

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

**Petition of BNE Energy Inc. for a
Declaratory Ruling for the Location,
Construction and Operation of a 4.8 MW
Wind Renewable Generating Project on
Flagg Hill Road in Colebrook,
Connecticut (“Wind Colebrook South”)**

Petition No. 983

March 15, 2011

**PETITIONER BNE ENERGY INC.’S INTERROGATORY RESPONSES
TO FAIRWINDCT, INC.’S FIRST SET OF INTERROGATORIES**

Petitioner BNE Energy Inc. (“BNE”) submits the following responses to the First Set of Interrogatories issued by FairwindCT, Inc. dated February 18, 2011:

Q1. Please provide the GPS coordinates of each proposed turbine location.

A1. Below are the GIS coordinates of each proposed turbine location:

Southern turbine (1) – 41-57-44.229 / 73-8-46.814

Northeastern turbine (2) – 41-57-54.386 / 73-8-40.651

Northwestern turbine (3) – 41-57-55.714 / 73-8-56.622

Q2. Please provide the approximate date on which you or your representatives first informed members of the Siting Council and/or its staff that you would be seeking the Council’s approval for this project.

A2. BNE objects to this interrogatory because the information sought is irrelevant to this proceeding.

Subject to this objection and without waiving the same, BNE and its representatives had several meetings with Council staff prior to the filing of this petition to discuss procedure issues as is common practice for the Council. Those meetings occurred over the course of the past two years. A representative of the Connecticut Clean Energy Fund attended at least one of these meetings.

Q3. Please provide a copy of any Mechanical Loads Assessment conducted by GE regarding this project.

A3. A copy of the MLA will be filed separately pursuant to a motion for protective order and under seal.

Q4. How many wind turbine projects in the Northeast that are presently operating have annual capacity factors of approximately 30 percent? Please identify those projects by location, number of turbines and type of turbines (size and model).

A4. BNE objects to this interrogatory because the information sought is irrelevant to this proceeding. BNE further objects to this interrogatory because the information sought is not in the possession and control of BNE.

Q5. How many wind turbine projects in the United States that are presently operating have annual capacity factors of approximately 30 percent? Please identify those projects by location, number of turbines and type of turbines (size and model).

A5. BNE objects to this interrogatory because the information sought is irrelevant to this proceeding. BNE further objects to this interrogatory because the information sought is not in the possession and control of BNE.

Q6. Your petition states that this project will create “numerous” jobs. Please provide the specific number of jobs that will be created by this project.

A6. BNE objects to this interrogatory because the information sought is irrelevant to this proceeding. Specifically, economic impacts, whether positive or negative, are outside the scope of the Council’s jurisdiction as defined by Connecticut General Statutes §§ 16-50g and 16-50k. Subject to this objection and without waiving the same, see the pre-filed testimony of Joel M. Rinebold filed on March 15, 2011.

Q7. On February 3, 2011, Mr. Corey testified at a hearing before the Energy and Technology Committee of the Connecticut legislature and stated that GE has “lots of rules” regarding setbacks that BNE has followed. Please provide copies of those rules.

A7. BNE will file GE’s setback recommendations separately pursuant to a motion for protective order and under seal.

Q8. The “Wind Assessment” included in the petition is only a summary of data collected from the meteorological tower on the Site. Please provide the raw data upon which the summary assessment relies, in native electronic format.

A8. BNE will file the requested data separately pursuant to a motion for protective order and under seal.

Q9. When did you create the website “Green Colebrook” (<http://greencolebrook.com>)?

A9. BNE objects to this interrogatory because the information sought is irrelevant to this proceeding.

Q10. When did you create the Facebook group “Green Colebrook”?

A10. BNE objects to this interrogatory because the information sought is irrelevant to this proceeding.

Q11. Please provide the visibility areas for the 150 meter maximum heights, including the turbine blades, for the seasonal (winter) scenario (both the graphical representations and the calculated areas).

A11. BNE objects to this interrogatory because it is vague and ambiguous. BNE further objects to this interrogatory because the information apparently sought is contained in the visual resource evaluation contained in BNE's petition.

Q12. Please provide the calculated areas for each distinct location of visibility, including any supporting graphics, spreadsheets, calculations, notes, text.

A12. BNE objects to this interrogatory because it is vague and ambiguous. BNE further objects to this interrogatory because it is overly broad and unduly burdensome.

Q13. Please provide copies of the calculations of the various reported percentages attributed to the areas from which the wind turbines are visible.

A13. BNE objects to this interrogatory because it is vague and ambiguous. Information concerning BNE's visual resource evaluation is contained in that exhibit. See petition at Exhibit J.

Q14. Please provide electronic copies of the aerial photographs used in identifying the forested and non-forested areas.

A14. BNE objects to this interrogatory because it seeks confidential work product. Information concerning BNE's visual resource evaluation is contained in that exhibit. See petition at Exhibit J.

Q15. Please provide hard copies of the related graphics of the hand-digitized maps indicating which areas were considered to be forested.

A15. BNE objects to this interrogatory because it seeks confidential work product. Information concerning BNE's visual resource evaluation is contained in that exhibit. See petition at Exhibit J.

Q16. Please provide electronic copies of all exhibits to the visual resources exhibit to the petition (Exhibit J).

A16. Electronic copies are available on the Siting Council's website, www.ct.gov/csc.

Q17. Please provide electronic copies of photographs of locations where the turbines will be visible from that were taken by your consultants and/or agents but not included in the petition.

A17. BNE objects to this interrogatory because it is vague and ambiguous. BNE further objects to this interrogatory because it seeks confidential work product. BNE further objects to this interrogatory because electronic copies of the visual resources evaluation and

exhibits thereto are available in electronic version on the Siting Council's website, www.ct.gov/csc.

Subject to this objection and without waiving the same, BNE notes that, as discussed in the visual resource evaluation (Exhibit J of the petition) and as the Council is generally aware, the visual resources evaluation contains representative photosimulations as it is not possible or feasible to submit photosimulation from every location of potential visibility.

Q18. Please provide copies of all correspondence with any state and/or federal agency regarding the project, including but not limited to the Connecticut Clean Energy Fund and the U.S. Department of Energy.

A18. BNE objects to this interrogatory because the information sought is not relevant to this proceeding.

Q19. What other properties were considered for this project? How was this Site selected?

A19. See BNE's response to Siting Council interrogatory Q3 dated February 24, 2011.

Q20. What alternative siting of the turbines on the Site was considered?

A20. BNE spent considerable time and resources working to optimize the turbine locations on the property to maximize renewable electricity production from the wind turbines while minimizing environmental impacts, including wetland impacts and ensuring proper setbacks. BNE worked closely with GE to identify the proper locations of the turbines taking into account setbacks and numerous other factors that affect the wind resources on the site. GE conducted an extensive Mechanical Loads Assessment (MLA) that analyzes numerous factors such as wind speed, air density and turbulence intensity to determine if the locations of the turbines are suitable to ensure that the turbines will operate safely and reliably on the Site. BNE also worked closely with VHB, Zapata, West and other members of its team to mitigate environmental impacts. As a result, the project design and layout were modified numerous times to reduce wetland impacts, mitigate the impact on birds, bats, and wildlife, and to reduce the amount of clearing and construction footprint to the fullest extent possible. For example, one of the highest elevation locations on the site where a turbine was being considered was abandoned in favor of an alternative location in order to reduce wetland impacts. The proposed location of the turbine was selected to mitigate potential environmental impacts even though the initial location at the higher elevation would be more favorable for electricity production. BNE believes the measures taken appropriately balance the generation of clean renewable wind energy on the site while ensuring proper setbacks and minimizing environmental impacts.

Q21. Have your consultants completed the final version of your bat study? If so, please provide a copy. If not, when will that study be completed?

A21. The final bat study is attached to the pre-filed testimony of David Tidhar.

Q22. Are any environmental assessments of the property ongoing? If so, please describe each ongoing assessment and provide an estimated date of completion.

A22. BNE has conducted extensive environmental assessments relevant to this proceeding to ensure that potential environmental impacts are mitigated. In addition, BNE has retained Dr. Michael W. Klemens to conduct studies that will be undertaken this spring, March-April 2011, to determine whether there are vernal pools on the Site. Potential pools will be verified by the presence of obligate amphibian species. Surveys of streams and seepage areas are also being undertaken during that time period to determine the presence of, or habitat for, the State-threatened spring salamander, *Gyrinophilus porphyriticus*. Additionally, BNE has retained West to conduct additional bat studies and migratory bird studies. The additional acoustic bat study will occur from April 15 – October 31, 2011 – the “standard” season. Two anabats will be installed on the Site during this period to collect additional data. In addition, a migratory bird study will be conducted beginning in the spring of 2011, and from August to October 2011.

Q23. Please provide copies of all correspondence with GE about this project.

A23. BNE objects to this interrogatory because the information sought is irrelevant to this proceeding. BNE further objects to this interrogatory because the information sought is confidential and proprietary.

Q24. Have you signed any contract with GE regarding the use of its turbines on the Site? If so, please provide a copy of that contract.

A24. BNE objects to this interrogatory because the information sought is irrelevant to this proceeding. BNE further objects to this interrogatory because the information sought is confidential and proprietary. Subject to this objection and without waiving the same, BNE has not signed a contract with GE for the purchase of the turbines at this time. Siting Council approval of BNE’s petition is necessary prior to entering into a contract with GE.

Q25. If this project is approved, is there a possibility that the turbines installed will be taller than 100 meters?

A25. BNE has filed a petition and sought approval for a 100 meter hub height with a 100 meter blade diameter. As the Council is aware, if BNE seeks to construct a turbine larger than what is proposed, BNE would need to amend its approval.

Q26. Please provide copies of all written communications with town officials and residents about this project.

A26. BNE objects to this interrogatory because the information sought is irrelevant. All arguably relevant correspondence has already been filed and included in the bulk filing submitted with the original petition filing.

Q27. Please describe any verbal communications with town officials and residents about this project. For each such communication, please include the names of people involved, any witnesses to the communication, the approximate date of such communication and the general content of the communication.

A27. See objection to interrogatory #26.

Q28. When did you purchase this property?

A28. BNE purchased the property at 29 Flagg Hill Road on November 10, 2007. BNE purchased the property located at 17 Flagg Hill Road on June 28, 2010.

Q29. What did you pay for this property?

A29. BNE objects to this interrogatory because the information sought is irrelevant.

Q30. From whom did you buy this property?

A30. BNE objects to this interrogatory because the information sought is irrelevant.

Q31. Do you have contracts or other agreements with any property owners in Colebrook besides David Battistoni and/or Rock Hall Associates, LLC? If so, please identify those property owners by name and address.

A31. BNE objects to this interrogatory because the information requested is irrelevant to this proceeding.

Q32. Is BNE Energy Inc. the contracting entity for all contracts or agreements with property owners concerning this project? If not, please provide the name of the contracting entity for each such agreement.

A32. BNE objects to this interrogatory because the information sought is overly broad and unduly burdensome. BNE further objects to this interrogatory because the information sought is irrelevant. BNE is the petitioner and proposed developer of the project.

Q33. What corporate entity will own this project if it gets built?

A33. See objection to interrogatory #32.

Q34. Since 2008, has any representative of BNE spoken at any Colebrook Selectmen meetings, Colebrook Planning & Zoning Commission meetings, Colebrook Inland-Wetlands Commission meetings, Colebrook Conservation Commission meetings or meetings of the Town of Colebrook? If so, please provide the approximate date of each meeting and the name of the BNE representative in attendance.

A34. BNE objects to this interrogatory because the information sought is irrelevant.

Q35. Please describe all efforts you have taken to show the State Historic Preservation Office (also known as the Historic Preservation and Museum Division of the Connecticut Commission on Culture & Tourism) that there will be no adverse effect on Rock Hall.

A35. BNE corresponded with the Connecticut the State Historic Preservation Office (SHPO) regarding the Project in September 2010. As part of that submission, a Cultural Resources Map (depicting known historic/archaeological resources within one mile of the

Project, based on data obtained from publicly-available sources) was included as a courtesy. That data was initially compiled in December 2009 during a preliminary due diligence phase of the Project. Prior to submitting this courtesy information to the SHPO in September 2010, VHB reviewed the National Register of Historic Places (NRHP) records that were available online to determine what, if any, new additions may have been made to the list; at that time, the Rock Hall property in Colebrook had not been added to the list.

Regardless, the Cultural Resources Map is provided solely as a courtesy to the SHPO and does not constitute a regulatory determination of any kind. It is the responsibility of the SHPO, which maintains its own records of NRHP properties in the state, to determine whether there will be an adverse effect on cultural resources. Its review resulted in the issuance of a "no effect" letter. It is noted that representatives of Rock Hall have demanded that the "no effect" letter be revoked; however, to date, no such action has been taken by the SHPO.

Q36. Please provide copies of all correspondence with any representative of the State Historic Preservation Office (also known as the Historic Preservation and Museum Division of the Connecticut Commission on Culture & Tourism).

A36. BNE objects to this interrogatory because the information sought is irrelevant to this proceeding. Specifically, all arguably relevant correspondence with the SHPO office has been provided. See petition at Exhibit B.

Q37. Have you been in contact with the U.S. Department of Energy regarding his project? If so, please provide copies of all correspondence with the U.S. Department of Energy.

A37. BNE objects to this interrogatory because the information sought is irrelevant to this proceeding.

Q38. Have you been in contact with the federal preservation officer at the U.S. Department of Energy regarding this project? If so, please provide copies of all correspondence with the U.S. Department of Energy.

A38. BNE objects to this interrogatory because the information sought is irrelevant to this proceeding.

Q39. Please identify all sources of funding for this project.

A39. BNE objects to this interrogatory because the information sought is irrelevant to this proceeding.

Q40. Will this project require blasting? If so, please describe the expected nature of the blasting.

A40. See pre-filed testimony of Douglas Roy of GZA GeoEnvironmental, Inc. filed on March 15, 2011.

Q41. Please provide the distance from each turbine to each abutting property line and home, identifying the property line and homes by either name of the property owner or by address.

A41. See table attached hereto as Exhibit 1.

Q42. Please provide the distance from each turbine to Flagg Hill Road, Winsted-Norfolk Road, Rock Hall Road, Greenwoods Turnpike, Stillman Hill Road, Millbrook Road and Pinney Street.

A42.

Road	Approximate Distance from Southern Turbine (1)	Approximate Distance from Northeastern Turbine (2)	Approximate Distance from Northwestern Turbine (3)
Flagg Hill Road	1,570 ft	920 ft	2,075 ft
Winsted-Norfolk Road	2,658 ft	1,600 ft	2,510 ft
Rock Hall Road	4,625 ft	3,575 ft	3,700 ft
Greenwoods Turnpike	3,430 ft	2,320 ft	2,900 ft
Stillman Hill Road	9,750 ft	8,600 ft	8,690 ft
Millbrook Road	8,790 ft	8,345 ft	9,565 ft
Pinney Street	6,950 ft	6,630 ft	7,825 ft

Q43. How did you measure the wind speed at this site?

A43. BNE installed a meteorological (“Met”) tower on the site in December 2008 to measure wind resources on the Site. Wind resources are measured at forty, fifty and sixty meters on the tower.

Q44. How did you measure the wind speed at 100 meters? Please describe your methodology and provide copies of any calculations used.

A44. The wind data from the Met tower is extrapolated to obtain wind speeds at 100 meters. In addition, BNE supplemented the wind data information that has been recorded by the Met tower with a Sodar unit that measures wind speeds by using sound waves. The advantage of the Sodar unit is that it is portable and can be moved around the property. It also measures wind speeds more accurately at higher elevations up to 120 meters. BNE’s consultant Electric Power Engineers conducted the wind study using the data from both the Met tower and the Sodar unit to determine wind speeds at 100 meters.

Q45. How many days of wind data did you collect at this Site?

A45. BNE installed the Met tower on the Site on December 12, 2008 and has been measuring wind resources for more than two years.

Q46. Of the days on which you collected wind data at the Site, how many days had wind speeds lower than 3.5 m/s? How many days had wind speeds higher than 25 m/s?

A46. Based on the 13.4 month site measured wind data that the yearly wind assessment report EPE completed was based on, ranging from 12-12-2008 to 01-24-2010, the number of hours per year where the wind speeds at 100 m are lower than 3.5 m/s is 967 hours, or 11% of the time, and the number of hours where the wind speeds are higher than 25 m/s is 2.4 hours, or .03% of the time.

Q47. Have you received FAA approval? If so, please provide a copy of that approval and any related correspondence.

A47. Yes. See FAA Approval attached hereto as Exhibit 2.

Q48. On pages 27-28 of the petition, you state that this project complies with the Town of Colebrook’s noise ordinance. Please provide a copy of this noise ordinance.

A48. The Town of Colebrook does not have a noise ordinance. The reference was referring to the Connecticut Department of Environmental Protection’s noise ordinance, which is the default ordinance in the event that a municipality does not adopt its own ordinance.

Q49. Did Zapata, Inc. ever spend time at the Site? If so, please provide the name of the Zapata representative who visited the Site, the dates of the visit(s) and the length of time the representative was on Site.

A49. BNE objects to this interrogatory because the information requested is not relevant. Subject to this objection and without waiving the same, BNE responds as follows:

Zapata Incorporated personnel made visits to the Petition #983 site as noted below:

<u>Date</u>	<u>Personnel</u>	<u>Hrs on site</u>
1/24/10	Kurt Hebert, Env Eng, PM	3
1/26/10	Kurt Hebert, Env Eng, PM	6
	Shane Smith, Civil Eng	6
	Tim Burkette, GIS Mgr	6
	Donnie Jones, Elec Eng	6
6/22/10	Kurt Hebert, Env Eng, PM	4
	Shane Smith, Civ Eng	4

Throughout the design process, Zapata coordinated closely with BNE and VHB, and at our request, obtained detailed site-specific information that had not been obtained during our site visits.

Q50. The “Wind Assessment” included in the petition references “fall zone requirements.” Please define that term.

A50. The Wind Assessment report conducted by BNE's consultant EPE that is contained in Exhibit M references fall zone requirements. The report was completed prior to the final determination of the proposed turbine locations on the Site. BNE is following GE's recommended setbacks for the wind turbines while working to mitigate environmental impacts. Subsequent to the completion of the Wind Assessment report, BNE worked closely with GE to identify proper locations of the turbines taking into account various factors referenced above and numerous other factors that affect the wind resources on the site including wind shear, air density and turbulence intensity to ensure that the turbines will operate safely and reliably on the Site. GE conducted a Mechanical Loads Assessment for the GE 1.6-82.5 turbines at 100 meter hub heights and determined that they are suitable for the Site at the proposed locations. Additionally, the proposed locations comply with GE's recommended setbacks.

BNE ENERGY INC.

By: /s/ Carrie L. Larson
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Certification

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

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/s/ Carrie L. Larson
Carrie L. Larson

ACTIVE/72955.2/CLARSON/2405549v1

EXHIBIT 1

**PETITIONER BNE ENERGY INC.'S
INTERROGATORY RESPONSES
TO FAIRWINDCT, INC.'S FIRST SET OF
INTERROGATORIES**

41. Please provide the distance from each turbine to each abutting property line and home, identifying the property line and homes by either name of the property owner or by address.

Map/Block/Lot*	Address*	Acres*	Property Owner*	Distance from Turbine to Structure			Distance from Turbine to Abutting Property Line		
				<i>Southern Turbine (1)</i>	<i>Northeastern Turbine (2)</i>	<i>Northwestern Turbine (3)</i>	<i>Southern Turbine (1)</i>	<i>Northeastern Turbine (2)</i>	<i>Northwestern Turbine (3)</i>
1-15	8 Flagg Hill Road	8.021	Bank of America	2,340 ft	1,275 ft	2,290 ft	1,960 FT	940 ft	2,060 ft
1-14	Winsted-Norfolk Road	19.729	State of Connecticut	Vacant	Vacant	Vacant	1,710 ft	895 ft	2,060 ft
1-5	33 Flagg Hill Road	8.008	Carole Marchetti	1,505 ft	1,150 ft	2,300 ft	875 ft	675 ft	1,830 ft
1-4	29A Flagg Hill Road	4.970	Robin L. Dziedzic	1,005 ft	1,050 ft	2,040 ft	740 ft	895 ft	1,820 ft
1-7	Flagg Hill Road	81.044	Northwestern CT. Sportmens	Vacant	Vacant	Vacant	1,450 ft	435 ft	265 ft
1-2	45 Flagg Hill Road	13.410	Mark & Mary Matarainen	1,390 ft	1,440 ft	2,465 ft	140 ft	1,130 ft	1,370 ft
4-08 7 (Norfolk)	Beckley Road	112.015	Nature Conservancy of Conn. Inc.	Vacant	Vacant	Vacant	1,200 ft	1,450 ft	235 ft

*Source: Vision Appraisal Technology
<http://data.visionappraisal.com/ColebrookCT/>

EXHIBIT 2



Issued Date: 12/16/2010

Gregory Zupkus
 BNE Energy Inc
 38 Colonial Drive
 Prospect, CT 06712

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine Wind Colebrook North Turbine 3
 Location: Colebrook, CT
 Latitude: 41-58-38.03N NAD 83
 Longitude: 73-07-57.39W
 Heights: 492 feet above ground level (AGL)
 1857 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

As a condition to this Determination, the structure is marked and/or lighted in accordance with FAA Advisory circular 70/7460-1 K Change 2, Obstruction Marking and Lighting, 24-hr med-strobes - Chapters 4,6(MIWOL),&12.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part I)
- Within 5 days after the construction reaches its greatest height (7460-2, Part II)

This determination expires on 06/16/2012 unless:

- (a) extended, revised or terminated by the issuing office.
- (b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. This determination is based, in part, on the foregoing description which includes specific coordinates and heights . Any changes in coordinates will void this determination. Any future construction or alteration requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (404) 305-7081. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2010-WTE-14635-OE.

Signature Control No: 132501302-134500644

(DNE -WT)

Michael Blaich
Specialist



Issued Date: 12/16/2010

Gregory Zupkus
BNE Energy Inc
38 Colonial Drive
Prospect, CT 06712

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SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. This determination is based, in part, on the foregoing description which includes specific coordinates and heights . Any changes in coordinates will void this determination. Any future construction or alteration requires separate notice to the FAA.

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(DNE -WT)

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 1857 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

As a condition to this Determination, the structure is marked and/or lighted in accordance with FAA Advisory circular 70/7460-1 K Change 2, Obstruction Marking and Lighting, 24-hr med-strobes - Chapters 4,6(MIWOL),&12.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part I)
- Within 5 days after the construction reaches its greatest height (7460-2, Part II)

This determination expires on 06/16/2012 unless:

- (a) extended, revised or terminated by the issuing office.
- (b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. This determination is based, in part, on the foregoing description which includes specific coordinates and heights . Any changes in coordinates will void this determination. Any future construction or alteration requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (404) 305-7081. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2010-WTE-14635-OE.

Signature Control No: 132501302-134500644

(DNE -WT)

Michael Blaich
Specialist