

**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 19, 2011

**PETITIONER’S OBJECTION TO FAIRWINDCT, INC.,
STELLA AND MICHAEL SOMERS AND SUSAN WAGNER’S
MOTIONS TO STRIKE**

The petitioner, BNE Energy Inc. (“BNE”), submits this objection to FairwindCT, Inc., Stella and Michael Somers and Susan Wagner’s (the “Grouped Parties”) motion to strike evidence, dated March 28, 2011, and motion to strike testimony of Joel Rinebold, dated April 11, 2011 (collectively the “Motions”). In both Motions, the Grouped Parties seek to strike testimony regarding the positive economic impacts that Wind Colebrook North will have. The Grouped Parties conveniently fail to point out that, as has been noted throughout BNE’s filings, BNE recognizes that economic information—both positive and negative—is outside the Council’s general scope of jurisdiction and specific jurisdiction for review of this petition. *See* Conn. Gen. Stat. §§ 16-50g and 16-50k(a). Furthermore, the Grouped Parties also fail to point that they themselves have offered evidence of economic issues that are outside the scope of the Council’s jurisdiction and also conveniently fail to offer to remove their similar evidence from the record. Assuming that all parties and intervenors agree to strike all economic information submitted, including testimony submitted by, *inter alia*, the Grouped Parties concerning capacity factors and all information and testimony submitted concerning purported impacts to property values, BNE is willing to strike any testimony BNE has submitted concerning the economic benefits of the Project.

Further, BNE states the following:

1. This petition was filed on December 13, 2010, more than four months ago.
2. The Council set a pre-filing deadline of March 15, 2011 for this proceeding with an additional pre-filing deadline of April 19, 2011.
3. To date, the Grouped Parties have collectively issued almost 400 interrogatories to BNE, many of which request information concerning economic impacts and economic information directly from BNE.
4. Remarkably, after issuing these numerous interrogatories to BNE regarding economic issues, the Grouped Parties now move to strike BNE testimony concerning economic impacts claiming that such information is outside of the Council's jurisdiction.
5. The Grouped Parties conveniently fail to acknowledge that they themselves have submitted testimony and evidence concerning economic impacts, including impact to property values and information concerning capacity factors, testimony that they now implicitly admit is irrelevant and outside the scope of this proceeding. *See, e.g.*, pre-filed testimony of Susan Wagner and Stella Somers dated March 15, 2011.
6. Notwithstanding, BNE has no objection to striking from the record the information it submitted concerning economic impacts under the caveat that BNE recognized it was outside the scope of the Council's jurisdiction. However, BNE will only agree to strike these responses and information ***only if all other parties and intervenors*** agree to strike all economic information submitted to the record as proposed exhibits and testimony. For example, as discussed above, the pre-filed testimony of Stella Somers and Susan Wagner both contain discussions of purported property value impacts. This testimony, likewise, should not be included in the record of this proceeding because it, too,

is irrelevant to this proceeding since economic impacts are outside the Council's scope of review and general jurisdiction.

7. Just as the Grouped Parties fail to illuminate all pertinent facts in their Motions, the Grouped Parties' proposed order likewise fails to fairly address the issue of information pertaining to economic impacts. As discussed above, if economic information is going to be stricken from the record, it must be done in its entirety and not just to BNE's filings as the Grouped Parties suggest.

WHEREFORE, BNE objects to the Grouped Parties' Motions. BNE provided information concerning economic benefits of the Wind Colebrook North Project specifically recognizing that such information is outside the Council's jurisdiction. The Grouped Parties cannot have their cake and eat it too—if such information is going to be stricken from the record, it must be done so uniformly and applied to the filings of all parties and intervenors of record.

Respectfully Submitted,

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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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