



Lee D. Hoffman
90 State House Square
Hartford, CT 06103-3702
p 860 424 4315
f 860 424 4370
lhoffman@pullcom.com
www.pullcom.com

December 14, 2011

VIA ELECTRONIC MAIL AND U.S. MAIL

Linda L. Roberts
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: Petition 984 - BNE Energy Inc., Winsted-Norfolk Road, Colebrook, CT

Dear Ms. Roberts:

BNE Energy Inc. is writing to respond to the various comments that have been submitted to the Council in connection with the Siting Council's review of the D&M Plan for the above-referenced project. Many of the comments have been addressed by BNE through the D&M Plan itself or in responses to interrogatories, therefore no further comments are necessary. However, this letter will highlight a few key issues upon which the Siting Council may wish to focus.

Environmental Conservation Area - Because BNE is leasing the subject property, and does not own it, BNE cannot put an environmental easement on the property without the landowner's consent. What BNE can do, however, is voluntarily restrict its use of its leasehold interest so that the conservation area on the project site will remain undeveloped. As the Council is aware, one of the difficulties associated with conservation easements is finding a willing party to act as the beneficiary of that easement. With the lease, however, that problem is easily remedied, since BNE Energy's landlord can become the beneficiary of BNE Energy's conservation restriction, ensuring that a third party has say over what BNE does on the leased property.

What BNE would suggest is that BNE amend its lease to provide its landlord with the rights to enforce the conservation restrictions that were outlined in BNE's Petition and its D&M Plan. Such conservation restrictions would be in place for the life of the lease or until BNE decommissions its project.

Road Improvements – As the Council is aware, BNE has worked with the Town of Colebrook and completed its pre-construction survey of the conditions of the portions of roadway that will need to be utilized for the construction of the project. Based on this survey, BNE does not anticipate any adverse impacts to the roadways when smaller pieces of equipment are brought to

the site (i.e., equipment for site clearing and pad construction). However, when larger pieces of equipment, such as the cranes and other equipment that will be used to erect the towers and turbines, are brought onto the site, it is expected that such equipment will have an impact on certain roadways analyzed in BNE's pre-construction review.

Indeed, BNE's analysis of the pre-construction review leads BNE to conclude that some improvements must be made to the affected roadways before the cranes and heavy equipment are brought onto the site. Therefore, BNE will need to make improvements to the affected roadways before it is able to bring its crane and heavy equipment to the site. Because the roadways will need to be upgraded before the heavy equipment is brought to the site, the expense of repairing the roadways after the construction should be less than might be otherwise anticipated.

BNE is mindful, however, that the Council is desirous of not having the Town of Colebrook bearing undue expense. To resolve this issue, BNE suggests that it be allowed to bring routine equipment to the site for site clearing and pad construction without posting any financial assurance to the Town. However, before BNE is permitted to bring its large equipment to the site, BNE suggests that it be required to produce financial assurance to the Town of Colebrook, either through cash escrow or a performance bond, to ensure that the roadways are properly repaired. Given the fact that BNE will need to make road repairs before such heavy equipment can be brought on site, BNE believes that financial assurance in the amount of \$40,000 should be adequate to cover the costs of such road repair.

Dewatering Sump Pump – At this time, BNE is not completely certain as to what degree dewatering will need to occur on site, and whether a sump pump will be necessary to conduct such dewatering activities. That having been said, BNE is committed to using best management practices where dewatering is concerned, and welcomes any suggestions the Siting Council may have related to this topic.

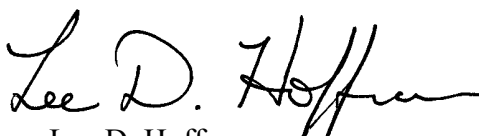
Noise Surveys – Several comments have suggested that there will only be one noise monitoring location or that the locations and/or duration of noise monitoring will somehow be inadequate. BNE responds by saying that the noise monitoring that has been proposed contains several monitoring points, as delineated in the map previously provided to the Siting Council, and will be sufficiently robust to ensure that the project meets applicable noise regulations. BNE is committed to meeting the applicable requirements related to noise, and believes that the proposed noise monitoring program will adequately demonstrate such compliance.

Conduct of an A2 Survey – There were also requests for BNE to provide an A2 survey of the project, and that the D&M Plan should not be approved until an A2 survey is conducted. BNE disagrees that an A2 survey is a requirement for D&M Plan approval, however, BNE has provided the Siting Council with a copy of the A2 survey for its review.

Page 3

If you have any questions concerning this submittal, please contact the undersigned at your convenience. Please return a date-stamped copy of this filing in the enclosed envelope. Thank you in advance for your assistance.

Respectfully submitted
BNE ENERGY INC.

By: 
Lee D. Hoffman
Its Attorney

cc: Service List for Petition 984
Melanie A. Bachman (via electronic mail)
David Martin (via electronic mail)

ACTIVE/72955.6/LHOFFMAN/2658513v1