

**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 25, 2011**

**REPLY TO OBJECTION TO WITNESS LIST**


FairwindCT, Inc., Susan Wagner and Stella and Michael Somers (the “Grouped Parties”), hereby reply to the Objection to Revised Witness List, dated April 19, 2011, filed by Petitioner, BNE Energy Inc. (“BNE”). In support of their Reply, the Grouped Parties state the following:

1. On April 7, 2011, the Grouped Parties filed a Revised Witness List in this petition. On that list, the Grouped Parties named Frederick L. Riese of the Connecticut Department of Environmental Protection, or any other such appropriate DEP employee to comment on the petition.
2. On April 19, 2011, BNE filed an objection to the Grouped Parties’ revised list, particularly with respect to their listing of Mr. Riese as a witness.
3. BNE objects to the Grouped Parties listing Mr. Riese on the grounds that Mr. Riese has not filed pre-filed testimony in this matter and that the DEP is not a party to the petition. BNE’s arguments are unconvincing.
4. BNE essentially argues that because the Council does not permit direct testimony, and because the scheduled hearing is designed to permit cross-examination, the Grouped Parties are not permitted to list Mr. Riese as a witness. Contrary to BNE’s claims, the Grouped Parties do not intend to present any direct testimony

and instead have listed Mr. Riese as an anticipated adverse witness for purposes of cross-examining him regarding his comments to the Council, memorialized in a letter dated April 6, 2011. Accordingly, this procedure is not dissimilar from that with respect to any other witness at the hearing. Mr. Riese will be asked to affirm his comments, after which the Grouped Parties will cross-examine him as an adverse witness.

5. Further, in the hearing on Petition 980, the Grouped Parties attempted to subpoena Mr. Riese in order to question him on the record regarding his comments on behalf of DEP to the Council. Although the Council declined to quash the subpoena, as requested by BNE, the Grouped Parties were informed that because the portion of the hearing devoted to their cross-examination had concluded, there was no time allotted in the hearing for Mr. Riese to appear and testify. In order to avoid the same result in this petition, the Grouped Parties have listed Mr. Riese as a witness, thereby allotting him time in the schedule.
6. Accordingly, the Grouped Parties seek to cross-examine Mr. Riese with respect to his comments on this petition and will accomplish this by subpoena if necessary, as is their right. BNE's attempt to shield this evidence from being tested and to deprive the Grouped Parties of their right to cross-examination should be rejected by the Council.

WHEREFORE, for the foregoing reasons, BNE's Objection to the Revised  
Witness List should be overruled.

By:   
Denise L. Myron  
Nicholas J. Harding  
Emily A. Gianquinto  
Reid and Riege, P.C.  
One Financial Plaza, 21st Floor  
Hartford, CT 06103  
Tel. (860) 278-1150  
Fax. (860) 240-1002

**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 25th 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

  
Denise L. Myron