not have jurisdiction over the D&M Plan Modification; (c) the Council did not have statutory authority to approve the D&M Plan Modification; (d) the D&M Plan Modification violated due process rights; and (e) the D&M Plan Modification violates the Connecticut Environmental Protection Act.

REQUEST FOR PARTY STATUS AND EXTENSION OF TIME

Pursuant to Conn. Gen. Stat. § 4-177a and RCSA § 16-50j-14, BNE Energy, Inc. (“BNE” or the “Company”) respectfully requests party status in the above-referenced Petition. In addition, BNE respectfully requests a thirty (30)-day extension of time to the Connecticut Siting Council’s (the “Council”) July 1, 2020 Public Comment Period Deadline.

In support of this request, BNE states as follows:

1. BNE is the owner of the Wind Colebrook South Project (the “Project”). The proposed modification of the Project (the “Modification”) is the subject of the instant Petition. By virtue thereof, BNE’s legal rights, duties, and privileges will be specifically affected by the Council’s decision in this Matter.
2. If the Council were to grant the relief sought by FairWindCT, Inc., Julia and Jonathan Gold, and the Grant Swamp Group (collectively, the “Petitioners”) in this Proceeding—i.e., “that the Council reverse or vacate the Modification Decision and deny BNE’s request to modify the D&M Plan”¹ without BNE’s involvement, it would effectively result in a violation of the Company’s due process rights.

¹ See Petitioners’ Petition for a Declaratory Ruling, Pursuant to General Statutes §§ 4-176 and 22a-19, that the Council’s Approval of the Development and Management Plan Modification Submitted by BNE Energy, Inc. in

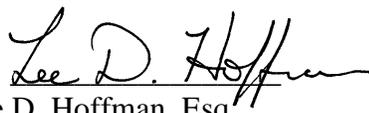
3. BNE intends to introduce evidence and/or argument concerning, *inter alia*, (i) the Modification and its compliance with applicable state law(s) and regulation(s); (ii) the Council’s jurisdictional/statutory authority to approve the Modification; and, (iii) the constitutionality/legality of the Council’s March 6, 2020 decision approving the Modification (the “Modification Decision”).
4. BNE will seek a decision from the Council not to issue the declaratory ruling(s) and relief sought by the Petitioners.

Accordingly, BNE’s participation in the instant Petition is necessary to not only protect its own interests in the Project, but to assist the Council in resolving the issues presented in this Proceeding. BNE also submits that its involvement in Petition No. 1408 will not impair the orderly conduct of the proceedings associated therewith.

WHEREFORE, BNE respectfully requests that the Council grant the Company party status in the instant Petition, as well as a thirty (30)-day extension of time to the Council’s July 1, 2020 Public Comment Period Deadline.

Respectfully Submitted,

BNE Energy, Inc.

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Connection with Petition No. 983 Violated State Law, Denied Abutting Property Owners of Due Process of Law, and Was in Material Conflict with the Connecticut Siting Council’s Decision Approving that Petition, p. 2.

CERTIFICATION

I hereby certify that on this 19th day of June 2020, the foregoing was delivered by electronic mail, in accordance with RCSA § 16-50j-12, to all parties and intervenors of record, as follows:

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