

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

February 22 2011

**PETITIONER BNE ENERGY INC.’S REPLY RE REQUEST FOR LIST OF SAVE
PROSPECT CORP.’S MEMBERS**

Petitioner BNE Energy Inc. (“BNE”) submits this reply to Save Prospect Corp.’s (“SPC”) objection to BNE’s interrogatory. Specifically, BNE issued interrogatory #4 requesting that, pursuant SPC President Timothy Reilly’s testimony to the Connecticut Legislature, that SPC list its claimed 500 members. Because the information sought is relevant to this proceeding, SPC should be required to fully respond to BNE’s interrogatory prior the public comment session currently scheduled for February 23, 2011. In support of this, BNE represents as follows:

1. BNE filed this petition on November 17, 2011.
2. SPC filed its request for party status on or about December 29, 2010, claiming that its “**membership . . .** would be substantially and specifically affected by the Project, because the **membership includes many Prospect residents. . .**” *See* SPC Request for Party Status (emphasis added).
3. On February 3, 2011, SPC President Timothy Reilly testified to the Connecticut State Legislature, Energy and Technology Committee concerning Raised House Bill 6249 that SPC is a “group of concerned residents now numbering more than five hundred people and growing every day.” This is a direct quotation from the CT-N Network broadcast of this public hearing.

4. On February 9, 2011, BNE issued an interrogatory requesting that SPC list each of the 500 plus members of SPC.

5. On February 16, 2011, SPC objected to BNE's interrogatory asserting a number of baseless objections including vagueness, undue burden and that the information sought is irrelevant to this proceeding.

6. To the contrary, the information sought is entirely relevant to this proceeding. Clearly, SPC is attempting to circumvent established Siting Council procedure where a represented party in a proceeding is not given an opportunity not only to present evidence but also to speak during the public comment session by refusing to produce the list of its claimed 500 plus members.

7. SPC's failure and refusal to provide this information is highly prejudicial to BNE to the extent that SPC "members" will be permitted to speak during the public comment sessions currently scheduled for February 23rd and 24th and violates BNE's due process rights in this proceeding. Clearly, SPC would certainly object if the principals of BNE attempted to speak—not subject to cross examination—during either of these public comment sessions. No party or intervenor should be granted multiple opportunities to present its argument during this proceeding.

WHEREFORE, SPC should be required to provide the requested information before the public comment session currently scheduled for February 23, 2011 at 6:30 p.m. so that members of SPC can appropriately be excluded from speaking during that public comment session.. SPC is a party to this proceeding and therefore its members interests are deemed to be represented by the group.

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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