

**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
Winsted-Norfolk Road in Colebrook,
Connecticut (“Wind Colebrook North”)**

Petition No. 984

March 25, 2011

**PETITIONER BNE ENERGY INC.’S INTERROGATORY RESPONSES
TO FAIRWINDCT, INC.’S FIRST SET OF INTERROGATORIES**

Petitioner BNE Energy Inc. (“BNE”) submits the following responses to the First Set of Interrogatories issued by FairwindCT, Inc. dated February 18, 2011:

Q1. Please provide the GPS coordinates of each proposed turbine location.

A1.

<u>Wind Turbine</u>	<u>Latitude</u>	<u>Longitude</u>
Western Turbine (1) ¹	41° 58' 34.481" N	73° 8' 16.085" W
Southeastern Turbine (2)	41° 58' 29.702" N	73° 7' 59.969" W
Northeastern Turbine (3)	41° 58' 38.061" N	73° 7' 57.378" W

Q2. Please provide the approximate date on which you or your representatives first informed members of the Siting Council and/or its staff that you would be seeking the Council’s approval for this project.

A2. BNE objects to this interrogatory because the information sought is irrelevant to this proceeding.

Subject to this objection and without waiving the same, BNE and its representatives had several meetings with Council staff prior to the filing of this petition to discuss procedure issues as is common practice for the Council. Those meetings occurred over the course of the past two years. A representative of the Connecticut Clean Energy Fund attended at least one of these meetings.

Q3. Please provide a copy of any Mechanical Loads Assessment conducted by GE regarding this project.

¹ This reflects the GPS coordinates for the alternate location for the Western Turbine (Turbine 1).

A3. A copy of the MLA will be filed separately pursuant to a motion for protective order and under seal.

Q4. How many wind turbine projects in the Northeast that are presently operating have annual capacity factors of approximately 30 percent? Please identify those projects by location, number of turbines and type of turbines (size and model).

A4. BNE objects to this interrogatory because the information sought is irrelevant to this proceeding. BNE further objects to this interrogatory because the information sought is not in the possession and control of BNE.

Q5. How many wind turbine projects in the United States that are presently operating have annual capacity factors of approximately 30 percent? Please identify those projects by location, number of turbines and type of turbines (size and model).

A5. BNE objects to this interrogatory because the information sought is irrelevant to this proceeding. BNE further objects to this interrogatory because the information sought is not in the possession and control of BNE.

Q6. Your petition states that this project will create “numerous” jobs. Please provide the specific number of jobs that will be created by this project.

A6. BNE objects to this interrogatory because the information sought is irrelevant to this proceeding. Specifically, economic impacts, whether positive or negative, are outside the scope of the Council’s jurisdiction as defined by Connecticut General Statutes §§ 16-50g and 16-50k. Subject to this objection and without waiving the same, see the pre-filed testimony of Joel M. Rinebold filed on March 25, 2011.

Q7. On February 3, 2011, Mr. Corey testified at a hearing before the Energy and Technology Committee of the Connecticut legislature and stated that GE has “lots of rules” regarding setbacks that BNE has followed. Please provide copies of those rules.

A7. BNE will file GE’s setback recommendations separately pursuant to a motion for protective order and under seal.

Q8. The “Wind Assessment” included in the petition is only a summary of data collected from the meteorological tower on the Site. Please provide the raw data upon which the summary assessment relies, in native electronic format.

A8. BNE will file the requested data separately pursuant to a motion for protective order and under seal.

Q9. When did you create the website “Green Colebrook” (<http://greencolebrook.com>)?

A9. BNE objects to this interrogatory because the information sought is irrelevant to this proceeding.

Q10. When did you create the Facebook group “Green Colebrook”?

A10. BNE objects to this interrogatory because the information sought is irrelevant to this proceeding.

Q11. Please provide the visibility areas for the 150 meter maximum heights, including the turbine blades, for the seasonal (winter) scenario (both the graphical representations and the calculated areas).

A11. BNE objects to this interrogatory because the information sought is irrelevant. Subject to this objection and without waiving the same, BNE further objects to this interrogatory because the information apparently sought is contained in the visual resource evaluation contained in BNE’s petition.

Q12. Please provide the calculated areas for each distinct location of visibility, including any supporting graphics, spreadsheets, calculations, notes, text.

A12. BNE objects to this interrogatory because it is vague and ambiguous.

Q13. Please provide copies of the calculations of the various reported percentages attributed to the areas from which the wind turbines are visible.

A13. BNE objects to this interrogatory because it is vague and ambiguous. Information concerning BNE’s visual resource evaluation is contained in that exhibit. See petition at Exhibit J.

Q14. Please provide electronic copies of the aerial photographs used in identifying the forested and non-forested areas.

A14. BNE objects to this interrogatory because it seeks confidential work product. Information concerning BNE’s visual resource evaluation is contained in that exhibit. See petition at Exhibit J.

Q15. Please provide hard copies of the related graphics of the hand-digitized maps indicating which areas were considered to be forested.

A15. BNE objects to this interrogatory because it seeks confidential work product. Information concerning BNE’s visual resource evaluation is contained in that exhibit. See petition at Exhibit J.

Q16. Please provide electronic copies of all exhibits to the visual resources exhibit to the petition (Exhibit J).

A16. Electronic copies are available on the Siting Council’s website, www.ct.gov/csc.

Q17. Please provide electronic copies of photographs of locations where the turbines will be visible from that were taken by your consultants and/or agents but not included in the petition.

A17. BNE objects to this interrogatory because it is vague and ambiguous. BNE further objects to this interrogatory because it seeks confidential work product. BNE further objects because to this interrogatory because electronic copies of the visual resources evaluation and exhibits thereto are available in electronic version on the Siting Council's website, www.ct.gov/csc.

Subject to this objection and without waiving the same, BNE notes that, as discussed in the visual resource evaluation (Exhibit J of the petition) and as the Council is generally aware, the visual resources evaluation contains representative photosimulations as it is not possible or feasible to submit photosimulation from every location of potential visibility.

Q18. Please provide copies of all correspondence with any state and/or federal agency regarding the project, including but not limited to the Connecticut Clean Energy Fund and the U.S. Department of Energy.

A18. BNE objects to this interrogatory because the information sought is not relevant to this proceeding.

Q19. What other properties were considered for this project? How was this Site selected?

A19. See BNE's response to Siting Council interrogatory Q4 dated February 24, 2011.

Q20. What alternative siting of the turbines on the Site was considered?

A20. BNE spent considerable time and resources working to optimize the turbine locations on the property to maximize renewable electricity production from the wind turbines while minimizing environmental impacts, including wetland impacts and ensuring proper setbacks. BNE worked closely with GE to identify the proper locations of the turbines, taking into account setbacks and numerous other factors that affect the wind resources on the site. GE conducted an extensive Mechanical Loads Assessment (MLA) that analyzed numerous factors such as wind speed, air density and turbulence intensity to determine if the locations of the turbines are suitable to ensure that the turbines will operate safely and reliably on the Site. BNE also worked closely with VHB, Zapata, West and other members of its team to mitigate environmental impacts. As a result, the project design and layout were modified numerous times to reduce wetland impacts, mitigate the impact on birds, bats, and wildlife, and to reduce the amount of clearing and construction footprint to the fullest extent possible. For example, BNE is proposing an alternative location for Turbine 1 in order to increase setbacks from the nearest homes and to further mitigate environmental and wetland impacts. BNE believes the measures taken appropriately balance the generation of clean renewable wind energy on the site while ensuring proper setbacks and minimizing environmental impacts.

Q21. Have your consultants completed the final version of your bat study? If so, please provide a copy. If not, when will that study be completed?

A21. The final bat study is attached to the pre-filed testimony of David Tidhar.

Q22. Are any environmental assessments of the property ongoing? If so, please describe each ongoing assessment and provide an estimated date of completion.

A22. BNE has conducted extensive environmental assessments relevant to this proceeding to ensure that potential environmental impacts are mitigated. In addition, BNE has retained Dr. Michael W. Klemens to conduct studies that will be undertaken this spring, March-April 2011, to determine whether there are vernal pools on the Site. Potential pools will be verified by the presence of obligate amphibian species. Surveys of streams and seepage areas are also being undertaken during that time period to determine the presence of, or habitat for, the State-threatened spring salamander, *Gyrinophilus porphyriticus*.

Additionally, pre-construction acoustic bat surveys are planned to be completed at Colebrook North between April 15 – October 31, 2011. Pre-construction bird surveys are currently underway to investigate migration of raptors and songbirds during the spring migration period. Pre-construction bird surveys are also proposed for the summer breeding season and the fall migration season. Pre-construction field surveys will be completed during November 2011. Survey reports will be completed up to 90 days following completion of field surveys. In addition BNE has committed to complete post-construction bird and bat fatality monitoring in addition to post-construction acoustic bat monitoring surveys. Post-construction surveys will be completed during two separate calendar years between April – October. Post-construction survey dates have not been determined at this time.

Q23. Please provide copies of all correspondence with GE about this project.

A23. BNE objects to this interrogatory because the information sought is irrelevant to this proceeding. BNE further objects to this interrogatory because the information sought is confidential and proprietary.

Q24. Have you signed any contract with GE regarding the use of its turbines on the Site? If so, please provide a copy of that contract.

A24. BNE objects to this interrogatory because the information sought is irrelevant to this proceeding. BNE further objects to this interrogatory because the information sought is confidential and proprietary. Subject to this objection and without waiving the same, BNE has not signed a contract with GE for the purchase of the turbines at this time. Siting Council approval of BNE's petition is necessary prior to entering into a contract with GE.

Q25. If this project is approved, is there a possibility that the turbines installed will be taller than 100 meters?

A25. BNE has filed a petition and sought approval for a 100 meter hub height with a 100 meter blade diameter. BNE has not amended its petition to request a larger turbine height and does not plan to do so. As the Council is aware, if BNE sought to construct a turbine larger than what is proposed, BNE would need to re-file with the Council to amend its approval.

Q26. Please provide copies of all written communications with town officials and residents about this project.

A26. BNE objects to this interrogatory because the information sought is irrelevant. All arguably relevant correspondence has already been filed and included in the bulk filing submitted with the original petition filing.

Q27. Please describe any verbal communications with town officials and residents about this project. For each such communication, please include the names of people involved, any witnesses to the communication, the approximate date of such communication and the general content of the communication.

A27. See objection to interrogatory #26.

Q28. Do you have contracts or other agreements with any property owners in Colebrook regarding this project? If so, please identify those property owners by name and address.

A28. BNE objects to this interrogatory because the information requested is irrelevant to this proceeding.

Q29. Is BNE Energy Inc. the contracting entity for all contracts or agreements with property owners concerning this project? If not, please provide the name of the contracting entity for each such agreement.

A29. BNE objects to this interrogatory because the information sought is overly broad and unduly burdensome. BNE further objects to this interrogatory because the information sought is irrelevant. BNE is the petitioner and proposed developer of the project.

Q30. What corporate entity will own this project if it gets built?

A30. See objection to interrogatory #29.

Q31. Since 2008, has any representative of BNE spoken at any Colebrook Selectmen meetings, Colebrook Planning & Zoning Commission meetings, Colebrook Inland-Wetlands Commission meetings, Colebrook Conservation Commission meetings or meetings of the Town of Colebrook? If so, please provide the approximate date of each meeting and the name of the BNE representative in attendance.

A31. BNE objects to this interrogatory because the information sought is irrelevant.

Q32. Please describe all efforts you have taken to show the State Historic Preservation Office (also known as the Historic Preservation and Museum Division of the Connecticut Commission on Culture & Tourism) that there will be no adverse effect on Rock Hall.

A32. BNE corresponded with the Connecticut SHPO regarding the Project in September 2010 and submitted a Cultural Resources Map (depicting known historic/archaeological resources within one mile of the Project, based on data obtained from publicly available sources). That data was initially compiled in December 2009 during a preliminary due diligence phase of the Project. Prior to submitting this courtesy information to

the SHPO in September 2010, VHB reviewed the National Register of Historic Places (NRHP) records that were available online to determine what, if any, new additions may have been made to the list; at that time, the Rock Hall property in Colebrook had not been added to the list.

Regardless, the Cultural Resources Map is provided solely as a courtesy to the SHPO and does not constitute a regulatory determination of any kind. It is the responsibility of the SHPO, which maintains its own records of NRHP properties in the state, to determine whether there will be an adverse effect on cultural resources. The agency's initial review resulted in the issuance of a "no effect" letter on November 29, 2010. The SHPO subsequently requested photographic simulations and a visibility assessment specifically from the Rock Hall property. After extensive coordination with Rock Hall representatives, BNE arranged for VHB to visit the Rock Hall property to evaluate potential views of both Colebrook North and the Colebrook South project (Docket 983). VHB worked with Rock Hall's representatives and collected photographs from exterior locations selected by the property owner. The photographs, simulations and viewshed map were submitted to the SHPO on March 21, 2011. Rock Hall's consultant was also provided copies of the photo-simulations as well as coordinates of the turbine locations (including the proposed relocation of Turbine 1) and confirmation of the blade length reduction down to 41.25 meters.

The results of VHB's reconnaissance and photo-documentation indicate that the Colebrook Projects will not be substantially visible from the Rock Hall property. As depicted in the photo-simulations, overall views from this property would be limited. There are a few locations where portions of turbines may be visible through the trees during "leaf off" conditions. During "leaf on" conditions, some locations adjacent to the pool area of the Rock Hall property may have views of the upper portions of turbine blades above the tree canopy.

Q33. Please provide copies of all correspondence with any representative of the State Historic Preservation Office (also known as the Historic Preservation and Museum Division of the Connecticut Commission on Culture & Tourism).

A33. BNE objects to this interrogatory because the information sought is irrelevant to this proceeding. Subject to this objection and without waiving the same, all arguably relevant correspondence with the SHPO office has been provided. See petition at Exhibit B and pre-filed testimony of Michael Libertine.

Q34. Have you been in contact with the U.S. Department of Energy regarding his project? If so, please provide copies of all correspondence with the U.S. Department of Energy.

A34. BNE objects to this interrogatory because the information sought is irrelevant to this proceeding..

Q35. Have you been in contact with the federal preservation officer at the U.S. Department of Energy regarding this project? If so, please provide copies of all correspondence with the U.S. Department of Energy.

A35. BNE objects to this interrogatory because the information sought is irrelevant to this proceeding.

Q36. Please identify all sources of funding for this project.

A36. BNE objects to this interrogatory because the information sought is irrelevant to this proceeding.

Q37. Will this project require blasting? If so, please describe the expected nature of the blasting.

A37. See pre-filed testimony of Douglas Roy of GZA GeoEnvironmental, Inc. filed on March 25, 2011.

Q38. Please provide the distance from each turbine to each abutting property line and home, identifying the property line and homes by either name of the property owner or by address.

A38.

Map/ Block/ Lot	Address	Acres	Property Owner	Distance from Turbine to Structure			Distance from Turbine to Abutting Property Line		
				Wind Turbine 1 ²	Wind Turbine 2	Wind Turbine 3	Wind Turbine 1 ³	Wind Turbine 2	Wind Turbine 3
13-28	49 Rock Hall Road	89.39560171	Jeffery W. Stauffer & Mary E. Hubbard	1,095 ft	1,600 ft	1,050 ft	480 ft	990 ft	153 ft
7-5	160 Winsted-Norfolk Road	0.984449894	James F. & Judith A. Tierney	1,595 ft	2,435 ft	2,965 ft	1,500 ft	2,338 ft	2,862 ft
7-6	154 Winsted-Norfolk Road	1.233023772	Thomas F. Cail	1,665 ft	2,375 ft	2,990 ft	1,538 ft	2,258 ft	2,845 ft
7-10	12A Greenwoods Turnpike	3.973947253	Kristin & Benjamin Mow	1,595 ft	2,170 ft	2,780 ft	1,400 ft	1,760 ft	2,435 ft
7-11	12B Greenwoods Turnpike	0.88543599	Walter M. Zima Jr.	1,850 ft	2,165 ft	2,885 ft	1,710 ft	1,980 ft	2,700 ft
7-12	Winsted-Norfolk Road	26.97155348	William A. & Muriel T. Meeker	Vacant	Vacant	Vacant	1,845 ft	1,297 ft	2165 ft
8-1	117 Pinney Street	145.9874673	Susan N. Wagner	4,448 ft	3,195 ft	3,160 ft	1,544 ft	880 ft	1,450 ft
8-7	Pinney Street	53.40940477	Susan N. Wagner	Vacant	Vacant	Vacant	1,815 ft	525 ft	660 ft
8-8	Pinney Street	102.4244061	Helen L. Plager - Trust	Vacant	Vacant	Vacant	1,850 ft	725 ft	530 ft
7-2	177 Winsted-Norfolk Road	44.38850199	Northwestern CT Sportsmans	2,235 ft	3,255 ft	3,680 ft	1,705 ft	2,690 ft	3,120 ft
7-3	112 Rock Hall Road	53.60985155	Maasser Annual Reunion Association, Inc.	1,450 ft	2,744 ft	2,895 ft	370 ft	1,700 ft	1,520 ft

² This calculation was performed using the alternate location for the Western Turbine (Turbine 1).

³ This calculation was performed using the alternate location for the Western Turbine (Turbine 1).

7-7	150 Winsted-Norfolk Road	1.106041524	Julianne & Jeffery Lepkowick	1,670 ft	2,280 ft	2,911 ft	1,615 ft	2,240 ft	2,856 ft
13-1	Rock Hall Road	79.4722134	Christine L. Stauffer	Vacant	Vacant	Vacant	455 ft	1,720 ft	1,485 ft

Q39. Please provide the distance from each turbine to Flagg Hill Road, Winsted-Norfolk Road, Rock Hall Road, Beckley Road, Greenwoods Turnpike, and Beckley Bog.

A39.

Road	Approximate Distance from Western Wind Turbine (1)⁴	Approximate Distance from Southeastern Wind Turbine (2)	Approximate Distance from Northeastern Wind Turbine (3)
Flagg Hill Road	2,880 ft	3,075 ft	3,875 ft
Winsted-Norfolk Road	1,645 ft	2,540 ft	3,045 ft
Rock Hall Road	300 ft	1,550 ft	1,400 ft
Beckley Road	5,860 ft	7,085 ft	7,200 ft
Greenwoods Turnpike	2,017 ft	2,325 ft	3,045 ft
Beckley Bog	7,280 ft	8,025 ft	8,640 ft

Q40. How did you measure the wind speed at 100 meters, since your met tower was only 60 meters high? Please describe your methodology and provide copies of any calculations used.

A40. See BNE's response to Siting Council interrogatory Q29 dated February 24, 2011.

Q41. How many days of wind data did you collect at this Site?

A41. See response to Q40.

Q42. Of the days on which you collected wind data at the Site, how many days had wind speeds lower than 3.5 m/s? How many days had wind speeds higher than 25 m/s?

A42. Based on the 13.4 month site-measured wind data from Colebrook South (December 12, 2008 to January 24, 2010), upon which the yearly wind assessment report completed by EPE was based, the number of hours per year during which the wind speeds at 100 m are lower than 3.5 m/s is 967 hours, or 11% of the time, and the number of hours during which the wind speeds are higher than 25 m/s is 2.4 hours, or .03% of the time.

Q43. Have you received FAA approval for your proposed larger turbine size? If so, please provide a copy of that approval and any related correspondence.

A43. Yes. See FAA approval attached hereto as Exhibit 1.

⁴ This calculation was performed using the alternate location for the Western Turbine (Turbine 1).

Q44. On page 27 of the petition, you state that this project complies with the Town of Colebrook’s noise ordinance. Please provide a copy of this noise ordinance.

A44. The Town of Colebrook does not have a noise ordinance. The reference was referring to the Connecticut Department of Environmental Protection’s noise ordinance, which is the default ordinance in the event that a municipality does not adopt its own ordinance.

Q45. Did Zapata, Inc. ever spend time at the Site? If so, please provide the name of the Zapata representative who visited the Site, the dates of the visit(s) and the length of time the representative was on Site.

A45. BNE objects to the interrogatory because the information sought is irrelevant.

Subject to this objection and without waiving the same, BNE responds as follows: Zapata Incorporated personnel made visits to the Petition #983 site as noted below:

<u>Date</u>	<u>Personnel</u>	<u>Hours on site</u>
1/24/10	Kurt Hebert, Env Eng, PM	3
1/26/10	Kurt Hebert, Env Eng, PM	6
	Shane Smith, Civil Eng	6
	Tim Burkette, GIS Mgr	6
	Donnie Jones, Elec Eng	6
6/22/10	Kurt Hebert, Env Eng, PM	4
	Shane Smith, Civ Eng	4

Throughout the design process, Zapata coordinated closely with BNE, Civil 1, VHB, and at our request, obtained detailed site-specific information that had not been obtained during our site visits.

Q46. The “Wind Assessment” included in the petition references “fall zone requirements.” Please define that term.

A46. The Wind Assessment report conducted by BNE’s consultant EPE contained in Exhibit M references fall zone requirements. The report was completed prior to the final determination of the proposed turbine locations on the Site. BNE is following GE’s recommended setbacks for the wind turbines while working to mitigate environmental impacts. Subsequent to the completion of the Wind Assessment report, BNE worked closely with GE to identify proper locations of the turbines taking into account various factors referenced above and numerous other factors that affect the wind resources on the site, including wind shear, air density and turbulence intensity, to ensure that the turbines will operate safely and reliably on the Site. GE conducted a Mechanical Loads Assessment for the GE 1.6-82.5 turbines at 100 meter hub heights and determined that they are suitable for the Site at the proposed locations. Additionally, the proposed locations comply with GE’s recommended setbacks.

BNE ENERGY INC.

By: /s/ Carrie L. Larson
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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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ACTIVE/72955.6/CLARSON/2422498v1

EXHIBIT 1

EXHIBIT 1



Issued Date: 12/16/2010

Gregory Zupkus
 BNE Energy Inc
 38 Colonial Drive
 Prospect, CT 06712

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine Wind Colebrook North Turbine 3
 Location: Colebrook, CT
 Latitude: 41-58-38.03N NAD 83
 Longitude: 73-07-57.39W
 Heights: 492 feet above ground level (AGL)
 1857 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

As a condition to this Determination, the structure is marked and/or lighted in accordance with FAA Advisory circular 70/7460-1 K Change 2, Obstruction Marking and Lighting, 24-hr med-strobes - Chapters 4,6(MIWOL),&12.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part I)
- Within 5 days after the construction reaches its greatest height (7460-2, Part II)

This determination expires on 06/16/2012 unless:

- (a) extended, revised or terminated by the issuing office.
- (b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. This determination is based, in part, on the foregoing description which includes specific coordinates and heights . Any changes in coordinates will void this determination. Any future construction or alteration requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (404) 305-7081. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2010-WTE-14635-OE.

Signature Control No: 132501302-134500644

(DNE -WT)

Michael Blaich
Specialist



Federal Aviation Administration
 Air Traffic Airspace Branch, ASW-520
 2601 Meacham Blvd.
 Fort Worth, TX 76137-0520

Aeronautical Study No.
 2010-WTE-14635-OE

Issued Date: 12/16/2010

Gregory Zupkus
 BNE Energy Inc
 38 Colonial Drive
 Prospect, CT 06712

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine Wind Colebrook North Turbine 3
 Location: Colebrook, CT
 Latitude: 41-58-38.03N NAD 83
 Longitude: 73-07-57.39W
 Heights: 492 feet above ground level (AGL)
 1857 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

As a condition to this Determination, the structure is marked and/or lighted in accordance with FAA Advisory circular 70/7460-1 K Change 2, Obstruction Marking and Lighting, 24-hr med-strobes - Chapters 4,6(MIWOL),&12.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part I)
- Within 5 days after the construction reaches its greatest height (7460-2, Part II)

This determination expires on 06/16/2012 unless:

- (a) extended, revised or terminated by the issuing office.
- (b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. This determination is based, in part, on the foregoing description which includes specific coordinates and heights . Any changes in coordinates will void this determination. Any future construction or alteration requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (404) 305-7081. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2010-WTE-14635-OE.

Signature Control No: 132501302-134500644

(DNE -WT)

Michael Blaich
Specialist



Issued Date: 12/16/2010

Gregory Zupkus
 BNE Energy Inc
 38 Colonial Drive
 Prospect, CT 06712

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine Wind Colebrook North Turbine 3
 Location: Colebrook, CT
 Latitude: 41-58-38.03N NAD 83
 Longitude: 73-07-57.39W
 Heights: 492 feet above ground level (AGL)
 1857 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

As a condition to this Determination, the structure is marked and/or lighted in accordance with FAA Advisory circular 70/7460-1 K Change 2, Obstruction Marking and Lighting, 24-hr med-strobes - Chapters 4,6(MIWOL),&12.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part I)
- Within 5 days after the construction reaches its greatest height (7460-2, Part II)

This determination expires on 06/16/2012 unless:

- (a) extended, revised or terminated by the issuing office.
- (b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

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