

**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 DAVID PRESSMAN**

Petitioner BNE Energy Inc. (“BNE”) hereby moves to strike the supplemental pre-filed testimony of David Pressman.¹ Save Prospect Corp. (“SPC”) has submitted the pre-filed testimony and now the supplemental pre-filed testimony of Mr. Pressman which purports to attack the economic benefits of the Project and proposes the conclusion that alternative locations and technologies would better support Connecticut’s Class 1 energy goals. Mr. Pressman’s pre-filed testimony is irrelevant to the Siting Council’s determination as to whether the Petition complies with Connecticut statutory requirements. Therefore, the proposed testimony is improperly before the Siting Council and should be struck from the record.

The proposed evidence submitted by Mr. Pressman is simply an economic argument. Generally, economic arguments are outside the limited scope of the Council’s jurisdiction. *See* Conn. Gen. Stat. § 16-50g. The Project is pending before the Council pursuant to the declaratory ruling provisions in Conn. Gen. Stat. §16-50k(a). Under such provisions, the Council “shall” approve the Project “as long as such project meets air and water quality standards of the Department of Environment Protection.” Economic impacts are not included in those items that

¹ BNE previously filed a Motion to Strike the Pre-Filed Testimony of Mr. Pressman. *See* Motion to Strike dated February 23, 2011. The arguments set forth therein are specifically incorporated into this Motion to Strike.

the Council can consider when rendering a decision on a Petition. The Council has recognized the fact that economic impacts are generally outside the scope of its jurisdiction in previous proceedings and properly excluded such information from the record. *See, e.g.*, Connecticut Siting Council Docket 366 and Docket 396. Therefore, information pertaining to economic considerations is irrelevant to this proceeding.

For these reasons, BNE moves to strike the supplemental testimony of Mr. Pressman.

Respectfully Submitted,
BNE ENERGY INC.

By: /s/ Carrie Larson
Carrie L. Larson
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103-3702
Juris No. 409177
860-424-4300 (p)
860-424-4370 (f)
Its Attorneys

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:

Mayor Robert Chatfield
Town Office Building
36 Center Street
Prospect, CT 06712-1699

Jeffrey Tinley
Tinley, Nastri, Renehan & Dost LLP
60 North Main Street
Second Floor
Waterbury, CT 06702

Thomas J. Donohue
Killian & Donohue, LLC
363 Main Street
Hartford, CT 06106

John R. Morissette (electronic format only)
Manager-Transmission Siting and Permitting
The Connecticut Light & Power Company
P.O. Box 270
Hartford, CT 06141-0270

Christopher R. Bernard (electronic format only)
Manager-Regulatory Policy (Transmission)
The Connecticut Light & Power Company
P.O. Box 270
Hartford, CT 06141-0270

Joaquina Borges King (electronic format only)
Senior Counsel
The Connecticut Light & Power Company
P.O. Box 270
Hartford, CT 06141-0270

Nicholas J. Harding
Emily A. Gianquinto
Reid and Riege, P.C.
One Financial Plaza
Hartford, CT 06103

Andrew W. Lord
Murtha Cullina LLP
CityPlace I
185 Asylum Street
Hartford, CT 06103

Eric Bibler
31 Old Hyde Road
Weston, CT 06883

/s/ Carrie L. Larson
Carrie L. Larson

ACTIVE/71702.10/BMONDSCHHEIN/2406197v1