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VIA ELECTRONIC MAIL and FEDERAL EXPRESS

The Honorable Daniel Caruso, Chairman
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

Ms. Linda Roberts
Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

**Re: BNE Energy Inc. petitions for declaratory ruling, petitions 980, 983 and 984;
Objection to Request to Consolidate**

Dear Chairman Caruso and Executive Director Roberts:

As you are aware, this firm represents BNE Energy Inc. (“BNE”), the petitioner in the above-captioned petitions. BNE is in receipt of the request from Fairwindct, Inc. (“Fairwind”) dated January 31, 2011 requesting consolidation of these three proceedings. As more fully discussed below, BNE objects to this request and requests that the Council continue to treat these petitions as three separate proceedings and proceed with the scheduling orders already in place for each of these three petitions.

Fairwind has sought and been granted legal standing in both Petition 983 and Petition 984. Fairwind has filed a request for party status in Petition 980 arguing that it is entitled to party status in that proceeding based solely on the fact that Fairwind is concerned that the Council’s handling of Petition 980 will set precedent for its handling of Petitions 983 and 984. There is no legal basis for the Council granting party status on such facts and BNE has objected to Fairwind’s request. Now, Fairwind has requested that the Council delay the beginning of the evidentiary hearing in Petition 980 and consolidate all three of these proceedings based seemingly on the argument that these petitions should be consolidated merely because Fairwind is opposed to all three petitions. This argument fails for a variety of reasons listed below.

First, Fairwind does not have standing to make such a request concerning Petition 980. While Fairwind has requested party status in Petition 980, the Council has not voted to grant this

request. As noted above, BNE has objected to this request because there is simply no legal basis to permit Fairwind's participation in Petition 980.

Second, BNE was required to file these projects as three separate petitions. BNE filed petition 980 on November 17, 2010, filed Petition 983 on December 6, 2010 and filed Petition 984 on December 13, 2010. Therefore, in accordance with the UAPA, all three petitions have different statutory deadlines for the Council to render a decision. As the Council is further aware, these petitions represent three wholly unrelated projects including three separate parcels of property and three separate interconnections to the electrical grid. While the parcels involved in petitions 983 and 984 are proximate to each other, the parcel involved in petition 980 is located in another municipality in another county of the State. Because the projects are wholly unrelated, they should be treated as such and the Council should proceed with the schedules already in place. Fairwind's argument essentially states that, because all three petitions proposed development of wind turbines, the proceedings should be consolidated. This argument is wholly inadequate to justify delay in petition 980 and to justify consolidation of these three petitions.

Finally, Fairwind references the fact the BNE has indicated that it will not be able to respond to Save Prospect Corp.'s interrogatories issued in Petition 980 as a further reason to grant Fairwind's request for consolidation of these three petitions and a delay in the evidentiary hearing in Petition 980. Despite this representation to the contrary, BNE has not indicated an inability to respond to interrogatories. Instead, BNE simply indicated that it will respond to Save Prospect Corp.'s interrogatories in accordance with the Council's scheduling order in Petition 980 and not in accordance with Save Prospect Corp.'s proposed deadline. BNE has not sought a delay of Petition 980 or any pre-filing deadlines and objects to any delay in the Petition 980 proceedings.

In conclusion, BNE objects to Fairwind's request to consolidate Petitions 980, 983 and 984 as discussed above and requests that the Council continue to treat these petitions as three separate proceedings and in accordance with the scheduling in place for each petition.

Respectfully submitted,

/s/ Carrie L. Larson

Carrie L. Larson

cc: Certification of Service for Petitions 980, 983 and 984