

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 22, 2011

TOWN OF COLEBROOK'S OBJECTION TO BNE ENERGY, INC.'S MOTION
FOR PROTECTIVE ORDER ETC. DATED
MARCH 15, 2011

The Town of Colebrook ("Colebrook") objects to the Motion of BNE Energy, Inc. ("BNE") for a protective order restricting the disclosure of certain information that BNE claims is confidential, proprietary business data and/or Critical Energy Infrastructure Information ("CEII"), for the reason that such Motion is overly broad, and in furtherance of such Objection Colebrook offers the following:

1. Since many of the decisions to be made by the Siting Council in this Petition involve matters which, in the absence of legislation vesting jurisdiction in the Siting Council, would be made by local land use authorities, it is especially important that for the procedure to be followed by the Siting Council be as open and transparent as the circumstances permit, so as to enable the residents of Colebrook - whether parties to this proceeding or not - to be as well informed as possible.

The Town of Colebrook has approximately 1500 residents, only 9 of which are Parties to this Petition. Thus, if BNE's Motion is granted, almost all of them will be deprived of information about the Project which information appears to Colebrook to be critical to the decision making process.

2. First of all, any information concerning the physical characteristics associated with the site, such as raw wind data, should not be considered confidential and proprietary business data, but should be fully and publically disclosed. Disclosing wind conditions at the site is no different than disclosing ground water conditions or sub-surface soil conditions.

3. In addition, any information which by its very nature will become known if the proposed wind turbines were to be approved, constructed and operated - such as how noisy they are - should be disclosed. Why should the public be deprived of such information now, when such information will be disclosed later on if such turbines are constructed?

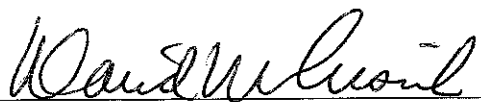
4. Finally, there are the recommendations of General Electric, the wind turbine manufacturer, concerning setbacks. Such information is so fundamental to general considerations of the health, safety and welfare of the

community, that, for the reasons set forth in paragraph 1 above, such recommendations should not be protected from public scrutiny.

5. The information which Colebrook believes should be fully disclosed to the public: raw wind data, expected noise levels and the manufacturer's recommended set-back requirements, do not involve matters of national security. CEII relates to specific engineering, vulnerability or detailed design information which could be useful to a person in planning an attack on critical infrastructure, none of which is implicated by the information Colebrook wants to be open to full public scrutiny.

For the foregoing reasons, Colebrook hereby requests that any protective order entered by the Siting Council be limited in scope and specifically not protect the disclosure of raw wind data, set-back considerations/recommendations and noise emission characteristics.

TOWN OF COLEBROOK

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CERTIFICATION

I hereby certify that a copy of the foregoing document was sent by U.S. mail to the following service list on the 22nd day of March, 2011.

Carrie L. Larson
Paul Corey
Jeffrey and Mary Stauffer
John R. Morissette
Christopher R. Bernard
Joaquina Borges King
Richard T. Roznoy
Nicholas J. Harding
Emily A. Gianquinto
Kristin M. and Benjamin C. Mow
David R. Lawrence and Jeannie Lemelin
Walter Zima
Eva Villanova
Brandy Grant



David M. Cusick

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TOWN OF COLEBROOK'S MOTION FOR CONTINUANCE

The Town of Colebrook hereby moves that BNE Energy, Inc.'s Motion for Protective Order dated March 15, 2011, which is item C 4 on the March 23, 2011 (Evidentiary) Hearing Program be continued to the next Evidentiary Hearing unless the Town of Colebrook and other intervening parties are given the opportunity to object thereto as part of the March 23, 2011 docket.

If any such objection needed to be in writing and filed five (5) days prior to March 23, 2011, the undersigned would have been afforded virtually no "turn around time" in which to file such Objection, especially considering the fact that BNE's Motion was filed along with its responses to Interrogatories, and with ten sets of pre-filed testimony of BNE witnesses.

For the reasons set forth above, the undersigned respectfully requests that either it be permitted to object to BNE's Motion for Protective Order on March 23, 2011 or

that BNE's Motion for Protective Order be continued until the date of the next Evidentiary Hearing.

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