

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

February 4, 2011

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SAVE PROSPECT CORP'S PRELIMINARY  
PRE-HEARING WITNESSES AND DOCUMENT LIST

CONNECTICUT  
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Save Prospect Corp ("SPC"), a party to the above-captioned proceedings, hereby submits the following preliminary pre-hearing witness and document list to all parties and intervenors of record:

**I. Witnesses and Subjects of Anticipated Testimony**

A. Fact Witnesses

SPC is continuing to develop its list of fact witnesses and respectfully reserves the right to amend and supplement this list, in particular after receiving responses to the Interrogatories served on BNE by the Siting Council and SPC.

1. Timothy Reilly, President of Save Prospect Corp. Mr. Reilly is a resident of Prospect.
2. Other residents of Prospect.
3. Eric Bibler
4. Josh Walker, Vice President, SPC
5. Ken Aubertin
6. Calvin Goodwin

7. Bob Moore, Secretary, SPC
8. Annette Smith, Exec. Dir. Vermonters for a Clean Environment
9. Residents from other towns, states, etc.

B. Expert Witnesses

SPC is continuing its search for expert witnesses for these proceedings and respectfully reserves the right to amend and supplement this list, in particular after receiving responses to the Interrogatories served on BNE by the Siting Council and SPC.

1. Michael S. Klein, Environmental Planning Services. Mr. Klein is a biologist and wetland scientist. He is expected to testify about general environmental concerns associated with siting industrial wind turbine projects, including but not limited to effects on wildlife and stormwater and erosion control.

2. Michael A. Nissenbaum, M.D., Fort Kent, Maine. Dr. Nissenbaum is a specialist in diagnostic imaging. He is expected to testify about the adverse health effects of wind turbines.

3. Professor Terry Matilsky, Rutgers University. Dr. Matilsky is a professor of physics and astronomy. He is expected to testify about the safety risks of wind turbines and the appropriate values for setbacks.

4. Mark Branson other representative(s) of Charter Oak Environmental would be expected to testify concerning viewshed and engineering issues.

C. In addition, SPC expects to present expert testimony in the following additional areas:

- Noise:

SPC plans to engage an acoustical engineer to submit testimony regarding BNE's

noise evaluation and claims regarding the noise levels that will be produced by its proposed turbines. This expert would likely also testify regarding lessons learned regarding noise at other industrial wind turbine projects in New England. SPC has not yet selected its expert, but has spoken with Michael Bahtiarian of Noise Control Engineering, Inc. and Robert Rand of Rand Acoustics.

- Health:

SPC plans to engage a doctor to submit testimony regarding the health concerns associated with siting industrial wind turbine projects in proximity to residences, as is proposed by BNE. This expert would likely testify about the anecdotal and peer-reviewed evidence in this area, the common symptoms complained of by people living in proximity to wind turbines, the possible explanations for those maladies and the setback distance necessary to ensure the health of those living near wind turbine projects. SPC has not yet selected its expert, but has spoken with Dr. Arline L. Bronzaft.

- Safety:

SPC plans to engage an expert to submit testimony regarding safety concerns related to siting industrial wind turbine projects in proximity to roads and residences, as is proposed by BNE. This expert would likely testify about manufacturer-recommended setbacks and the setbacks necessary to avoid injury and property damage as a result of ice throw, blade throw and turbine failure and/or collapse. SPC has not yet selected its expert, but has contacted Professor Terry Matilsky of Rutgers University and Tom Hewson and David Pressman of

Energy Ventures Analysis.

- Wind Resources:

SPC plans to engage an expert to submit testimony regarding the wind assessment study submitted by BNE and BNE's predictions of efficiency rates and wind speed at its proposed location. SPC has not yet selected its expert, but has spoken with Tom Hewson and David Pressman of Energy Ventures Analysis.

- Viewshed:

SPC may engage an expert to submit testimony regarding BNE's viewshed analyses. If SPC presents testimony on this subject, its expert will be Mark Franson of Charter Oak Environmental Services.

- Stormwater Drainage:

SPC may engage an expert to submit testimony regarding BNE's stormwater prevention plan and associated calculations. If SPC presents testimony on this subject, its expert likely will be Mark Franson of Charter Oak Environmental Services.

- Property Valuation:

SPC may engage an expert to submit testimony regarding the potential adverse effect that siting industrial wind turbine projects in proximity to residential neighborhoods would have on the value of residents' property.

- Decommissioning:

SPC may engage an expert to submit testimony regarding the appropriate amount for a decommission bond to ensure that if the project is approved, the project site

would be restored to original conditions after the project ceases operations.

- Local Benefit:

SPC may engage an expert to submit testimony regarding the local benefits BNE claims its project would have for the town of Prospect.

## II. Documents

A. Any and all documents included or referred to in BNE's Petitions, or interrogatory responses prepared by any party to these proceedings

B. Wind Turbine Ordinances

1. Town of Rensselaerville, New York: Wind Power Committee Recommendation Report for Industrial Wind Power
2. Town of Dixmont, Maine: Wind Energy Facility Ordinances
3. Town of Jocackson, Maine: Amended Wind Turbine Ordinance
4. Trempealeau County, Wisconsin: Wind Generator and Wind Generating Facility Ordinance
5. Thorndike, Maine: Wind Energy Facility Ordinance
6. Montville, Maine: Wind Turbine Generator Ordinance (including Findings and Rationale)

C. Bills Concerning Wind Turbines

1. Vermont: House Bill 677 as Introduced ("An act relating to wind energy plants") (2010) and letter from Nina Pierpont, M.D., Ph. D. in support of H.677
2. New Jersey Senate, No. 2374 ("Prohibits siting of industrial wind turbines

within 2,000 feet of any residence or residentially zoned property")

(introduced Nov. 8, 2010)

3. United Kingdom Parliament, House of Lords Bill (regarding minimum distances of wind turbines from residential premises) (Session 2010-11)

D. Literature, Articles and Material Concerning Health and Safety Risks Associated with Wind Turbines

1. First International Symposium on Adverse Health Effects from Wind Turbines - The Global Wind Industry and Adverse Health Effects: Loss of Social Justice? Picton, Prince Edward County, Ontario, Canada (October 29-31, 2010)
2. GE Energy: Ice Shedding and Ice Throw - Risk and Mitigation; David Wahl and Philippe Giguere, Wind Application Engineering
3. Vestas Wind Systems A/S - Safety Regulations for Operators and Technicians (see numbers 2 (Stay and Traffic by the Turbine) and 16 (Precautions in Case of Fire))
4. BNE Energy Petition, Volume 3, Table 1: "Annual average Capacity Factor and energy yield estimates for several turbine types using 14.7 months of measured wind data" (see notation at bottom of table that wind turbines proposed for the current project in Prospect (GE 1.6 XLE 1.6 MW) does not meet fall zone requirements from the project boundary)
5. Article by Professor Terry Matilsky, Rutgers University, regarding wind turbine blade throw and break

6. The Morning Journal (Northern Ohio), December 1, 2010: "Blade comes off wind turbine at Perkins High School"
7. Watertown Daily Times (New York), December 30, 2009: "Fallen Turbine"
8. Audiology Today (Jul/Aug 2010): "Wind Turbine Noise - What Audiologists Should Know," by Jerry Funch, Richard James, and Dan Pabst
9. Journal of Sound and Vibration 277 (2004) 955-970: "Effects of the wind profile at night on wind turbine sound," by G.P. van den Berg
10. "Visual and Noise Effects Reported by Residents Living Close to Manawatu Wind Farms: Preliminary Survey Results," by Drs. Robyn Phipps, Marco Amati, Sue McCoard and Richard Fisher
11. Deputation to the Standing Committee on General Government Regarding Bill C-150, by Dr. Robert McMurty, M.D., F.R.C.S (C), F.A.C.S
12. Noise-Con 2007: "Communicating the Noise Effects of Wind Farms to Stakeholders," by Christopher J. Bajdek
13. Affidavit of Michael A. Nissenbaum, M.D. submitted to the State of Maine Board of Environmental Protection in the Record Hill Wind Project matter (excluding exhibits referenced by affiant)
14. Location, Location, Location: An investigation into wind farms and noise by The Noise Association" (July 2006)
15. Palmerston North Commission: Moturimu New Zealand Wind Farm

Application - Evidence of Dr. Robyn Phipps

16. Chatham-Kent Public Health Unit - "The Health Impact of Wind Turbines: A Review of the Current White, Grey, and Published Literature (June 2008)
17. "Disconnect Between Turbine Noise Guidelines and Health Authority Recommendations," by Prof. John P. Harriston, Queen's University
18. "Assessment of safety risks arising from wind turbine icing," by Colin Morgan, Ervin Bossanyi and Mr. Henry Seifert (1998)
19. "A Review of the Science, Literature and Recommendations Concerning Public Safety and Ice Throws from Wind Turbines," by Kenneth Jaffe, MD (June 2006)
20. 3460 J. Acoust. Soc. Am. 116 - "Perception and annoyance due to wind turbine noise - a dose - response relationship," by Eja Pedersen and Kerstin Persson Waye (2004)
21. "Noise Radiation from Wind Turbines Installed Near Homes: Effects on Health," by Barbara J. Frey, BA, MA and Peter J. Hadden, BSc, FRICS (2007)
22. Noise-Con 2008: "Simple guidelines for siting wind turbines to prevent health risks," by George W. Kamperman, P.E. and Richard R. James, INCE
23. "The 'How To' Guide to Siting Wind Turbines to Prevent Health Risks from Sound," by George W. Kamperman, P.E. and Richard R. James,



INCE

24. Report by Dr. Christopher Hanning on Sleep disturbance and wind turbine noise on behalf of Stop Swinforrd Wind Farm Action Group (June 2009)
25. "Wind Turbines, Noise and Health," by Dr. Amanda Harry (Feb. 2007)
26. "Wind Turbine Syndrome and the Brain," by Nina Pierpont, MD, PhD (Nov. 15, 2010)
27. Affidavit of Michael M. Nissenbaum, MD, filed in the matter of McKinnon v. Red Lily Wind Power L.P., et al, Court of Queen's Bench, Judicial Centre of Saskatoon
28. "A Review of Published Research on Low Frequency Noise and its Effects," by Dr. Geoff Leventhall (May 2003)

E. Literature, Articles and Material Concerning the Impact of Wind Turbines on Real Estate Value

1. 2009 Wind Turbine Impact Study by Appraisal Group One
2. "The Impact of Wind Power Projects on Residential Property Values in the United States: A Multi-State Hedonic Analysis," by McCann Appraisal, LLC (Dec. 14, 2009)
3. Inquiry into rural wind farms - Submission to the Legislative Council General Purpose Standing Committee No 5, by Dr. David Burraston and Ms. Sarah Last (2009)
4. "Impact of Wind Turbines on Market Value of Texas Rural Land," by Garden Appraisal Group (Feb. 13, 2009)

5. "Impact of wind farms on the value of residential property and agricultural land," a survey by the Royal Institution of Chartered Surveyors
6. Baileyville Wind Farm Development Issues prepared by Tom Hewson of Energy Ventures Analysis, Inc. (Nov. 30, 2005)
7. The Telegraph, July 26, 2008: "Homeowners living near windfarms see property values plummet"

F. News Articles and Testimonials Concerning Wind Turbines

1. Republican-American, December 4, 2010: "Canaan denies local permit for BNE Energy wind turbine"
2. Boston Herald, December 6, 2010: "Conn. residents see Falmouth wind power up close"
3. USA Today, November 3, 2008: "Neighbors at odds over noise from wind turbines"
4. The Newport Current, February 27, 2009: "A 292-foot mistake"
5. Letter from Christy Capone, PhD in support of complaint filed by Barry Funfar regarding noise generated from windmill near his home in Falmouth, Massachusetts
6. Statement of Barry Funfar to board of selectmen dated November 17, 2010
7. Letter from Barry Funfar to Kay and Richard Turgeon dated December 7, 2010
8. The New American, November 8, 2010: "An ill Wind Blowing"
9. The Wall Street Journal, August 23, 2010: "Wind Power Won't Cool"

Down the Planet"

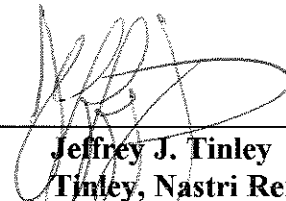
10. "Cost and Quantity of Greenhouse Gas Emissions Avoided by Wind Generation," by Peter Lang
  11. "Speaking Truth to 'Wind' Power," by Prof. Michal J. Trebilcock, University of Toronto (April 15, 2009)
  12. Republican-American, 2002: "Old Cap & Jacket property has chilling clean-up cost"
  13. January 6, 2003 letter from Connecticut Department of Environmental Protection to Mayor Chatfield regarding contamination at the U.S. Cap and Jacket site (with enclosures).
- G. U.S. Dept. of Energy, National Renewable Energy Laboratory - Connecticut - 50 m Wind Power (Feb. 6, 2007)
- H. Scale Drawing of residence and wind turbine
- I. New York State Public Health and Safety - Investing in a Cleaner NY (prepared by Global Energy Concepts)\*\*
- J. Wind Power Siting, Incentives, and Wildlife Guidelines in the United States (Oct. 2007)
- K. "Calculating Wind Power's Environmental Benefits: Erroneous assumptions can cast doubt on wind power's ability to cut greenhouse gas emissions," by Thomas Hewson, Jr. and David Pressman, Energy Ventures Analysts Inc.
- L. "Permitting Setback Requirements for Wind Turbines in California," prepared by California Wind Energy Collaborative (Nov. 2006)
- M. "Permitting Setbacks for Wind Turbines in California and the Blade Throw Hazard,"

prepared by Scott Larwood, California Wind Energy Collaborative, Univ. of California,  
Davis

- N. National Wind Watch - European Setbacks (minimum distance between wind turbines and habitations) (March 24, 2009)
- O. Town of Sedgwick Maine - wind power development moratorium ordinance
- P. Wind Turbine - Materials and Manufacturing Fact Sheet, prepared for the Office of Industrial Technologies, US Department of Energy by Princeton Energy Resources International, LLC

**SAVE PROSPECT CORP**

By



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## CERTIFICATION

This is to certify that a copy of the foregoing has been delivered via hand delivery and/or first class mail, postage pre-paid, on this 4<sup>th</sup> day of February, 2011 to the following:

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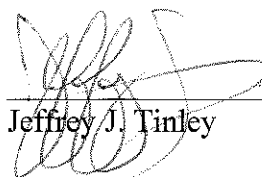
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