

**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 16, 2011

**PETITIONER BNE ENERGY INC.’S
OBJECTION TO NOTICE OF INTERVENTION**

Petitioner BNE Energy Inc. (“BNE”) hereby objects to the Notice of Intervention filed in the above-referenced proceeding on March 8, 2011 by Mr. Walter Zima of 12B Greenwoods Turnpike, Colebrook. BNE objects to Mr. Zima’s request for intervention for the following reasons:

1. As Mr. Zima correctly points out, current Connecticut law entitles “any person . . . [to] intervene as a party [in an administrative proceeding] on the filing of a verified pleading asserting that the proceeding or action for judicial review involves conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state.” Conn. Gen. Stat. § 22a-19. Mr. Zima’s Notice of Intervention is not verified by a witness to the above-captioned proceeding and therefore does not constitute a verified pleading. For this reason alone, Mr. Zima’s request for intervention as a party pursuant to Conn. Gen. Stat. § 22a-19 must be denied.

2. Mr. Zima further claims that he is authorized to intervene in this proceeding pursuant to Conn. Gen. Stat. § 19a-20. This provision of the General Statutes provides that members of medical boards and commissions are not personally liable for damages. This provision is wholly inapplicable to proceedings before the Siting Council and clearly does not provide any independent right of intervention as a party in a Siting Council proceeding.

Mr. Zima’s Notice of Intervention fails to comply with explicit statutory requirements for intervention pursuant to Conn. Gen. Stat. § 22a-19 and no independent ground for intervention exists. As such, BNE respectfully requests that the Siting Council deny Mr. Zima’s request for intervention as a party to this proceeding pursuant to Conn. Gen. Stat. § 22a-19.

Respectfully Submitted,

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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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