

**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 DAVID PRESSMAN**

Petitioner BNE Energy Inc. (“BNE”) hereby moves to strike the pre-filed testimony of David Pressman. Specifically, Save Prospect Corp. (“SPC”) has submitted the pre-filed testimony of David 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.

ARGUMENT

The proposed evidence submitted by Mr. Pressman is simply an economic argument. Mr. Pressman makes four (4) conclusions: (1) a wind facility’s projected capacity factor should be considered by the Council because it affects the cost of procuring renewable energy sources by Connecticut utilities; (2) the Project’s capacity factor should be reviewed by the Council; (3) the costs of the Project on consumer rates should be considered; and (4) the Council should consider

that other locations and other technologies offer higher capacity factors as compared to the Project. Each of these conclusions are outside of the Council's jurisdiction.

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 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.¹

Further, the fact that a theoretical project in a yet-to-be-determined location in New England or a theoretical project utilizing an alternative technology may have less cost to consumers is similarly irrelevant to the Council. The Council can only determine whether the Project currently pending before it complies with Conn. Gen. Stat. §16-50k(a). As the Council is well aware, the Connecticut legislature has provided for "competition" in the approval of capacity contracts through the Project 150 legislation. The Connecticut Department of Public Utility Control was given jurisdiction over the award of the contracts, not the Council. Further, the Project is not being developed under the Project 150 rubric. Conn. Gen. Stat. §16-244c.

¹ Indeed, if the Connecticut utilities are "overpaying" for renewable energy, consumers (through the Office of Consumer Counsel) can challenge the utilities' rates at the Connecticut Department of Public Utility Control.

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

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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