



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

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Daniel F. Caruso  
Chairman

March 18, 2011

TO: Parties & Intervenors

FROM: Linda Roberts, Executive Director *LR*

RE: **PETITION NO. 983** - BNE Energy, Inc. petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the construction, maintenance, and operation of a 4.8 MW Wind Renewable Generating facility located on Flagg Hill Road, Colebrook, Connecticut. Request for Party/Intervenor Status. Requests for CEPA Intervention.

**PETITION NO. 984** - BNE Energy, Inc. petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the construction, maintenance, and operation of a 4.8 MW Wind Renewable Generating facility located on Winsted-Norfolk Road (Route 44), Colebrook, Connecticut. Request for Party/Intervenor Status. Requests for CEPA Intervention. Request to Extend Pre-File Deadline.

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The evidentiary hearings for the above-referenced matters shall proceed as follows:

Pursuant to Council regulations, the petitioner shall open and close the presentation of the matters. The hearings shall open with cross examination of the petitioner by the Council. Cross examination shall be limited to the following topics relevant to the final decision to be rendered by the Council in this matter:

**1. Public Health and Safety:**

- Noise
- Ice and blade throw
- Shadow flicker
- Site security

**2. Environmental Impacts:**

- Air and water quality standards
- Wildlife impacts
- Visibility
- Site development impacts

**3. Facility Operation:**

- Equipment
- Capacity
- Interconnection
- Reliability

Time for cross examination on all of these topics **for each petition** shall be limited in accordance with the following schedule:

| <b>Cross Examination of the Petitioner:</b>  | <b><u>Petition 983</u></b> | <b><u>Petition 984</u></b> |
|--|----------------------------|----------------------------|
| Council                                      | 4 hours                    | 4 hours                    |
| Parties and Intervenors, <i>collectively</i> | 4 hours                    | 4 hours                    |

| <b>Cross Examination of Parties and Intervenors, <i>collectively</i>:</b> | <b><u>Petition 983</u></b> | <b><u>Petition 984</u></b> |
|---|----------------------------|----------------------------|
| Council   | 2 hours                    | 2 hours                    |
| Petitioner  | 2 hours                    | 2 hours                    |
| Parties and Intervenors, <i>collectively</i>                              | 2 hours                    | 2 hours                    |

The Council may modify the above schedule as necessary.

Given the time constraints, **for Petition 983**, all parties and intervenors are encouraged to exchange additional pre-hearing interrogatories with other parties and intervenors on or before March 30, 2011. Responses to interrogatories and any additional pre-filed testimony and exhibits are requested to be filed with the Council and other parties and intervenors on or before April 7, 2011.

Given the time constraints, **for Petition 984**, all parties and intervenors are encouraged to exchange additional pre-hearing interrogatories with other parties and intervenors on or before April 12, 2011. Responses to interrogatories and any additional pre-filed testimony and exhibits are requested to be filed with the Council and other parties and intervenors on or before April 19, 2011.

Motions or objections and any responses thereto are requested to be presented in writing no less than 5 days before the date of the next evidentiary hearing. Motions or objections will be taken on the papers, unless the Council requests oral argument during the evidentiary hearings. For the convenience of the public and in the interests of efficiency, no oral motions will be allowed during the public hearings.

Parties and intervenors, and party and intervenor witnesses, may not also participate in the public comment session. The 6:30 PM hearing sessions are reserved for the public.