



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

Internet: ct.gov/csc

February 22, 2011

Eric Bibler
31 Old Hyde Road
Weston, CT 06883

Re: **PETITION NO. 980** - BNE Energy, Inc. petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the construction, maintenance, and operation of a 3.2 MW Wind Renewable Generating facility located at 178 New Haven Road, Prospect, Connecticut.

Dear Mr. Bibler:

We are in receipt of your letter of February 14, 2011, requesting intervenor status.

The Connecticut Siting Council (Council) does not have a meeting scheduled before the February 24, 2011 evidentiary hearing date with this matter on the agenda. Therefore, your request will be taken up as an order of business at the hearing on February 24, 2011 at the Long River Middle School Gymnasium, 38 Columbia Avenue, Prospect, Connecticut. Copies of the petition are available at the Prospect and Bethany Town Clerk's Offices. All documents filed to date are available at the Council's office or on our website.

Please contact me if you have any questions.

Very truly yours,

Linda Roberts
Executive Director

LR/CMW/RDM/laf

Enclosure(2) Hearing Notice
Participation Guidelines

c: Parties and Intervenors

CONNECTICUT SITING COUNCIL INFORMATION GUIDE TO PARTY AND INTERVENOR STATUS

The Connecticut Siting Council (Council) will name or admit as a **party** any person whose legal rights, duties or privileges will be specifically affected by the Council's decision in a docket.

The Council will name or admit as an **intervenor** any person whose participation is in the interests of justice and will not impair the orderly conduct of the proceedings.

Service List and Service Requirements

Once a person is named or admitted as a party or intervenor, they will be added to the "Service List," which lists all of the participants in a docket that is prepared and made available to the public under the link for a specific docket on the "Pending Proceedings" page on the Council website. Parties and intervenors may elect to receive documents by e-mail or by U.S. mail. Also, documents filed with the Council must contain one original, 20 copies and an electronic version for scanning to the website via e-mail or disk. The Council, parties and intervenors must send a copy of any document filed in a docket to every person on the service list and include a certification as follows:

"I hereby certify that a copy of the foregoing document was (electronically mailed/sent by U.S. mail) to the following service list on (date)." Signature and printed name of the sender.

Conduct of the Proceedings

- A. Pre-hearing Conference:** The Council will schedule a pre-hearing conference on procedural matters in the Council's office. All parties and intervenors are requested to attend. This is the proper venue to informally discuss the Council's procedure and ask any questions related to procedure. Failure to attend results in a lost opportunity to discuss process matters. The Council will also announce a schedule for the submission of pre-filed testimony and pre-hearing interrogatories.

- B. Pre-Filed Testimony:** The Council requires that testimony be pre-filed with the service list before the hearing to avoid direct testimony and to save the time and expense of the public at the hearing. Pre-filed testimony is the only chance for parties and intervenors to make a statement of position. Pre-filed testimony is posted on the docket webpage and is part of the record in a proceeding. Pre-filed testimony consists of allegations of fact and statements of position with exhibits attached in support of the allegations of fact and

stated position. Parties and intervenors are not permitted to make statements (ex. directly testify) during the hearing.

- C. Pre-hearing Interrogatories:** The Council encourages parties and intervenors to file pre-hearing questions to the applicant and other parties and intervenors in the proceeding on any information in the record, including, but not limited to, the application, other pre-hearing questions, pre-filed testimony of the applicant or pre-filed testimony of other parties and intervenors in the proceeding. Pre-hearing questions are an opportunity for parties and intervenors to request more information. The applicant, parties and intervenors are obligated to respond to pre-hearing questions directed to them that are filed by the Council, the applicant and any party or intervenor in the proceeding in accordance with the schedule announced by the Council.
- D. Administrative Notice:** The Council routinely develops a list of exhibits known as “Administrative Notice Items” in every docket. Administrative Notice items are generally recognized technical or scientific facts within the Council’s specialized knowledge, including, but not limited to, prior decisions of the Council, publications of federal state agencies such as the Federal Communications Commission and publications of other state agencies such as the Department of Environmental Protection. Scientific studies or publications for which the author is not available for questioning by participants in the proceeding should be submitted as administrative notice items rather than exhibits attached to pre-filed testimony.
- E. Experts and/or Witnesses:** Experts and/or witnesses are the authors of pre-filed testimony and attached exhibits. They are the sponsors of the information contained in pre-filed testimony and are sworn in during the hearing. After the experts and/or witnesses are sworn in, they are made available for questioning by the Council and other participants in the proceeding. Experts and/or witnesses may not present new evidence or provide direct testimony. For example, if a party or intervenor presents a land survey in their pre-filed testimony, the author or engineer that prepared the land survey must be present at the hearing, sworn in and available to answer questions pertaining to the land survey that are asked by the Council and the other participants in the proceeding.
- F. Cross examination at the hearing:** The Council, applicant, parties and intervenors have an opportunity to cross-examine the witnesses appearing on behalf of the applicant or other parties and intervenors during the hearing. This means that the person conducting the cross-examination asks questions of the witnesses. The applicant and parties and intervenors submit to cross-examination from the Council, the applicant and other parties and intervenors. The order of appearances and cross examination will be governed by a hearing program developed by the Council for the proceeding. Order of appearance is determined by the order in which parties and intervenors were named or admitted by the Council. Typically, the hearing proceeds as follows:
1. Opening Statement from the Council Chairman
 2. Administrative Notice Items of the Council

3. **Applicant's Appearance**
 - a. Identification of Exhibits (pre-filed testimony, responses to pre-hearing interrogatories)
 - b. Swear Witnesses
 - c. Cross Examination of the Applicant by:
 - i. Council
 - ii. Party
 - iii. Intervenor

4. **Appearance by Party**
 - a. Identification of Exhibits (pre-filed testimony, responses to pre-hearing interrogatories)
 - b. Swear Witnesses
 - c. Cross Examination of Party by:
 - i. Council
 - ii. Applicant
 - iii. Intervenor

5. **Appearance by Intervenor**
 - a. Identification of Exhibits (pre-filed testimony, responses to pre-hearing interrogatories)
 - b. Swear Witnesses
 - c. Cross Examination of Intervenor by:
 - i. Council
 - ii. Applicant
 - iii. Party

6. **Oral Limited Appearance Statements/Public Comment Session**
 - this portion of the hearing is reserved for members of the public who are not parties and intervenors in the proceeding to express concerns
 - members of citizens' groups or associations that have attained party or intervenor status are represented by the group or association and may not also provide oral limited appearance statements

7. **Rebuttal by Applicant:** Limited to facts and evidence addressed during the hearing. No argument or closing statements/remarks will be allowed.

G. Post-Hearing Procedure: At the conclusion of the hearing, when the evidentiary record is officially closed, the Council announces a post-hearing schedule for written limited

appearance statements, briefs and proposed findings of fact. No new information, no new evidence and no arguments will be considered by the Council.

- 1. 30 Day Written Limited Appearance/Public Comment Period:** Written limited appearance statements from the public are accepted within 30 days after the close of the hearing. Parties and intervenors may not submit additional written statements after the close of the evidentiary record.
- 2. Post Hearing Brief and Proposed Findings of Fact Schedule:** Parties and intervenors may file a brief with the Council summarizing allegations of fact and statements of position presented during the evidentiary hearing. Parties and intervenors may also submit suggestions of facts in the record for inclusion in the Council's final decision.
- 3. Draft Findings of Fact Issued by Council:** The Council will issue draft findings of fact from the record to be issued as part of the final decision. Parties and intervenors will be given an opportunity to identify errors or inconsistencies between the Council's draft findings of fact and the record.
- 4. Final Decision:** The Council will make a final decision at a regular Council meeting. The agenda for all Council meetings is published on the Council website. All parties and intervenors to a docket that is on an agenda will receive a copy of the agenda. Although regular Council meetings are open to the public, there is no opportunity for public participation during the meeting. All parties and intervenors will receive a copy of the final decision in the mail.



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HEARING NOTICE

Pursuant to provisions of General Statutes § 16-50m and Section 16-50j-21 of the Regulations of Connecticut State Agencies, notice is hereby given that the Connecticut Siting Council (Council) will conduct public hearings on a petition from BNE Energy, Inc. for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the construction, maintenance, and operation of a 3.2 MW Wind Renewable Generating facility located at 178 New Haven Road, Prospect, Connecticut. The scheduled hearing dates and locations are as follows:

Wednesday, February 23, 2011

2-5:00 p.m. (field review)/6:30 p.m. to conclusion (public comment)

Thursday, February 24, 2011

2-5:00 p.m. (evidentiary hearing)/6:30 p.m. to conclusion (public comment)

Long River Middle School Gymnasium

38 Columbia Avenue

Prospect, CT 06712

The Council will conduct a public field review of the proposed site on Wednesday, February 23, 2011, beginning at 2:00 p.m. The Council will meet at the end of Kluge Road.

The 2:00 p.m. hearing session on February 24, 2011 will provide the petitioner, parties, and intervenors an opportunity to cross-examine positions. The petitioner will be allowed a final rebuttal. Briefs will be entertained after the close of the last hearing session.

The 6:30 p.m. hearing sessions on February 23 and February 24, 2011 will be reserved for the public to make brief statements into the record.

Applicable law for this proceeding includes the Public Utility Environmental Standards Act, General Statutes § 16-50g, et seq., and Sections 16-50j-1 through 16-50v-1a of the Regulations of Connecticut State Agencies.

The Council will hold a pre-hearing conference on procedural matters on Wednesday, February 2, 2011, beginning at 10:00 a.m. at the Council's office, 10 Franklin Square, New Britain, Connecticut.

The Council directs that all testimony and exhibits be pre-filed with the Council and all parties and intervenors by February 16, 2011. In accordance with the State Solid Waste Management Plan, the Council requests that all filings be submitted on recyclable paper, primarily regular weight white office paper. Please avoid using heavy stock paper, colored paper, and metal or plastic binders and separators.

Individuals are encouraged to participate through their elected officials, and other party/intervenor groupings.

Any person seeking to be named or admitted as a party or intervenor to the proceeding may file a written request to be so designated at the office of the Connecticut Siting Council, 10 Franklin Square, New Britain, Connecticut 06051, on or before February 16, 2011.

Parties and intervenors will be allowed to submit briefs and proposed findings of fact within 30 days after the close of the hearing.

Any person who is not a party or intervenor to this proceeding may file a written statement with the Council up to 30 days after the close of the hearing. Such statements will become part of the record. No written statement or any other material, evidence, or other information will be accepted from any person not a party or intervenor to the proceeding after 30 days following the close of the hearing, except as otherwise prescribed by law or the Council.

A verbatim transcript of the hearing session(s) will be made and deposited with the Town Clerk's Offices of the Prospect and Bethany Town Halls for the convenience of the public.

Requests for information in alternative formats or for sign-language interpreter services must be submitted in writing by February 16, 2011.

The petitioner of this facility is represented by the following:

Petitioner

BNE Energy, Inc.

Its Representative

Carrie L. Larson, Esq.
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103-3702

A copy of the petition is available for review at the Council's office during office hours at 10 Franklin Square, New Britain, Connecticut, (860) 827-2935 or on Council website at <http://www.ct.gov> under the link "Pending Proceedings." The Council has assigned this petition no. 980.

January 21, 2011

Connecticut Siting Council

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	<input checked="" type="checkbox"/> U.S. Mail	BNE Energy, Inc.	Carrie L. Larson, Esq. Pullman & Comley, LLC 90 State House Square Hartford, CT 06103-3702 (860) 424-4312 (860) 424-4370 fax clarson@pullcom.com Paul Corey, Chairman BNE Energy Inc. Town Center, Suite 200 29 South Main Street West Hartford, CT 06107 (860) 561-5101 (888) 891-6450 fax pcorey@bneenergy.com
Party <i>(granted on 01/06/11)</i>	<input checked="" type="checkbox"/> U.S. Mail	Town of Prospect	The Honorable Robert J. Chatfield Mayor Prospect Town Office Building 36 Center Street Prospect, CT 06712-1699 (203) 758-4461 Town.of.prspct.@sbcglobal.net
Party <i>(granted on 01/06/11)</i>	<input checked="" type="checkbox"/> U.S. Mail	Save Prospect Corp (SPC)	Jeffrey J. Tinley, Esq. Tinley, Nastro, Renehan & Dost, LLP 60 North Main Street Waterbury, CT 06702 (203) 596-9030 (203) 596-9036 fax jtinley@tnrdlaw.com noisyprospect@comcast.net
Party <i>(granted 02/08/2011)</i>	<input checked="" type="checkbox"/> E-Mail	FairwindCT, Inc. P.O. Box 225 Colebrook, CT 06021 (860) 379-6425 info@fairwindct.com	Nicholas J. Harding Emily A. Gianquinto Reid and Riege, P.C. One Financial Plaza, 21 st Floor Hartford, CT 06103 (860) 240-1011 (860) 240-1025 nharding@rrlawpc.com egianquinto@rrlawpc.com

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
<p style="text-align: center;">Party <i>(granted on 01/20/11)</i></p>	<p style="text-align: center;"><input checked="" type="checkbox"/> E-Mail</p>	<p>John and Cheryl Lamontagne 225 New Haven Road Prospect, CT 06712 (203) 509-4158 John.lamontagneconstco.com</p> <p>Thomas and Eileen Satkunas 232 New Haven Road Prospect, CT 06712 (203) 592-1344 Tom.satkunas@snet.net</p>	<p>Thomas J. Donohue, Jr., Esq. Killian & Donohue, LLC 363 Main Street Hartford, CT 06106 (860) 560-1977 (860) 249-6638 tj@kdjlaw.com</p>
<p style="text-align: center;">Party <i>(if granted on 02/24/11)</i></p>	<p style="text-align: center;"><input checked="" type="checkbox"/> U.S. Mail</p>	<p>Connecticut Water Company</p>	<p>Andrew W. Lord, Esq. Murtha Cullina LLP CityPlace I – 185 Asylum Street Hartford, CT 06103-(860) 240-6000 alord@murthalaw.com</p> <p>Cindy Gaudino Manager Source Protection & Real Estate Connecticut Water Company 93 West Main Street Clinton, CT 06413 (800) 428-3985</p>



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CONNECTICUT SITING COUNCIL
INTERVENOR STATUS REQUEST FORM

Docket/Petition No. 980

Town/City: Prospect

Name: Eric Bibler

Address: 31 Old Hyde Rd

City: Weston

State: CT

Zip: 06883

Phone: 203-454-7850

Cell: 203-246-2997

E-Mail: ebibler@gmail.com

1. Manner in which petitioner claims to be substantially and specifically affected:

Pursuant to Connecticut General Statutes ("C.G.S.") Section 16-50n and Regulations of Connecticut State Agencies ("R.C.S.A.") Section 16-50j-15a, I hereby request permission of the Siting Council to participate, as an intervenor in the above-referenced petition and hearing process.

I have an interest in the hearing and in the pre-hearing process to aid the Council in evaluating the public need considerations set forth in C.G.S. section 16-50g. My expertise and experience in working closely with numerous community groups, expert witnesses, town governments, state legislators, the Massachusetts Health Department, the Massachusetts Municipal Association, officials of the Cape Cod National Seashore and the National Park Service, the National Park Conservation Association, the Cape Cod Commission and the Barnstable County Assembly of Delegates may be of benefit to the Council in resolving issues presented in Petition No. 980. My experience includes research of the potential benefits versus the potential adverse impacts of industrial wind energy. Moreover, I have educated communities and governmental agencies about critical issues and assisted in the formulation of appropriate regulatory safeguards, permitting requirements, review processes and criteria and siting restrictions to ensure public safety and the protection of the legitimate interests of pre-existing property owners and other stakeholders, including recreational users, organizations dedicated to scenic and historic preservation and natural conservation and local governments that seek to protect the character of their communities.



2. Manner and extent to which petitioner proposes to participate:

I propose to participate in the hearing by cross-examining the Petitioner's witnesses and offering oral and written testimony or evidence.

For the above stated reasons, I respectfully request permission to participate in this petition as an intervenor.

Copies of this request shall be mailed to all participants at least five (5) business days before the date of the hearing.

Signed Eric S. Bibler

Date: 2011/02/14