

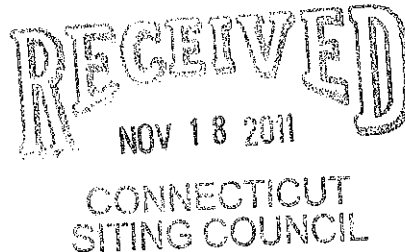
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November 17, 2011

VIA ELECTRONIC MAIL AND U.S. MAIL

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



**Re: Petition 983 - BNE Energy Inc., Flagg Hill Road, Colebrook, CT**

Dear Ms. Roberts:

BNE Energy, Inc. ("BNE") hereby submits this letter in response to the comments related to BNE's D&M Plan that were submitted on behalf of FairwindCT, Inc.; Susan Wagner and Michael and Stella Somers (collectively "the Opposition Parties") on November 16, 2011.

BNE wishes to note that the Opposition Parties first had the temerity to unilaterally assign themselves their own deadline of November 11, 2011 for the submittal of comments on the D&M Plan, and then failed to meet even that self-appointed deadline. Put another way, the Opposition Parties could not be bothered to submit their comments on the D&M Plan until two months (and the statutory deadline for approval of D&M Plans) had passed. Apparently, a process that has served the Siting Council in its deliberations of over 400 dockets and over 1000 petitions was insufficient for the Opposition Parties.

By submitting their comments at 4:27 p.m. on November 16, 2011, the Opposition Parties have left the Siting Council with two equally unpalatable options. Because the Siting Council has a statutory obligation to reach a decision today (in the absence of further extensions), the Siting Council has no choice but to drop everything else it is doing to evaluate these comments to comport with the Opposition Parties' whimsical disregard of established deadlines. Of course in doing so, the Siting Council then runs the risk of trampling BNE's due process rights, as the Opposition Parties' compression of time does not afford BNE an opportunity to meaningfully respond to these comments in the time allotted. More importantly, it certainly does not allow for the Council to have time to consider BNE's comments.

Fortunately, however, a cursory review of the Opposition Parties' comments reveals that they are nothing more than mere conclusory allegations based on gossamer speculation and wishful thinking. Moreover, to the extent that the Opposition Parties have raised valid issues, those

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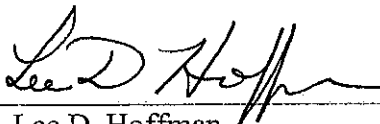
issues have already been addressed. Through their submission of these ill-conceived comments, the Opposition Parties have ignored the careful deliberations that the Siting Council gave to both the project and the proposed D&M Plan. Many, if not all, of the issues raised by the Opposition Parties' comments have been first raised by the Siting Council through the interrogatory process and responded to fully by BNE during the evaluation process. Moreover, during its last meeting, the Council deliberated over many of these same issues with the realization that it could reach a reasonable conclusion on these issues at today's meeting.

Put simply, BNE sees the Opposition Parties' eleventh hour maneuverings as nothing more than a desperate attempt to delay these proceedings further. As the Opposition Parties are well aware, such delays may damage the BNE project, and are unnecessary given the thorough review already given by the Council. Accordingly, BNE requests that the Council render a decision on BNE's proposed D&M Plan at today's meeting, as it is scheduled to do.

In rendering its decision, BNE urges the Council to review the Opposition Parties' comments, consider them fully and then disregard them as meritless, much as the Opposition Parties have disregarded both the Siting Council's established procedures and BNE's due process rights. Furthermore, to the extent that the Opposition Parties wish to file any additional comments in this matter or in any other matter before the Council, BNE requests that the Siting Council admonish the Opposition Parties to comport themselves in accordance with established timelines so that both the Council and other parties have the opportunity not only to review the comments, but respond, if warranted.

If you have any questions concerning this submittal, please contact the undersigned at your convenience. Please return a date-stamped copy of this filing in the enclosed envelope. Thank you in advance for your consideration.

Respectfully submitted  
BNE ENERGY INC.

By:   
\_\_\_\_\_  
Lee D. Hoffman  
Its Attorney

cc: Service List for Petition 983  
Melanie A. Bachman (via electronic mail)  
Michael A. Perrone (via electronic mail)  
Robert D. Mercier (via electronic mail)