

**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 15, 2011**

**FAIRWINDCT, INC.’S REPLY TO PETITIONER’S  
OBJECTION TO MOTION TO MODIFY PROTECTIVE ORDER**

FairwindCT, Inc. (“FairwindCT”), hereby replies to the objection filed by the petitioner, BNE Energy Inc. (“BNE”) to FairwindCT’s motion for the Siting Council to modify the protective order dated February 24, 2011 but not transmitted to the parties until March 2, 2011.

In support of its Reply, FairwindCT states the following:

1. On February 24, 2011, the Council granted BNE’s motion for protective order regarding the GE Safety Information and the BNE wind data.
2. On March 2, 2011, FairwindCT asked the Council to modify the protective order.
3. On March 14, 2011, BNE filed an objection to FairwindCT’s motion. The basis for BNE’s objection appears to be that FairwindCT “raises no new issues and no changed circumstances that would warrant the Council’s reconsideration of its already issued order.” (Objection at 1, 2, 4 and 5.)
4. Not surprisingly, BNE cites to no law for the proposition that the only reason for the Council to modify the protective order is “new issues” or “changed circumstances.” In fact, the Council’s Order provides specifically that: “[N]othing herein shall be considered a waiver of any party or intervenor’s right to assert at a

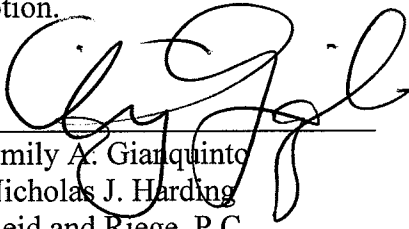
later date that the material is or is not proprietary or privileged. A party or intervenor seeking to change the terms of the Protective Order shall by motion give every other party and intervenor ten business days prior written notice.”

(Order ¶ 7.)

5. FairwindCT gave every other party and intervenor written notice that it is seeking to change the Order and FairwindCT is asserting that certain of the GE Safety Information and BNE wind data is not proprietary or privileged.
6. BNE also makes the claim that because no party or intervenor has yet traveled to the Council’s offices to sign the non-disclosure agreement and review the allegedly confidential materials under the significant restrictions imposed by the Council’s Order, no party or intervenor must need to review the material. BNE apparently did not consider the fact that no party or intervenor is willing to waive its right to object to the unnecessary and overly restrictive conditions imposed by the protective order presently governing review of those materials.
7. Moreover, since the Order was not even transmitted to the parties until late in the day on March 2, the parties and intervenors have had only seven business days in which to travel to the Council’s offices to view the material. The parties and intervenors have had only three or four business days from the date the Council received a sealed copy of the confidentiality agreement between BNE and GE in which to travel to the Council’s offices to view the material.
8. BNE’s arguments are therefore misguided and unsupported by the law.

For the foregoing reasons, and those stated in FairwindCT's motion, FairwindCT respectfully requests that the Siting Council modify the Protective Order presently governing the GE Safety Information and the BNE wind data in accordance with the terms proposed in the Proposed Order attached to FairwindCT's motion.

By:



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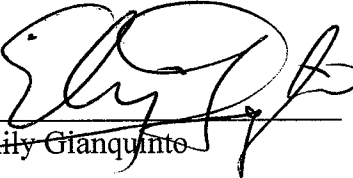
**CERTIFICATION**

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 15th day of March, 2011:

Carrie L. Larson  
Paul Corey  
Jeffrey J. Tinley  
Hon. Robert J. Chatfield  
Thomas J. Donohue, Jr.  
Eric Bibler  
Andrew W. Lord  
Cindy Gaudino

and sent via e-mail only to:

John R. Morissette  
Christopher R. Bernard  
Joaquina Borges King

  
Emily Gianquinto