

**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

Petition of BNE Energy Inc. for a  
Declaratory Ruling for the Location, Construction  
and Operation of a 3.2 MW Wind Renewable  
Generating Project on New Haven Road in  
Prospect, Connecticut (“Wind Prospect”)

Petition 980

May 11, 2011

**PETITIONER’S OBJECTION TO  
PARTICIPATION OF VICE-CHAIRMAN TAIT**

The petitioner, BNE Energy Inc. (“BNE”), submits this objection to the participation of Vice-Chairman Colin C. Tait in this proceeding and respectfully requests that he recuse himself from this proceeding.

1. This petition was filed on November 17, 2010.
2. On March 24, 2011, former Council Chairman Daniel F. Caruso recused himself from this proceeding based on a brief conversation he had with Attorney Jeffery Tinley regarding procedural matters.
3. Despite former Chairman Caruso’s recusal and subsequent resignation, FairwindCT, Inc. (“Fairwind”), in a filing dated March 29, 2011, moved for a mistrial in this proceeding *and* in the two other BNE proceedings pending before the Council, Petitions 983 and 984, based on the alleged 2-3 minute conversation regarding procedural issues in this proceeding that took place between Messrs. Caruso and Tinley.
4. On May 11, 2011, Council Vice Chairman Colin C. Tait issued a letter to current Council Chairman Robert Stein, with copies to the service lists in Petitions 983 and 984, recusing himself from any further participation in those proceedings (petitions 983 and 984). Mr. Tait indicated that his recusal

was due to the fact that he is and has been a member of the Colebrook Land Conservancy, which has opposed BNE's projects by making a statement during the public comment session held in Colebrook and by writing letters to the Council and the Department of Environmental Protection. Additionally, Mr. Tait indicated that Joyce Hemingson, who is the current Secretary of the Colebrook Land Conservancy, is also the president of Fairwind, and has appeared as a witness for that party and has provided sworn testimony during the Colebrook proceedings.

5. Prior to Mr. Tait's May 11, 2011 letter, BNE was unaware that Mr. Tait served on the Colebrook Land Conservancy with Ms. Hemingson.
6. Mr. Tait's recusal letter omits the fact that Fairwind has also taken an active role in this proceeding (petition 980). In its request for party status, dated January 25, 2011, Fairwind explained that "although FairwindCT was created to focus on Colebrook and the surrounding area, FairwindCT is concerned with the adverse effect that siting industrial wind turbine projects in proximity to residential areas will have on residents of all Connecticut towns, including Prospect" and claimed that it would be "substantially and specifically affected" by the Council's decisions in this proceeding (petition 980).
7. Fairwind's request for party status was granted in this Petition, and as the Council is well aware, Fairwind took a very active role in opposing BNE's petition in this proceeding.

8. It is on the record in this proceeding that Ms. Hemingson is an officer of Fairwind. The fact that Mr. Tait has in the past and continues to serve as a member of the Colebrook Land Conservancy with Ms. Hemingson, Secretary of the Colebrook Land Conservancy, and also the *president* of Fairwind, one of the largest and most active opposition groups to BNE's petition in this proceeding, necessitates Mr. Tait's recusal in this proceeding.
9. Mr. Tait must immediately recuse himself from participating in this proceeding due to this direct conflict of interest. Fairwind and other opposition groups demanded Mr. Caruso's recusal in this proceeding based on a 2-3 minute conversation with an attorney for an opposition group, and then moved for a mistrial in *every* BNE proceeding before the Council once Mr. Caruso's recusal was secured. For Mr. Tait's *direct* conflict of interest to be met with anything other than immediate recusal, especially in light of the dramatic events surrounding even a *suggestion* of conflict of interest by Mr. Caruso, would be entirely improper and would taint this proceeding and the Council's decision.
10. The need for Mr. Tait's immediate recusal is further underscored by the fact that Mr. Tait presided over proceedings in this Petition in the wake of Mr. Caruso's recusal. For a member of the Council with a direct conflict of interest to lead evidentiary hearings concerning this petition is unconscionable.
11. The Council is scheduled to make a determination on BNE's petition at its meeting tomorrow, May 12, 2011. Mr. Tait should have recused himself in

all three BNE proceedings immediately upon Fairwind becoming a party in the proceedings. Now, on the eve of the Council's first decision on a BNE petition, Mr. Tait has recused himself in only two proceedings (petitions 983 and 984). Given his direct conflict of interest and affiliation with at least one opponent of the project that is the subject of this proceeding, BNE objects to Mr. Tait's participation in this proceeding. BNE believes that the only appropriate action would be for Mr. Tait to recuse himself from the deliberations and vote in this proceeding to avoid even the appearance of impropriety, as several others members of the Council have done in these proceedings.

**WHEREFORE**, BNE objects to Mr. Tait's participation in this proceeding and respectfully requests that he recuse himself from 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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