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March 22, 2011

Linda Roberts
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: PETITION NO. 980 - BNE Energy, Inc. petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the construction, maintenance, and operation of a 3.2 MW Wind Renewable Generating facility located at 178 New Haven Road, Prospect, Connecticut.

Dear Ms. Roberts:

I am writing to report an *ex parte* communication by Chairman Daniel Caruso relating to Petition No. 980, in which I represent a party, Save Prospect Corp. This letter reflects my recollection of the events of the afternoon of Friday, March 18, 2011, at the Fairfield Probate Court, after the conclusion of the hearing relating to the Garafolo Estate, for which I was present in court that day.

I was accompanied at the hearing by my partner, Mark Dost. Also present at the hearing were Attorney Donat Marchand and Attorney Robert Kaelin, as well as my client and her daughter. The probate hearing concluded and parties and counsel began to leave the Judge's chambers.

As I approached the door leading out of the Judge's chambers, Judge Caruso called to me and asked me to come back for a minute. The Judge went into the administrative area outside of his chambers for a moment and I waited, standing near the doorway leading out of his chambers. The Judge returned to his chambers after a minute or so and motioned to me, telling me to come back in. He sat in his chair at the conference table and motioned to a chair. He asked me to sit down.

After I sat down, Judge Caruso began by saying something to the effect of “Are we” or “how are we” going to get this done by March 31, which is the last scheduled date for evidentiary hearings on Petition 980. I did not know quite how to respond and tried to deflect the question by stating that we would do whatever we had to do.

Judge Caruso then told me that when he had questioned the president of Save Prospect Corp. at the evidentiary hearing on Tuesday about what mitigating measures could be taken, assuming that the turbines had to be build on this site, he was trying to help him to understand “how we work.” He said that we (the Siting Council) come up against objections all the time and we always try to listen to the concerns of opponents and take whatever steps can be taken within reason to mitigate adverse impacts. He said that the Siting Council has not made a decision yet in this case, but that Reilly should take the opportunity to suggest ways to mitigate the impacts. On Tuesday, Judge Caruso had invited Mr. Reilly to submit a further response to his question before the close of the hearings.

I again tried to deflect the issue by stating that whenever a judge tells me that he is interested in hearing something, I take it seriously.

Judge Caruso said that wasn’t the point; he said that it was important we understand in this context how the Siting Council operates.

He then stated that the only reason he had allowed “those people from Massachusetts” to speak at the hearing on Tuesday is because he saw the “pained expression” on my face when he initially said they would not be given an opportunity to speak.

In response to Judge Caruso’s comment, I again tried to respond in a non-substantive way, by saying that the people from Massachusetts were “nice people,” and that we (Save Prospect) had asked for them to be there.

Judge Caruso said “They’re all nice people. But it’s a lot of b----.” He then posed a rhetorical question, with words to the effect: The fact that some little town in Massachusetts decides to push these things back 3,000 feet, why should we care about that? He said we are going to do what we have to do.

He also stated that when he asked Save Prospect’s noise expert at the hearing about what could be done to mitigate the noise of the turbines, the witness “pooh-poohed” the question, saying that nothing could be done. He said that it wasn’t very smart for a witness who is asked a question by the Chair to “pooh-pooh” it.

At this point, I got up and was moving toward the door and Judge Caruso was beside me. I tried to change the subject to something other than the hearings. I made a reference to the residents’ wish that the legislature had put standards in place before the process started. I knew that the Siting Council had publicly taken a position against wind specific regulations and that a Siting Council representative had listened to the testimony and had testified at the legislative hearings on this subject. Judge Caruso said that regulations were not necessary and brought the

subject back to the hearings, reiterating that the process was not going to stop and would be finished before anything is finished in the legislature. He said that if the Chair of the Energy Committee (Rep. Nardello) was upset about it, that's "too bad."

As I left, Judge Caruso reiterated that he was trying to help me, because as someone who does not appear before the Siting Council on a regular basis, he felt I may not understand how they operate and that they will try to give whatever they can to reduce the impact.

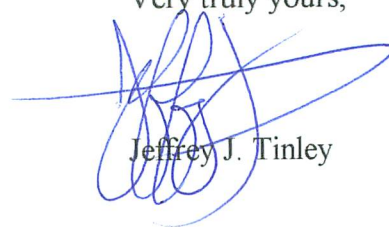
I believe that from the time Judge Caruso began speaking to the time that I left his chambers was approximately two to three minutes.

I have concluded that I am required to share this communication with my client and the other parties to the proceedings relating to Petition 980 and to report it to the Siting Council

A certificate of service of this letter is attached.

Thank you for your attention to this matter.

Very truly yours,



Jeffrey J. Tinley

cc: See attached service list

SERVICE LIST

This is to certify that a copy of the foregoing has been delivered via electronic mail and/or first class mail, postage pre-paid, on this 22nd day of March, 2011 to the following:

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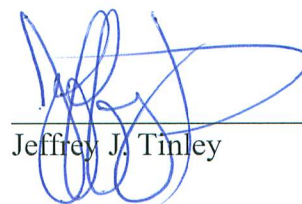
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