



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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DATE: April 27, 2011

TO: Parties and Intervenors

FROM: Linda Roberts, Executive Director *LR/MAB*

RE: **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.

During the evidentiary hearing for the above-referenced matter held on April 26, 2011, the Connecticut Siting Council (Council) ruled on the following motions and objections:

1. FairwindCT, Inc. Request for CEPA Intervention Status dated February 25, 2011.

The request was granted.

2. Susan Wagner Request for CEPA Intervention Status dated February 24, 2011.

The request was granted.

3. Stella and Michael Somers Request for CEPA Intervention Status dated February 24, 2011.

The request was granted.

4. FairwindCT, Inc./Somers/Wagner Objection to Hearing Procedure and Motion to Consolidate Evidentiary Hearing dated March 15, 2011.

Fairwind's Objection to the Hearing Procedure and Motion to Consolidate the Evidentiary Hearings were denied.

5. Fairwind/Somers/Wagner Motion for Protective Order dated March 15, 2011.

Fairwind's Motion was denied.

6. BNE Energy's Motion for Protective Order dated March 25, 2011.

BNE's Motion was granted.

7. Fairwind's Motion for Mistrial or in the Alternative for Continuance, Reconsideration and to Alter Schedule dated March 29, 2011.

Fairwind's motion for mistrial was denied. Fairwind's alternative motion was denied in part as it related to continuance and to alter schedule. Fairwind's alternative motion was granted in part as it related to reconsideration. The Council thereby reaffirmed the following past rulings of the Council in these proceedings:

1. Town of Colebrook Request for Party Status, granted 1/20/11;
2. Fairwind Request for Party Status, granted 1/20/11;
3. CL&P Request for Intervenor Status, granted 1/20/11;
4. Benjamin & Kristin Mow Request for Party Status, granted 1/20/11;
5. Jeffrey & Mary Stauffer Request for Party Status, granted 1/20/11;
6. Susan Wagner Request for Party Status, granted 1/20/11;
7. Stella & Michael Somers Request for Party Status, granted 1/20/11;
8. David Lawrence & Jeannie Lemelin Request for Party Status, granted 2/8/11;
9. Walter Zima Request for Party Status, granted 2/8/11;
10. Fairwind's Request to Consolidate Evidentiary Hearings for Petitions 980, 983 & 984, denied 2/8/11;
11. BNE Request to Extend Pre-Filed Deadline, granted 3/17/11;
12. Eva Villanova Request for Party Status and CEPA Intervention, granted 3/17/11;
13. Brandy Grant & Walter Zima Request for Party Status and CEPA Intervention Status, granted 3/17/11;
14. Benjamin & Kristin Mow Request for CEPA Intervention Status, granted 3/17/11;
15. David Lawrence & Jeannie Lemelin Request for CEPA Intervention Status, granted 3/17/11

8. Fairwind/Somers/Wagner Motion for Council to Issue Subpoena dated March 29, 2011.

Fairwind's Motion was denied.

9. Fairwind/Somers/Wagner Motion to Strike Certain Evidence from the Record dated March 28, 2011.

Fairwind's Motion was denied.

10. Fairwind/Somers/Wagner Motion to Extend Pre-File Deadlines dated March 28, 2011

Fairwind's Motion was denied.

11. Fairwind Motion to Strike Pre-Filed Testimony of Joel Rinebold dated April 11, 2011

Fairwind's Motion was denied.

12. Fairwind's Motion Concerning Schedule dated April 12, 2011

Fairwind's Motion was denied.

13. Town of Colebrook Motion Concerning Schedule dated April 13, 2011

The Town of Colebrook's Motion was denied.

14. Walter Zima and Brandy Grant Motion to Compel Interrogatory Response dated April 19, 2011

Walter Zima and Brandy Grant's Motion was granted.

15-20. BNE Motion to Strike Pre-Filed Testimony of Arline Bronzaft, Joyce Hemingson Stella Somers, David Pressman, Wilson Faude, and Glenn Chalder, dated April 19, 2011

BNE's Motions were denied.

21. BNE Motion to Compel and Strike dated April 19, 2011

BNE's Motion was denied.

22. BNE Motion for Extension of Time dated April 19, 2011

BNE's Motion was granted. Fairwind's Objection to the Motion was denied.

23. BNE Motion to Strike Mow Exhibit List dated April 19, 2011

BNE's Motion was granted.

24. BNE Objection to Witness List of Robin Hirtle dated April 19, 2011.

BNE's Objection was granted in part as it relates to Mr. Hirtle, Mr. Corey and Mr. Zupkus, and denied in part as it relates to Mr. Mow.

25. BNE Motion to Strike Requests of Administrative Notice Filed by Fairwind/Somers/Wagner dated April 19, 2011.

BNE's Motion was granted in part as it relates to Fairwind Administrative Notice Item #3, Pre-Filed Testimony of Thomas Casella in Petition 980 as that testimony was not admitted as evidence by the Council in Petition 980 and the Motion was denied in part as it relates to the remaining items on Fairwind's Supplemental Request for Administrative Notice dated March 28, 2011 and the items on Fairwind's Request for Administrative Notice dated March 15, 2011.

26. BNE Objection to Fairwind/Somers/Wagner Revised Witness List dated April 19, 2011.

BNE's Objection was granted.

The next evidentiary hearing for this matter is scheduled for Thursday, April 28, 2011 at 11 AM in Hearing Room 1 at the Council office. 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 evidentiary hearing shall commence with cross examination of the petitioner by the Council, parties and intervenors. After the regular Council meeting in the afternoon, to accommodate witness availability, Fairwind will be permitted to present a portion of their case, including, but not limited to, appearances by Mr. Faude and Ms. Wagner who are not available on May 5, 2011.

Thereafter, other parties who are present will be permitted to present their cases. Cross examination of the petitioner shall resume on May 5, 2011 when Dr. Klemens is available.

Also due to witness availability, CL&P will be permitted to present their case on May 5, 2011.

Please be advised that the hearing scheduled for May 5, 2011 will proceed beyond 6 PM. The Council will take a dinner break at or around 5 PM for approximately one hour and resume the hearing thereafter until the evidentiary record is closed.