

**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

April 7, 2011

**PETITIONER BNE ENERGY INC.’S
OBJECTION TO WITNESS LIST OF ROBIN HIRTLE**

Petitioner BNE Energy Inc. (“BNE”) hereby objects to the Proposed Fact Witness List filed by Robin Hirtle on March 14, 2011. Specifically, BNE objects to Hirtle’s disclosure of Benjamin Mow, Robert Hirtle, Paul Corey and Gregory Zupkus as Fact Witnesses. These witnesses should not be allowed or required to testify at the hearing because (1) they have not filed pre-filed testimony and (2) with respect to Paul Corey and Gregory Zupkus, they are principals of the Petitioner, have hired numerous expert witnesses to discuss the relevant issues before the Council and are not required to testify or be cross-examined before the Council.

On February 7, 2011, the Council issued a very clear and detailed Hearing Notice and scheduling order. As is the Council’s practice, the Council required that all testimony and exhibits be pre-filed by March 15, 2011. In addition, the hearings are specifically reserved to provide Petitioner, parties and intervenors with “an opportunity to cross-examine positions.” The Council does not allow direct testimony at the hearing.

Since Benjamin Mow, Robert Hirtle, Paul Corey and Gregory Zupkus have not filed testimony on or before March 15, 2011, there is no testimony on which to cross-examine. As such, these individuals are improperly listed on Hirtle’s witness list.

Further, Paul Corey and Gregory Zupkus are principals of the Petitioner. They have hired numerous expert witnesses to testify regarding the relevant issues before the Siting

Council. They have not filed pre-filed testimony, are not required to file pre-filed testimony and are not subject to cross-examination before the Council.

It is clear from the Hirtle Witness List that Hirtle may be unfamiliar with the Council process and the importance of the Hearing Notice. The Witness List is improper and including the above-referenced individuals is clearly a violation of the Hearing Notice. As such, BNE objects to the inclusion of Benjamin Mow, Robert Hirtle, Paul Corey and Gregory Zupkus as witnesses in this proceeding.

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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