



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

July 29, 2020

The Honorable Maria Horn
State Representative – 64th Assembly District
Legislative Office Building, Room 4100
Hartford, CT 06106-1591
Maria.Horn@cga.ct.gov
Noemi.Hammonds@cga.ct.gov

RE: **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.

Dear State Representative Horn:

The Connecticut Siting Council (Council) is in receipt of your recent correspondence concerning Petition No. 1408.

In reaching a final decision on a petition for a declaratory ruling, the Council carefully considers all of the facts contained in the evidentiary record that is developed by the Council, the petitioner, parties and intervenors in the proceeding, and members of the public who submit written statements to the Council.

This petition will be placed on a future Council meeting agenda for discussion and decision. Please note that you can view the petition filing on our website at www.ct.gov/csc under the "Pending Matters" link. You may also keep apprised of Council events on the website calendar and agenda.

Thank you for your interest and concern in this very important matter. Your correspondence will be entered in the public comment file related to this petition.

Sincerely,

s/Melanie A. Bachman

Melanie A. Bachman
Executive Director

MAB/laf

c: Council Members



State of Connecticut
HOUSE OF REPRESENTATIVES
STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591

REPRESENTATIVE MARIA HORN
64TH ASSEMBLY DISTRICT

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VICE CHAIR
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MEMBER
ENVIRONMENT COMMITTEE
JUDICIARY COMMITTEE

July 29, 2020

Melanie A. Bachman
Executive Director Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: Petition No. 1408

Dear Ms. Bachman:

As the state legislator who represents Norfolk, I write to ask that you grant Petition No. 1408, and reverse your decision to grant a modification to Berkshire New England ("BNE") in Petition No. 983.

I am proud to serve in the legislature of a state that has demonstrated a significant commitment to renewable energy, including a plan to reach 100% carbon-free electricity by 2040, legislation in 2019 enabling a historic investment in offshore wind, and regulations passed in 2014 that effectively ended the state's moratorium on wind power projects. That is a powerful combination of setting a lofty goal backed up by the tools to make it achievable.

The Connecticut Siting Council ("CSC") is an integral part of that process, charged with ensuring projects comply with regulatory requirements and are consistent with Connecticut's goals. The CSC's granting of Petition No 983 earlier this year is plainly contrary to those goals and should be reversed.

In 2011, the Siting Council approved a proposal from BNE to build three wind turbines on specific sites in Colebrook. Abutting property owners were properly notified and given the chance to be heard, and the required environmental studies were done before the proposal was approved. The last of these turbines (T3) was never built.

Nearly nine years later, on January 9, 2020, BNE filed a Development & Management ("D&M") Plan Modification relating to T3 (Petition No. 983). The CSC granted this petition, giving BNE a declaratory ruling that no new certificate, and no public hearing, would be required for BNE to make the changes they proposed. This ruling, which enabled BNE to avoid compliance with all of the governing regulations passed in 2014, flies in the face of common sense and the policies of this state and this body. The changes proposed in Petition No 983 were not minor. The turbine is now taller and more powerful. The location is on and across new parcels of land approximately one third of a mile away from the approved location, with an entirely new set of abutting landowners. These landowners were given no notice, and in fact were denied the right to intervene on the specious claim that they somehow should have divined in 2011 that they would become abutting landowners nine

years later. Furthermore, none of the required environmental studies were done with respect to the new location, and there was no investigation by the CSC, by DEEP, or by affected town administrators.

Thankfully, this can be fixed, and the solution here is simple: the Siting Council should reverse its declaratory judgment in Petition No. 983, and grant Petition No. 1408.

Thank you for your thoughtful consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Maria Hu', with a long horizontal flourish extending to the right.

Maria