

**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**

**Docket/Petition No. 980**

**January 21, 2011**

**SAVE PROSPECT CORP'S INTERROGATORIES TO BNE ENERGY, INC.**

Party Save Prospect Corp ("SPC") respectfully requests that petitioner, BNE Energy Inc. ("BNE") respond to the following interrogatories no later than February 2, 2011. To the extent that individual responses are available earlier, SPC requests that BNE provide such responses as soon as they are available.

1. Identify BNE's sources of funding, stating the dates and amounts of all loans, grants or other funding.
2. Provide the name, address, and company name and professional qualifications (or provide a *curriculum vitae* and/or company profile) for each consultant who conducted field investigations of the site. State the dates, times, nature and duration of all field work conducted by such consultants.
3. Provide visibility areas for turbines at 150 meter maximum heights, including the turbine blades, for the winter scenario and including both the graphical representations and calculated areas for each distinct location of visibility and including any supporting graphics, spreadsheets, calculations, notes, and text.
4. Provide the calculations of the various reported percentages attributed to the areas from which the wind turbines are visible and copies of the aerial photographs used in identifying

the forested and non-forested areas and copies of the related graphics of the digitized maps indicating which areas were considered to be forested.

5. Provide electronic copies of the exhibits to the visual resources exhibit to the petition. and copies of photographs of locations where the turbines will be visible from that were not included in the petition.

6. Identify all other sites that were considered and describe the process by which the proposed site was selected.

7. State whether any alternative siting of the turbines on the property was considered or is still under consideration and describe the reasons for the selection of the siting as proposed in the petition.

8. Identify and provide copies of all correspondence with any state or federal agency, town officials and residents regarding the project.

9. State whether all of the studies described in the petition have been completed and identify and describe any ongoing or incomplete studies or environmental assessments of the site.

10. Identify and provide copies of any correspondence with GE, Vesta, or any other manufacturer of turbines.

11. If the project is approved, what is the maximum actual installed height of the turbines?

12. Identify and describe all of the claimed project benefits for the Town of Prospect. With respect to property tax revenues, provide the basis for the calculation of the property tax revenue to be paid to Prospect, the projected tax payment schedule, the projected revenue schedule of the facility, and a useful life estimate for the facility. If the projected property tax

payments are based on a projected valuation of the completed site, provide the basis for such valuation, including whether it is based upon any professional evaluation or appraisal, the method of appraisal and the data considered by the appraiser.

13. Provide the exact setback proposed for each turbine location for safety zones, fall zones, abutting property lines, roads, buildings, houses.

14. Provide information concerning any analysis, study or investigation you have done concerning the Superfund site abutting the proposed site, the contamination of the ground water at the site or abutting properties, and/or the effect of the proposed project construction and operation on the contamination at the site or abutting properties.

15. State in detail the basis for you statement in Volume 1, p. 5, Section C.3 of the Application that BNE has developed a good relationship with the community by pursuing a multi-faceted communications approach including "regular discussions with local officials." Provide all documents reflecting or concerning all discussions and meetings with local officials.

16. Identify the documents referred to as the informational filing submitted to the Town of Prospect on or about October 1, 2010 and provide a copy of the documents.

17. With respect to the web site <http://www.bneenergy.com>, provide the date of inception of the website and the date that the information about Wind Prospect was added to the site.

18. With respect to the mailer sent out on or about the week of December 22, state the location and distance of turbines depicted, describe the means by which simulation of turbines was accomplished, and identify the person(s) or entities involved in creating the depictions.

19. Identify any consultants you have retained with respect to wetlands issues at the site

and describe any analysis, study or investigation they have performed. Describe the plans that are in place or contemplated to protect wetlands within the fall zone or throw zone for ice, blades, oils, chemicals or collapse of the turbine tower.

20. The petition identifies options of class 2 Vesta and Class 3 GE turbines for the site and states that "the applicability of these turbines to the Prospect site must be analyzed before assuming the adoption of these turbines in any additional studies." State whether further investigation or analysis has been conducted and describe all such investigation and analysis.

21. State the reasons for selecting the proposed turbines and in particular the reasons for considering a GE turbine that is less efficient than other turbines.

22. Identify and provide copies of any reports, studies, analyses or investigations conducted by Electric Power Engineers (EPE) in addition to the study that appears in Volume 3 of the petition.

23. The EPE Report refers at page 2 to Energy Yield Calculations. State whether and how the regional data was considered, the reason that the humidity sensor was not installed on the "met" tower until September 2009, and the reason for choosing New Haven Tweed Metro Station for regional humidity reference of 1.21 against the sample of 1.184.

24. Provide the data, studies, analyses and conclusions of the wind testing conducted at the site, including wind velocity during the day versus at night, and wind direction and velocity by month.

25. The EPE Report states at page 4 that, with respect to rotor spacing, generally four times the rotor diameter is recommended, however for this project, and to site limitations, a smaller spacing was assumed with the understanding of negative impact on turbine power

production performance" Identify and describe any study, analysis or investigation of the negative impact on tower production and state whether any sites with comparable spacing of rotors are known to exist.

26. In evaluating the impact of the project on wetlands, was the fall height or fall zone of the turbines taken into consideration? If so, describe how it was considered and what measures will be taken to protect wetlands within the fall zone.

27. The petition includes a chart titled "Annual Average Capacity Factor - and Energy Yield Estimates for several turbine types using 14.7 months of measured wind data." The chart includes a footnote which states ""This turbine does not meet fall zone requirements from the project boundary, and further investigation is necessary to mitigate this requirement." State the fall zone requirements and blade throw and ice throw distances for each turbine listed or under consideration for this site and identify the source of all such information.

28. State whether further investigation has been conducted with respect to fall zone requirements and blade throw and ice throw distances of the turbines listed in the EPE report or any other turbines under consideration for this site. If so, identify the parties conducting the investigation, the methods used, the results of the investigation and all measures considered to address fall zone requirements and blade throw and ice throw distances.

29. Has any analysis been done to consider the financial viability of the proposed facility if turbines that meet the fall zone requirements from the project boundary are used? If so, provide the data and information considered and the results of such analysis.

30. The petition states, in Volume 1 - section 7, page 14A (Public Health and Safety), that "the project will meet all applicable safety requirements for construction, operation..."

Identify all such applicable safety requirements and the measures that the petitioner proposes to ensure that all such requirements, including but not limited to, safety requirements for the fall zone, blade throw and ice throw zones have been met.

31. Identify all measures that will be taken to protect wetlands, adjacent properties, buildings, roads, and water resources that are within the fall zone, ice throw zone, or blade throw zone of the turbine towers.

32. Describe the decommissioning plan for the project, including the sources of funding such a plan. .

33. Describe BNE's maintenance plan that would ensure proper maintenance of the towers, turbines, blades and other components to mitigate the risk of failures, fires, breaks, collapses and ice throw.

34. Has any investigation, study or analysis been undertaken with respect to the effect of the project on property values in the area and the corresponding effect on property tax revenues for the Town of Prospect.

35. Is BNE prepared to offer any assurances or guarantees with respect to the effect of the project on property values in the area?

36. Has BNE undertaken an investigation, study or analysis of shadow flicker study? Why was there no shadow flicker study included with the petition?

37. What are the distances for which shadow flicker will impact (land) on roads/ property/residences?

38. Mr. Zupkus has stated at public meetings that shadow flicker will not be an issue in Prospect. Provide the data, analysis, or other basis and source documents that support these

statements.

39. The Project Overview section of the petition states: "The project will meet the annual electric power needs of approximately 25% of the town's residential electric users on average, over the course of the year." Provide the data, analysis, or other basis and source documents that support this statement.

40. The Project Overview section of the petition states that the project will produce "numerous economic benefits to the town and the area." State what benefits, aside from projected tax revenues, will be produced for the Town of Prospect and the area and the reasons that you believe such economic benefits will be created.

41. The Project Overview section of the petition states that the project would provide a "reduction of air pollutants when compared to conventional fossil fuel generation." State whether and how this statement takes into account the need for redundant backup generation and the cycling effect of bringing up and powering down fossil fuel plants which serve as primary and backup facilities or are needed to meet peak capacity demands when wind energy is unavailable?

42. The petition states that a 5-mile study area was used to determine percent of area that has visibility. State the visibility percentage within 2640 feet and one mile.

43. Identify and provide all source data and information, calculations, and other information that you considered or relied upon in creating the proposed regulation that BNE presented to the Prospect land use board.

44. Identify any existing wind generating facilities or approved or pending applications for wind generating facilities of which you are aware where the turbine towers are located within

750 feet of the property line of a residential lot or within 850 feet of occupied structures. State the tower heights at such facilities and the manufacturer and model of the turbines used or proposed to be used.

45. State whether the petitioner has a fire safety or fire extinguishing plan or intends to install a fire extinguishing system. If so, describe the plans and/or systems, including the mechanisms and procedures that would be used to a fire in a turbine mounted on a tower.

**SAVE PROSPECT CORP**

By: 

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**Its Attorneys**



**CERTIFICATION**

This is to certify that a copy of the foregoing has been sent via first class mail, postage pre-paid, to the following parties on this 21<sup>st</sup> day of January, 2011:

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*On behalf of John Lamontagne, Cheryl Lamontagne, Thomas Satkunas and Eileen Satkunas*

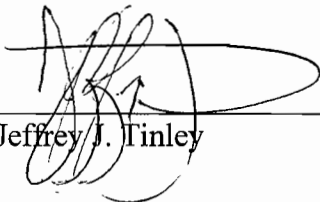
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