



Daniel F. Caruso  
Chairman

# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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February 14, 2011

TO: Parties and Intervenors

FROM: Linda Roberts  
Executive Director

RE: **PETITION NO. 980** - 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 3.2 MW Wind Renewable Generating facility located at 178 New Haven Road, Prospect, Connecticut.

**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 Flag Hill Road, Colebrook, Connecticut.

**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.

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In reference to the above-mentioned petitions, the Connecticut Siting Council (Council) has considered the following matters:

**1. FairwindCT, Inc.'s (Fairwind) Request to Consolidate the Evidentiary Hearings for Petitions 980, 983 and 984 dated January 31, 2011.**

At a meeting of the Council held on February 8, 2011, the Council voted to deny Fairwind's Request to Consolidate the Evidentiary Hearings for Petitions 980, 983 and 984 dated January 31, 2011 on the basis that each petition has a different deadline for decision, different parties and intervenors, different site locations and different residents with site-specific concerns.

**2. Grouping of Parties with the Same Interests.**

Also at the Council meeting held on February 8, 2011, the Council voted in accordance with its statutory authority under Conn. Gen. Stat. §16-50n(c) to group the following parties and intervenors in each proceeding with the same interests:



CONNECTICUT SITING COUNCIL  
Affirmative Action / Equal Opportunity Employer

**Petition 980:**

The Council voted to group Save Prospect Corp. and Fairwind on the basis that both parties have the same interests in that each filed for status as a non-profit corporation formed to promote conservation or natural beauty, to protect the environment, personal health and biological values, to preserve historical sites, to promote consumer interests and to promote the orderly development of the areas in which the facilities are to be located under Conn. Gen. Stat. §16-50n(a)(3).

**Petition 983:**

The Council voted to group Fairwind and Stella and Michael Somers (the Somers) on the basis that both parties have the same interests in that each filed for party status to protect historic and cultural resources, particularly Rock Hall Luxe Lodging and to protect the use and enjoyment and natural beauty of property in proximity to the proposed project, as well as to protect area property values, tourism and commercial viability. The Council also exercised its discretion to group Fairwind and the Somers on the basis that Ms. Stella Somers is listed as the Secretary and a Director of Fairwind in the corporation documents filed with the Secretary of the State. Both parties are also represented by the same counsel.

**Petition 984:**

The Council voted to group Fairwind, the Somers and Susan Wagner on the basis that all three parties have the same interests in that each filed for party status to protect the use and enjoyment and natural beauty of property in proximity to the proposed project, as well as to protect area property values, tourism and commercial viability. The Council also exercised its discretion to group Fairwind, the Somers and Susan Wagner on the basis that Ms. Stella Somers is listed as the Secretary and a Director of Fairwind and Ms. Susan Wagner is listed as the Treasurer of Fairwind in the corporation documents filed with the Secretary of the State. All of the parties are also represented by the same counsel.

The grouped parties shall conduct cross examination of the petitioner and other parties and intervenors, and present their direct cases as a joint panel during the evidentiary proceedings. This does not preclude any grouped party from submitting individual pre-filed testimony, exhibits or interrogatories, nor does it preclude any grouped party from conducting individual cross examination of the petitioner and other participants. Moreover, it does not preclude any other proceeding participants from conducting individual cross examination of grouped parties.

**3. Petition 980 Evidentiary Hearing Continuation Dates.**

Given the number of participants in this proceeding, continuation of the evidentiary hearings shall be necessary. The Council announces the following dates for continuation of the evidentiary hearings:

**Thursday, March 3, 2011 beginning at 11AM**

**10 Franklin Square, New Britain, CT 06051, Hearing Room 1**

\*There is a Council meeting scheduled at 2 PM on the same date. The Council will commence the evidentiary hearing at 11 AM, take a lunch break, hold a meeting at 2 PM and resume the evidentiary hearing thereafter.

**Tuesday, March 15, 2011 beginning at 12 PM**

**10 Franklin Square, New Britain, CT 06051, Hearing Room 1**

**Thursday, March 31, 2011 beginning at 11 AM**

**10 Franklin Square, New Britain, CT 06051, Hearing Room 1**

\*There is a Council meeting scheduled at 2 PM on the same date. The Council will commence the evidentiary hearing at 11 AM, take a lunch break, hold a meeting at 2 PM and resume the evidentiary hearing thereafter.

The Council requests that the parties and intervenors issue any pre-hearing interrogatories to other parties and intervenors on or before March 1, 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 March 8, 2011.

The Council also requests that any motions or objections and any responses thereto 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.

**LIST OF PARTIES AND INTERVENORS**  
**SERVICE LIST**

<b>Status Granted</b>	<b>Document Service</b>	<b>Status Holder (name, address &amp; phone number)</b>	<b>Representative (name, address &amp; phone number)</b>
<b>Applicant</b>	<input checked="" type="checkbox"/> U.S. Mail	BNE Energy, Inc.	Carrie L. Larson, Esq. Pullman & Comley, LLC 90 State House Square Hartford, CT 06103-3702 (860) 424-4312 (860) 424-4370 fax <a href="mailto:clarson@pullcom.com">clarson@pullcom.com</a> Paul Corey, Chairman BNE Energy Inc. Town Center, Suite 200 29 South Main Street West Hartford, CT 06107 (860) 561-5101 (888) 891-6450 fax <a href="mailto:pcorey@bneenergy.com">pcorey@bneenergy.com</a>
<b>Party</b> <i>(granted on 01/06/11)</i>	<input checked="" type="checkbox"/> U.S. Mail	Town of Prospect	The Honorable Robert J. Chatfield Mayor Prospect Town Office Building 36 Center Street Prospect, CT 06712-1699 (203) 758-4461 <a href="mailto:Town.of.prspct.@sbcglobal.net">Town.of.prspct.@sbcglobal.net</a>
<b>Party</b> <i>(granted on 01/06/11)</i>	<input checked="" type="checkbox"/> U.S. Mail	Save Prospect Corp (SPC)	Jeffrey J. Tinley, Esq. Tinley, Nastri, Renhan & Dost, LLP 60 North Main Street Waterbury, CT 06702 (203) 596-9030 (203) 596-9036 fax <a href="mailto:jtinley@tnrdlaw.com">jtinley@tnrdlaw.com</a> <a href="mailto:noisyprospect@comcast.net">noisyprospect@comcast.net</a>
<b>Party</b> <i>(granted 02/08/2011)</i>	<input checked="" type="checkbox"/> E-Mail	FairwindCT, Inc. P.O. Box 225 Colebrook, CT 06021 (860) 379-6425 <a href="mailto:info@fairwindct.com">info@fairwindct.com</a>	Nicholas J. Harding Emily A. Gianquinto Reid and Riege, P.C. One Financial Plaza, 21 <sup>st</sup> Floor Hartford, CT 06103 (860) 240-1011 (860) 240-1025 <a href="mailto:nharding@rrlawpc.com">nharding@rrlawpc.com</a> <a href="mailto:egianquinto@rrlawpc.com">egianquinto@rrlawpc.com</a>

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<b>Party</b> <i>(granted on 01/20/11)</i>	<input checked="" type="checkbox"/> E-Mail	John and Cheryl Lamontagne 225 New Haven Road Prospect, CT 06712 (203) 509-4158 John.lamontagneconstco.com  Thomas and Eileen Satkunas 232 New Haven Road Prospect, CT 06712 (203) 592-1344 <a href="mailto:Tom.satkunas@snet.net">Tom.satkunas@snet.net</a>	Thomas J. Donohue, Jr., Esq. Killian & Donohue, LLC 363 Main Street Hartford, CT 06106 (860) 560-1977 (860) 249-6638 <a href="mailto:tj@kdjlaw.com">tj@kdjlaw.com</a>
<b>Intervenor</b> <i>(granted on 01/20/11)</i>	<input checked="" type="checkbox"/> E-Mail	The Connecticut Light and Power Company	John R. Morissette Manager – Transmission Siting and Permitting Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-2036 (860) 665-6933 fax <a href="mailto:morisjr@nu.com">morisjr@nu.com</a>
	<input checked="" type="checkbox"/> E-Mail		Christopher R. Bernard Manager, Regulatory Policy (Transmission) The Connecticut Light and Power Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-5967 (860) 665-3314 fax <a href="mailto:bernacr@nu.com">bernacr@nu.com</a>
	<input checked="" type="checkbox"/> E Mail		Joaquina Borges King Senior Counsel Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-3678 (860) 665-5504 fax <a href="mailto:borgej@nu.com">borgej@nu.com</a>

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<b>Petitioner</b>	<input checked="" type="checkbox"/> U.S. Mail	BNE Energy, Inc. Town Center, Suite 200 29 South Main Street West Hartford, CT 06107 <a href="http://bneenergy.com/">http://bneenergy.com/</a>	Carrie L. Larson, Esq. Pullman & Comley, LLC 90 State House Square Hartford, CT 06103-3702 (860) 424-4312 (860) 424-4370 fax <a href="mailto:clarson@pullcom.com">clarson@pullcom.com</a>  Paul Corey, Chairman BNE Energy Inc. Town Center, Suite 200 29 South Main Street West Hartford, CT 06107 (860) 561-5101 (888) 891-6450 fax <a href="mailto:pcorey@bneenergy.com">pcorey@bneenergy.com</a>
<b>Party</b> <i>(approved on 01/06/2011)</i>	<input checked="" type="checkbox"/> U.S. Mail	Robin L. Hirtle 29-A Flagg Hill Road Winsted, CT 06098 (860) 601-1158	Richard T. Roznoy, Esq. Attorney at Law 11 School Street P.O. Box 850 East Granby, CT 06026 (860) 844-8769 (860) 874-4131 cell (860) 653-2221 fax <a href="mailto:RTR@RoznoyLaw.com">RTR@RoznoyLaw.com</a>
<b>Party</b> <i>(approved on 01/20/2011)</i>	<input checked="" type="checkbox"/> E-Mail	Stella and Michael Somers 19 Rock Hall Road Colebrook, CT 06021  FairwindCT, Inc. P.O. Box 225 Colebrook, CT 06021 <a href="mailto:info@fairwindct.com">info@fairwindct.com</a>	Nicholas J. Harding Emily A. Gianquinto Reid and Riege, P.C. One Financial Plaza, 21 <sup>st</sup> Floor Hartford, CT 06103 (860) 240-1011 (860) 240-1025 <a href="mailto:nharding@rrlawpc.com">nharding@rrlawpc.com</a> <a href="mailto:egianquinto@rrlawpc.com">egianquinto@rrlawpc.com</a>
<b>Party</b> <i>(approved 02/8/11)</i>	<input checked="" type="checkbox"/> U.S. Mail	David R. Lawrence, MD Jeannie Lemelin, LPN 30 Flagg Hill Road Colebrook, CT 06021 <a href="mailto:wnstddoc@yahoo.com">wnstddoc@yahoo.com</a>	

<p><b>Party</b> <i>(granted on 01/20/11)</i></p>	<input checked="" type="checkbox"/> U.S. Mail	<p>Town of Colebrook</p>	<p>The Honorable Thomas D. McKeon First Selectman Town of Colebrook Town Hall 562 Colebrook Road P.O. Box 5 Colebrook, CT 06021 (860) 379-3359 x202 (860) 379-7215 <a href="mailto:tommckeon@colebrooktownhall.org">tommckeon@colebrooktownhall.org</a></p>
<p><b>Party</b> <i>(granted on 01/20/11)</i></p>	<input checked="" type="checkbox"/> U.S. Mail	<p>Kristin M. Mow Benjamin C. Mow 12A Greenwoods Turnpike Colebrook, CT 06021 (860) 738-0060 <a href="mailto:kmow@hcc-global.com">kmow@hcc-global.com</a></p>	
<p><b>Intervenor</b> <i>(granted on 01/20/11)</i></p>	<input checked="" type="checkbox"/> E-Mail  <input checked="" type="checkbox"/> E-Mail  <input checked="" type="checkbox"/> E-Mail	<p>The Connecticut Light and Power Company</p>	<p>John R. Morissette Manager – Transmission Siting and Permitting Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-2036 (860) 665-6933 fax <a href="mailto:morisjr@nu.com">morisjr@nu.com</a></p> <p>Christopher R. Bernard Manager, Regulatory Policy (Transmission) The Connecticut Light and Power Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-5967 (860) 665-3314 fax <a href="mailto:bernacr@nu.com">bernacr@nu.com</a></p> <p>Joaquina Borges King Senior Counsel Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-3678 (860) 665-5504 fax <a href="mailto:borgej@nu.com">borgej@nu.com</a></p>

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<p><b>Party</b> <i>(approved 02/08/2011)</i></p>	<p><input checked="" type="checkbox"/> U.S. Mail</p>	<p>Walter M. Zima 12B Greenwood Turnpike Colebrook, CT 06021 (860) 379-5620 <a href="mailto:blkmgrant@yahoo.com">blkmgrant@yahoo.com</a></p> <p>Mailing: 12B Greenwood Turnpike Winsted, CT 06098</p>	