

**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**

**March 8, 2011**

**PETITIONER BNE ENERGY INC.’S INTERROGATORY RESPONSES  
TO FAIRWINDCT, INC.’S THIRD SET OF INTERROGATORIES**

Petitioner BNE Energy Inc. (“BNE”) submits the following responses to the Third Set of Interrogatories issued by FairwindCT, Inc. dated February 28, 2011:

**Q1. Please provide a copy of the agreement between BNE and GE Energy (“GE”) that you claim prevents public disclosure of GE’s rules, policies and procedures regarding setbacks for its turbines.**

**A1.** BNE objects to this interrogatory because the requested document is confidential and proprietary. Subject to this objection and without waiving the same, BNE will file its confidentiality agreement under seal pursuant to the protective order in place in this proceeding.

**Q2. If you object to Interrogatory No. 1, please provide a copy of the provision or provisions of the agreement between BNE and GE that specifically relate(s) to confidential and proprietary information and identifies the setback information as such.**

**A2.** See objection and response to interrogatory #1.

**Q3. Is the “confidential and proprietary” setback information that you filed under seal with the Council available on GE’s website?**

**A3.** BNE does not have personal knowledge of information available on GE’s website. Further, BNE notes that GE’s website is publicly available. However, as noted above and discussed numerous times at the pre-hearing conference and during the evidentiary hearings of this proceeding, BNE (and its witnesses) is subject to a confidentiality agreement with GE and therefore cannot publicly discuss any documentation it has received from GE.

**Q4. Is the “confidential and proprietary” setback information that you filed under seal with the Council the only information Mr. Corey was referring to in his testimony at a hearing before the Energy and Technology Committee of the Connecticut legislature when he stated that GE has “lots of rules” regarding setbacks that BNE has**

**followed? If not, please identify and provide copies of any additional setback information to which Mr. Corey was referring.**

**A4.** BNE objects to this interrogatory because the information requested is irrelevant to this proceeding. Specifically, BNE has filed all requested documents in this proceeding subject to the motion for protective order granted by the Council and Mr. Corey's alleged comments elsewhere are not part of the record in this proceeding and are not relevant to this proceeding.

**Q5. Please provide a copy of the agreement between BNE and GE that you claim prevents public disclosure of GE's Mechanical Loads Assessment.**

**A5.** BNE objects to this interrogatory. The Council has already ruled that a protective order should be applied to the MLA filed by BNE under seal.

**Q6. If you object to Interrogatory No. 5, please provide a copy of the provision or provisions of the agreement between BNE and GE that specifically relate(s) to confidential and proprietary information and identifies the Mechanical Loads Assessment as such.**

**A6.** See response to interrogatory #5.

**Q7. Please provide a copy of the noise emission characteristics of the GE 1.6 MW turbines.**

**A7.** BNE will provide the requested information pursuant to the protective order already in place and the documents will be filed under seal in accordance with that protective order.

**Q8. Please provide a copy of any other GE materials relevant to the proper siting of its 1.6 MW turbines, guidelines and policies, including but not limited to materials regarding ice and blade throw, fire safety, noise, wildlife impacts, fall zones and proper siting to avoid turbulence.**

**A8.** BNE objects to this interrogatory because it is overly broad and unduly burdensome. BNE further objects to this interrogatory because the documents have already been provided in this proceeding.

**Q9. Please state the maximum width of the blades of the GE 1.6-100 and the GE 1.6-82.5.**

**A9.** See response to interrogatory #63 of the Siting Council's fourth set of interrogatories dated March 8, 2011.

**Q10. In your February 16, 2011 response to Question 82 of Save Prospect's Second Set of Interrogatories, you stated that off-site grading will be necessary "in the area**

**between the end of the pavement on Kluge Road and the project property boundary.” You then state that you have “engaged the Town of Prospect in discussions to obtain permission.” Please describe the steps you have taken to “engage” the Town of Prospect in such discussions.**

**A10.** BNE has been in discussions with Prospect officials regarding improvements to Kluge Road and recently met with Bill Donovan, ZEO and Eugene McCarthy, Director of Public Works at the site on Wednesday, March 2, 2011, regarding proposed upgrades to Kluge Road.

**Q11. Have you received permission from the Town of Prospect to do the necessary off-site grading work you describe in your February 16, 2011 response to Question 82 of Save Prospect’s Second Set of Interrogatories? If so, who granted permission? When? If permission was granted in writing, please provide a copy.**

**A11.** BNE has been in discussions with Prospect officials regarding improvements to Kluge Road, but has not received permission for such upgrades at this time.

**Q12. If you do not receive permission from the Town of Prospect to do the necessary off-site grading work you describe in your February 16, 2011 response to Question 82 of Save Prospect’s Second Set of Interrogatories, how will you take appropriate erosion control measures on the Site?**

**A12.** BNE will comply with local regulations for road improvements and expects to obtain approvals from the Town of Prospect for upgrades to Kluge Road for access to the site.

**Q13. In your February 16, 2011 response to Question 89 of Save Prospect’s Second Set of Interrogatories, you stated that “[r]eferences to basins on other sheets are typographical errors and will be corrected.” Please provide those corrected sheets.**

**A13.** See response to interrogatory #46 of the Siting Council’s fourth set of interrogatories dated March 8, 2011, and the supplemental pre-filed testimony of Melvin L. Cline dated March 8, 2011.

**Q14. In his prefiled testimony, Mr. Koning references a review of the “specifications and guidelines required to prepare a proper layout of the job site,” which “included information on the equipment used to transport the components to the erection location and their specific requirements for the road surface and the clearances required” and information “on the cranes used for the erection and installation process.” Please provide a copy of all of the information described by Mr. Koning and reviewed by any Zapata personnel.**

**A14.** BNE will provide the requested information subject to a motion for protective order and filed under seal in accordance with previous requests for similar information and in accordance with the Council’s ruling granting BNE’s previous motion for protective order.

**Q15. Please provide GPS coordinates of each noise monitoring location identified in your Noise Evaluation.**

**A15.**

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<b>Monitoring Location</b>		
M1 – Kluge Road	41° 28' 16.75" N	72° 58' 11.53" W
M2 – Lacey Lane	41° 27' 47.07" N	72° 58' 59.99" W
M3 – Coachlight Circle	41° 28' 33.23" N	72° 59' 14.91" W
M4 – Fusco Field	41° 29' 04.97" N	72° 58' 10.39" W

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**Q16. If your consultant monitored noise at any other location, please provide GPS coordinates of each additional location and provide the data collected.**

**A16.** See response to interrogatory #15.

**Q17. Please provide copies of any documents related to your Scoping Meeting with CL&P regarding Wind Prospect.**

**A17.** BNE objects to this interrogatory because it is overly broad and unduly burdensome. BNE further objects to this interrogatory because the details of BNE's interconnection process with CL&P are confidential and proprietary.

**Q18. Please provide copies of any documents related to your Application Request and Application Review with CL&P regarding Wind Prospect.**

**A18.** See response to interrogatory #17.

**Q19. Has the Feasibility Study with CL&P regarding Wind Prospect been completed? If so, please provide a copy of that study. If not, when do you expect it to be completed?**

**A19.** The Feasibility Study has not been fully completed. The Feasibility Study is expected to be completed by early to mid 2011.

**Q20. Has the System Impact Study with CL&P regarding Wind Prospect been completed? If so, please provide a copy of that study. If not, when do you expect it to be completed?**

**A20.** The System Impact Study has not been completed. It is expected to be completed by mid 2011.

**Q21. Has the Transmission Study with CL&P regarding Wind Prospect been completed? If so, please provide a copy of that study. If not, when do you expect it to be completed?**

**A21.** The Transmission Study has not been completed. It is expected to be completed by mid to late 2011.

**Q22. Please describe any communications you have had with the owner and/or operator of the cell tower located on the Site, and provide copies of any written communications.**

**A22.** BNE has communicated with SBA Communications Corporation (“SBA”), the owner of the telecommunications tower on the Site and informed SBA of this pending petition. SBA’s response was to wish BNE luck with the approval of this petition.

**Q23. Do you have approval from GE for your proposed site layout? If so, please provide a copy of that approval. If such approval was not in writing, please state the date on which you received approval and identify the individual(s) who provided you with such approval.**

**A23.** See response to interrogatory #8 of FairwindCT’s first set of interrogatories dated February 16, 2011.

**Q24. If you do not have approval from GE for your proposed site layout, when do you expect to get such approval?**

**A24.** See response to interrogatory #23.

BNE ENERGY INC.

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## Certification

This is to certify that a copy of the foregoing has been mailed this date to all parties and intervenors of record.

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