

**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 980

March 14, 2011

**MOTION TO STRIKE PRE-FILED TESTIMONY
OF JOHN FORD**

BNE Energy, Inc. (“BNE”) hereby moves to strike the pre-filed testimony of John Ford. The Siting Council should strike this testimony as untimely. Further, the Siting Council should strike the testimony because it appears to be an attempt at expert opinion by a non-expert. As can be seen from a review of the testimony, Mr. Ford is not qualified to make any of the conclusions that he asserts in his testimony. Therefore, his testimony has no probative value and should be struck from the record in its entirety.

First, the testimony was not filed in a timely manner. The Siting Council required that all testimony be filed by February 16, 2011. The Siting Council also required all parties to submit final witness and exhibit lists by February 16, 2011. The purpose for this deadline is for the parties to prepare for cross-examination and to prepare rebuttal testimony, if necessary. SPC failed to include Mr. Ford on its final witness list and failed to produce relevant testimony regarding impacts to water sources at the original pre-filed testimony deadline. Now, at the last minute, SPC has filed this additional testimony from a previously undisclosed witness. The untimely nature of the filing unduly prejudices BNE. BNE has already begun presenting its case to the Siting Council. BNE has spent valuable resources reviewing extensive and largely

irrelevant testimony filed by SPC. The Siting Council should not allow further testimony by new witnesses now. Such an allowance adds additional resource constraints on BNE which could be better served responding to legitimately filed testimony and interrogatories. Furthermore, Mr. Ford's testimony does not address any arguably new testimony or exhibits that have been filed by BNE since the February 16, 2011 original pre-filing deadline and therefore SPC cannot credibly argue that this testimony is rebuttal to new evidence in the record.

Second, the testimony is improper expert testimony. Mr. Ford opines that the Project has the potential to cause health issues and financial harm. However, Mr. Ford is not qualified to assert any of the baseless conclusions asserted in his testimony. Mr. Ford has no formal training in the area on which he makes his opinions.

For the foregoing reasons, the supplemental pre-filed testimony of Mr. Ford should be struck in its entirety.

Respectfully Submitted,
BNE ENERGY, INC.

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CERTIFICATE OF SERVICE

I hereby certify that on this day a copy of the foregoing was delivered by U.S. Mail, first class postage prepaid, to all parties and intervenors of record as follows:

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