

**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

February 23, 2011

**MOTION TO STRIKE PRE-FILED TESTIMONY
OF CARL V. PHILLIPS, PH.D.**

Petitioner BNE Energy Inc. (“BNE”) hereby moves to strike the pre-filed testimony of Carl V. Phillips, Ph.D.. Save Prospect Corp. (“SPC”) has submitted the pre-filed testimony of Dr. Phillips. It is unclear what opinions, if any, Dr. Phillips has about the Project. On page 2 of his testimony, Dr. Phillips states that he was retained by SPC to provide testimony about the health effects of wind turbines on nearby residents. In reviewing Dr. Phillips’ testimony, however, there is no reference to the Project. Instead, the testimony reads like a book review of reports, anecdotal evidence and argument to support the general proposition that wind turbines may be harmful to human health. On page 4 of this testimony, based on his review of other people’s work, Dr. Phillips makes the conclusion and opinion that “there is ample scientific evidence that wind turbines sited near residents cause serious health problems for some people living in those residences.” Dr. Phillips uses evidence that noise (both audible and inaudible) along with shadow and light flicker cause health problems. However, Dr. Phillips never relates this testimony to the Project and it is clear that Dr. Phillips does not offer testimony refuting BNE’s testimony nor did he conduct any Project-specific analysis of his own. As such, his testimony is entirely irrelevant to this proceeding.

Specifically, Dr. Phillips does not challenge BNE's noise studies or shadow and flicker information. It is therefore unclear why Dr. Phillips' testimony is being submitted. The Council is limited to determining whether the Project meets the Department of Environmental Protection's air and water quality regulations. Dr. Phillip's testimony does not mention these regulations or discuss the Project specifically. Simply, Dr. Phillip's testimony is too amorphous to attach any legal significance.

As such, Dr. Phillip's testimony should be stricken from the record.

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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