

**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 (Route 44) in Colebrook,
Connecticut**

Petition No. 984

May 2, 2011

**KRISTIN AND BENJAMIN MOW'S MOTION FOR PROTECTIVE ORDER
AND TO FILE MEDICAL RECORDS UNDER SEAL**

Kristin M. Mow and Benjamin C. Mow, parties in the above-referenced Connecticut Siting Council action, hereby move to enter confidential medical records under seal and move the Council enter a protective order in this docket to ensure those medical records remain confidential pursuant to the Health Insurance Portability and Accountability Act of 1996 (PL. 104-191). In support of which:

1. The Mows are parties to this proceeding, and are abutting property owners to the "Colebrook North" site. They have specific concerns as to the effect of shadow flicker and its impacts on the medical condition of at least one of their three children.
2. The Mows have an 8-year old son, Daniel, date of birth August 2, 2002 who has Benign Paroxysmal Vertigo ("BPV"); the diagnosis was first made when he was 4 years old in October 2006 and continues to date.
3. Daniel's BPV will be adversely affected by the flicker and light pulsations, vibrations, including any noise emitting from any wind turbines erected within proximity to his home and which have an impact on his home and grounds.
4. To verify and substantiate Daniel's diagnosis of BPV the Mows herewith move to submit, under seal, Daniel's medical records along with their affidavit authenticating and verifying the medical records.
5. Daniel's medical records are confidential, protected by the Health Insurance Portability and Accountability Act of 1996 (PL. 104-191); the Mows wish to preserve that

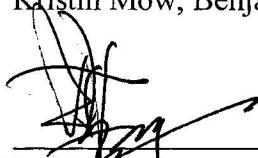
confidentiality while allowing the Council, Petitioner, other parties and intervenors the opportunity to review said records only to the extent necessary to verify Daniel's medical condition for purposes of this petition.

6. Due to the confidential nature of these records the Mows move the Council for permission to file said records under seal and move that the Council impose a Protective Order for these confidential records and maintain them under seal as confidential documents, as permitted pursuant to the Health Insurance Portability and Accountability Act of 1996 (PL. 104-191), accessible only to the Council, Petitioner, other parties and intervenors for purposes of verification of Daniel's medical condition as related to this Petition.

7. The Mows move that the Council's Protective Order stipulate that the Council, Petitioner, other parties and intervenors may visually review said medical records only at the location of the Siting Council offices without taking notes, making photocopies or photographs or removing said records from the Council's custody, and that said order include a directive that the Council, Petitioner, other parties and intervenors are barred from communicating the contents of said records to any third parties.

Respectfully Submitted,
Kristin Mow, Benjamin Mow

BY: _____

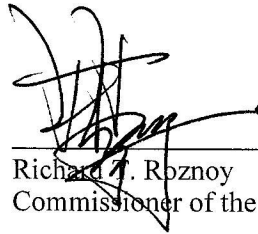

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C E R T I F I C A T I O N

This certifies that a copy of the foregoing was sent via electronic transmission and/or U.S. mail, as appropriate, to the following Connecticut Siting Council service list on this the 2nd day of the month of May 2011 :

Carrie L. Larson
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Emily A. Gianquinto
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Richard J. Roznoy
Commissioner of the Superior Court