



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

www.ct.gov/csc

DATE: May 11, 2011

TO: Parties and Intervenors

FROM: Linda Roberts, Executive Director *LR*

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 May 5, 2011, the Connecticut Siting Council (Council) ruled on the following motions and objections:

1. BNE Objection to Participation of Vice Chairman Tait dated May 4, 2011.

BNE's Objection was denied.

2. BNE Objection to FairwindCT, Inc./Somers/Wagner Motion to Compel Interrogatory Responses dated April 28, 2011.

Fairwind's Motion to Compel Interrogatory Responses or in the Alternative to Strike was denied during the hearing held on April 28, 2011. Therefore, BNE's objection was moot.

3. BNE Motion to Strike Supplemental Pre-Filed Testimony of Michael Klein, Eric Davison and D. Scott Reynolds dated April 28, 2011.

BNE's Motion was denied.

4. Fairwind Motion to Compel Interrogatory Responses dated April 29, 2011.

Fairwind's Motion was denied.

5. Fairwind Motion to Compel Production and to Strike dated April 29, 2011.

Fairwind's Motions were denied.

6. Fairwind Objection to and Motion to Modify Protective Order dated April 29, 2011.

Fairwind's Objection and Motion were denied.

7. Fairwind Motion to Compel Interrogatory Responses dated May 2, 2011.

Fariwind's Motion was denied.

8. Mow's Motion for Protective Order and to File Medical Records Under Seal dated May 2, 2011.

Mow's Motion was granted. However, during the hearing, the motion was withdrawn pursuant to stipulation among the parties that the Mows' son has vertigo.

9. BNE Motion to Strike Supplemental Pre-Filed Testimonies of Glenn Chalder and William Carboni dated May 4, 2011.

BNE's Motion was denied.

The Council requests that the corrections to the Property Line Evaluation chart attached to Mr. Bahtarian's Third Supplemental Testimony dated April 28, 2011 be submitted to the Council and all parties and intervenors on or before May 20, 2011.

Briefs and proposed findings of fact may be filed with the Council by any party or intervenor no later than May 27, 2011. After the Council issues its draft findings of fact, parties and intervenors may identify errors or inconsistencies between the Council's draft findings of fact and the record. No new information, evidence or arguments will be considered by the Council. No reply briefs without the Council's permission will be considered by the Council. Members of the public who are not parties or intervenors to this proceeding may submit additional written comments to the Council on or before June 5, 2011.