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December 6, 2013

Melanie A. Bachman, Esq.  
Executive Director  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

Dear Ms. Bachman:

As you know, Reid and Riege, P.C. represents the interests of FairwindCT, Inc., Susan Wagner and Stella and Michael Somers (the "Grouped Parties") with respect to Petition No. 983. I write to briefly respond to some points raised by Lee Hoffman, counsel for BNE Energy Inc. ("BNE"), in letters dated December 4, 2013 and December 5, 2013, which were replies to two objections filed by the Grouped Parties.

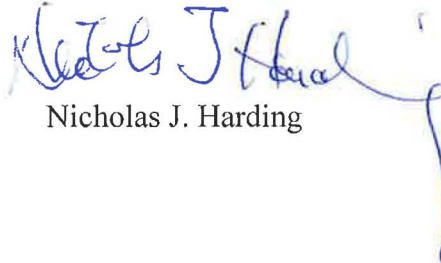
First, Mr. Hoffman claims that the Grouped Parties failed to take advantage of a supposed modification to the protective order made by Judge Cohn during the appeal of the Council's decision on this petition. That claim is simply untrue. Judge Cohn did not modify the Siting Council's protective order. He entered his own protective order that permitted the Grouped Parties to take notes on and have their experts review the documents that were included within that appeal. (The quote used by Mr. Hoffman indicates as much, as Judge Cohn wrote that the order he entered was "in the appeal." (12/4/13 Hoffman letter at 1.)) Judge Cohn did not remand the order to the Council with instructions to modify its protective order, nor did he rule that all future filings made under seal by BNE should be subject to the less restrictive order governing the sealed documents that are part of the record on appeal.

Mr. Hoffman questions where the Grouped Parties acquired the power curves attached to their objection as Exhibit 2, and then argues that the Grouped Parties have somehow violated the Council's protection order in attaching them to a public filing and should be subject to sanctions. Perhaps Mr. Hoffman should review his client's own filings, as the source of the power curve data for the 2.85 MW turbine is BNE's own public filing. (See D&M Modification, Ex. A, page 6.) The power curve information for the 1.6 MW turbines is publicly available because it is contained in a similar glossy GE marketing brochure. Despite their objections to the unnecessary and illegal restrictions of the Council's protective order, the Grouped Parties certainly have not violated it in any way, and Mr. Hoffman's suggestion otherwise is insulting.

With regard to Mr. Hoffman's argument that the Grouped Parties' attorneys are not qualified to assess the power curve data in connection with BNE's wind assessment data<sup>1</sup>, the Grouped Parties can only again point out that the restrictions of the Council's protective order do not permit the Grouped Parties to make the raw wind data collected on the site available to its experts for a robust analysis. Again, the lack of information and analysis of the D&M Modification is a significant problem and one of the primary reasons the Council should reject the proposed modification.

Finally, Mr. Hoffman argues that the Council is qualified to "review[] the provided data and technical specifications related to the new turbines and ascertain[] whether the sound and visual characteristics of the proposed new turbines are so different from the originally planned turbines that additional review is warranted," and makes the same contention with regard to whether the new turbines "will require additional certified professional engineering documents." (12/5/13 Hoffman letter at 2.) Mr. Hoffman misses the point made by the Grouped Parties, which is that BNE has not provided "data and technical specifications related to the new turbines" that would allow the Council – or any party to this proceeding or any expert participating in this proceeding – to make such a review and analysis. BNE did not provide a noise evaluation for the new turbines. BNE did not provide a shadow flicker analysis. BNE not only did not provide updated site plans, but did not even provide to the Council the site road and turbine and crane pad specifications document for the 2.85 MW turbines, which would at least enable a cursory comparison to the specifications to the 1.6 MW turbines. Without providing that information, BNE is asking the Council to make a decision in a vacuum.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nicholas J. Harding", with a long vertical flourish extending downwards from the end of the signature.

Nicholas J. Harding

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<sup>1</sup> The x and y axis graph at D&M Modification page 6 of Exhibit A, hardly needs special expertise. Low wind speeds mean low electrical output. It is well known that average wind speeds in Connecticut are not impressive.

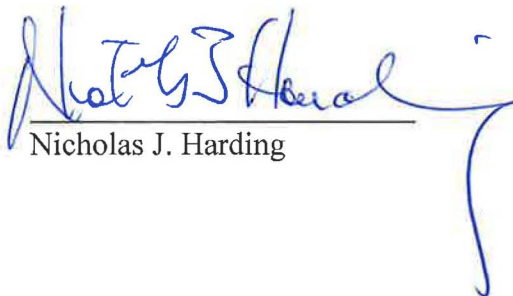
**CERTIFICATION**

I hereby certify that a copy of the foregoing document was delivered by first-class mail and e-mail to the following service list on the 6th day of December, 2013:

Lee D. Hoffman  
Paul Corey  
Thomas D. McKeon  
David M. Cusick  
Richard T. Roznoy  
David R. Lawrence and Jeannie Lemelin  
Walter Zima and Brandy L. Grant  
Eva Villanova

and sent via e-mail only to:

John R. Morissette  
Christopher R. Bernard  
Joaquina Borges King

  
Nicholas J. Harding