

**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

April 11, 2011

**MOTION TO STRIKE CERTAIN PRE-FILED TESTIMONY
OF JOEL M. RINEBOLD**

FairwindCT, Inc., Susan Wagner and Stella and Michael Somers (the “Grouped Parties”), hereby request that the Council strike those portions of Joel Rinebold’s prefiled testimony regarding setbacks at the proposed industrial wind turbine site known as Wind Colebrook North because Mr. Rinebold is not qualified to give expert testimony on said issue. In support of their motion, the Grouped Parties state as follows:

1. On March 24, 2011, BNE Energy Inc. (“BNE”) filed the Pre-Filed Testimony of Joel M. Rinebold. Among other topics, Mr. Rinebold testified regarding the proposed setbacks at Wind Colebrook North and his opinion that they are adequate, the GE residential setback recommendations and his opinion that Wind Colebrook North complies with GE’s setback recommendations and his “research” about regulatory trends of setback guidelines and guidance. He also testified regarding the lighting requirements of the Federal Aviation Administration (“FAA”) for the proposed turbines.
2. By his own testimony, Mr. Rinebold was hired by BNE to conduct an Economic Energy Analysis to analyze the alleged local benefit and job creation potential of


Wind Colebrook North, factors that both he and BNE concede are irrelevant to this proceeding.

3. Mr. Rinebold is not an engineer, nor is he an expert in the development, construction or maintenance of wind turbines or FAA requirements. Mr. Rinebold is not an expert in establishing setbacks for wind energy projects – in fact, he has no expertise related to wind energy projects at all.
4. Mr. Rinebold's lack of knowledge regarding setbacks is readily apparent, since his testimony regarding setback regulations around the United States appears to be based almost entirely on a report conducted by the Office of Legislative Research. (See J. Rinebold Pre-Filed Testimony, dated Mar. 24, 2011.) His testimony also omits many ordinances and regulations adopted by towns, municipalities and other local government bodies across the United States.
5. For example, Mr. Rinebold makes no mention of the Cape Cod Commission's recent decision to require setbacks of 3,000 feet for wind turbines. Nor does he mention the ordinances of several towns in Maine that have mandated setbacks of, for example, 1,800 or 2,500 feet from property lines and up to 1 mile from residences (Thorndike and Dixmont, Maine) and 1 mile or 13 times the turbine height, whichever is greater, from residential property lines (Montville, Maine). (See, e.g., Grouped Parties' Supplemental Request for Administrative Notice, dated Mar. 28, Nos. 12-16.)
6. Therefore, Mr. Rinebold offers what he himself calls irrelevant testimony on a subject for which he demonstrably has no expertise or special knowledge. His

testimony on the subject of setbacks and FAA lighting requirements, specifically his responses to Questions 15, 16, 17, 18 and 19, should be stricken from the record.

WHEREFORE, the Grouped Parties ask that the Council issue an order striking from the pre-filed testimony of Joel Rinebold his responses to Questions 15, 16, 17, 18 and 19 and also striking from his testimony the Office of Legislative Research exhibit intended, but failed to attach.

By:



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PROPOSED ORDER

Whereas, expert testimony by persons without a special skill or knowledge of the subject matter for which they offer testimony may not be admitted to the record;

IT IS HEREBY ORDERED that Questions and Answers 15, 16, 17, 18 and 19 and also the Office of Legislative Research exhibit intended, but failed to attach as exhibit, of the testimony of Joel M. Rinebold are stricken.

SO ORDERED:

CONNECTICUT SITING COUNCIL

By: _____

Date: _____

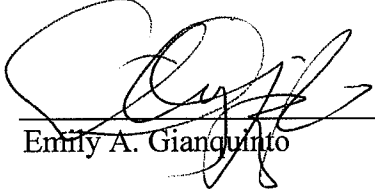
CERTIFICATION

I hereby certify that a copy of the foregoing document was delivered by first-class mail and e-mail to the following service list on the 11th day of April, 2011:

Carrie L. Larson
Paul Corey
Jeffery and Mary Stauffer
Thomas D. McKeon
David M. Cusick
Richard T. Roznoy
David R. Lawrence and Jeannie Lemelin
Walter Zima and Brandy L. Grant
Eva Villanova

and sent via e-mail only to:

John R. Morissette
Christopher R. Bernard
Joaquina Borges King



Emily A. Gianquinto