

**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

January 13, 2011

OBJECTION TO REQUEST FOR RELIEF

The petitioner, BNE Energy Inc. ("BNE") respectfully submits this objection to a supplemental request for relief dated January 10, 2011 submitted by Save Prospect Corp. ("SPC"). In support of its objection, BNE states as follows:


1. This petition for declaratory ruling was submitted to the Council on November 17, 2010 (the "Petition").
2. On or about December 29, 2010, SPC submitted a request for party status purportedly based on Connecticut General Statutes §§ 16-50g-hh, and 22a-15 through 22a-20 and 4-177a.
3. In its request for party status, SPC requested the following relief: that the CSC conduct a public hearing concerning the Petition and then render a subsequent denial. In addition, SPC requested a moratorium on the issuance of declaratory rulings on petitions for wind energy projects.
4. As the Council is aware, pursuant to Connecticut General Statutes § 4-176, within sixty (60) days of the receipt of a petition for declaratory ruling, the Council must make one of five determinations including 1) issue a declaratory ruling; 2) order the matter set for specified proceedings; 3) agree to issue a declaratory ruling by a specified date or 4) choose not to issue a

declaratory ruling and, instead, initiate regulation-making proceedings pursuant to 4-168; or 5) choose not to issue a declaratory ruling and state the reasons for such action.

5. On January 6, 2011, the Council, by unanimous vote, determined to set this matter for specified proceedings including two days of public hearings on February 23, 2011 and February 24, 2011 based in part on the request of SPC.
6. Now, after the fact, SPC "requests that the Siting Council decide not to issue a declaratory ruling in this matter and initiate regulation-making proceedings under General Statutes Section 4-168, on the subject of appropriate conditions and regulations for the siting, construction and operation of wind generating facilities." See request for relief dated January 10, 2011.
7. Given that the Council has already rendered its decision in accordance with Connecticut General Statutes § 4-176, SPC's request is untimely and moot.

WHEREFORE, BNE respectfully objects to SPC's additional request for relief and urges the Council to deny this request as untimely and moot.

Respectfully Submitted,

By: 
Attorney For BNE Energy Inc.
Carrie L. Larson, Esq.
clarson@pullcom.com
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103-3702
Ph. (860) 424-4312
Fax (860) 424-4370

Certification

This is to certify that a copy of the foregoing has been mailed this date to all parties and intervenors of record.

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

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

Thomas J. Donahue (party request pending)
Killian & Donahue, LLC
363 Main Street
Hartford, CT 06106

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

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

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



Carrie L. Larson