

**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 No. 980

February 8, 2011

**REPLY TO BNE ENERGY’S
OBJECTION TO REQUEST FOR PARTY STATUS**

FairwindCT, Inc. (“FairwindCT”) hereby replies to the Objection to Request for Party Status, dated February 1, 2011, filed by petitioner BNE Energy Inc. (“BNE”). In support of its Reply, FairwindCT states the following:

1. By application dated January 25, 2011, FairwindCT applied to the Council for party status in Petition No. 980.
2. FairwindCT based its request for party status on several statutes and regulations, including:
 - Sections 4-177a, 16-50l, 16-50n, 22a-15 through 22a-20 of the Connecticut General Statutes; and
 - Sections 16-50j-13 through 17 of the Regulations of Connecticut State Agencies (“RCSA”).
3. FairwindCT also noted in one paragraph of its 11-page request for party status that “because the Council has indicated that its consideration of the Wind Prospect petition will be a model for its consideration of the two Colebrook petitions [to which FairwindCT is a party], FairwindCT will be substantially and


specifically affected by decisions the Council will make in considering this petition.” (Request, page 2.)

4. On February 1, 2011, BNE objected FairwindCT’s request on what appears to be a single ground. BNE claims that FairwindCT’s “only basis” for its party status request is “its stated concern that the Council’s handling of this proceeding may impact its treatment of two, wholly unrelated proceedings to which Fairwind is already a party.” (Objection, page 1 and ¶ 6.) That statement is false.
5. Under Section 16-50n of the Connecticut General Statutes, parties to a declaratory ruling proceeding shall include, *inter alia*, “any domestic or qualified nonprofit corporation formed in whole or in part to promote conservation or natural beauty.”
6. In its party status request, FairwindCT states that it is “a Connecticut non-profit corporation formed and run by Connecticut residents for the purpose of promoting conservation and natural beauty.” (Request, page 2.) FairwindCT is therefore entitled to party status pursuant to General Statutes § 16-50n(3).
7. Under Section 22a-19 of the Connecticut General Statutes, in any administrative proceeding, any corporation “may intervene as a party on the filing of a verified pleading asserting that the proceeding or action for judicial review involves conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state.”

8. On February 7, 2011, FairwindCT amended its request for party status by filing such a verified pleading. FairwindCT is therefore entitled to party status pursuant to General Statutes § 22a-19.
9. Moreover, BNE's Objection ignores the final subsection of Section 16-50n(a), which provides that the parties to a declaratory ruling shall include "any such other persons as the council may at any time deem appropriate." Conn. Gen. Stat. § 16-50n(a)(4).
10. The Council has exercised its discretion in overruling all of BNE's objections to party status requests in this proceeding and in Petition Nos. 983 and 984.
11. BNE's claim that "[t]here simply is no basis in the Council's statutes, regulations or past practices" to grant party status to FairwindCT is meritless. (See Objection ¶ 6.)

WHEREFORE, FairwindCT asks that the Council deny BNE's Objection and grant its request for party status.

By:



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CERTIFICATION

I hereby certify that a copy of the foregoing document was delivered by first-class mail and e-mail to the following service list on the 8th day of February, 2011:

Carrie L. Larson
Paul Corey
Jeffrey J. Tinley
Hon. Robert J. Chatfield
Thomas J. Donohue, Jr.
John R. Morissette
Christopher R. Bernard
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