



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](mailto:siting.council@ct.gov)  
[www.ct.gov/csc](http://www.ct.gov/csc)

March 28, 2011

Eva Villanova  
28 Flagg Hill Road  
Colebrook, CT 06021

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.

Dear Ms. Villanova:

In response to your request of March 10, 2011, on March 17, 2011, the Connecticut Siting Council (Council) granted you Party status and CEPA intervention according to C.G.S. § 22a-19 in Petition No. 984.

All filings submitted to the Council must consist of an original and 15 copies with the docket number, properly collated and paginated, and bound. In accordance with the State Solid Waste Management Plan, the Council is requesting that all filings be submitted on recyclable paper, primarily regular weight white office paper. Please avoid using heavy stock paper, colored paper, and metal or plastic binders and separators.

Additionally, parties and intervenors are required to serve all other parties and intervenors a copy of any material submitted in this docket, unless service is waived. Please advise us in writing if you are willing to waive service of documents. Enclosed for your reference is a copy of the current service list, dated March 18, 2011, with method of service to each party and intervenor listed. It is also requested that an electronic version of all filings is sent to [siting.council@ct.gov](mailto:siting.council@ct.gov).

Copies of all Council documents filed to date in this proceeding are available for your review at the Council's office or on our website. You or your representative should inspect this material to ensure that you are aware of all scheduled proceedings and regulatory responsibilities. The applicant and other parties and intervenors will be notified of your participation and directed to forward to you a copy of all filings made to date in this proceeding. Please contact Jessica Brito, if you require any further information regarding the Council's procedure.

Very truly yours,

Linda Roberts  
Executive Director

LR/CDM/jbw

c: Parties & Intervenors  
Enclosure: Service List dated March 18, 2011



## CONNECTICUT SITING COUNCIL INFORMATION GUIDE TO PARTY AND INTERVENOR STATUS

The Connecticut Siting Council (Council) will name or admit as a **party** any person whose legal rights, duties or privileges will be specifically affected by the Council's decision in a docket.

The Council will name or admit as an **intervenor** any person whose participation is in the interests of justice and will not impair the orderly conduct of the proceedings.

### Service List and Service Requirements

Once a person is named or admitted as a party or intervenor, they will be added to the "Service List," which lists all of the participants in a docket that is prepared and made available to the public under the link for a specific docket on the "Pending Proceedings" page on the Council website. Parties and intervenors may elect to receive documents by e-mail or by U.S. mail. Also, documents filed with the Council must contain one original, 20 copies and an electronic version for scanning to the website via e-mail or disk. The Council, parties and intervenors must send a copy of any document filed in a docket to every person on the service list and include a certification as follows:

"I hereby certify that a copy of the foregoing document was (electronically mailed/sent by U.S. mail) to the following service list on (date)." Signature and printed name of the sender.

### Conduct of the Proceedings

- A. Pre-hearing Conference:** The Council will schedule a pre-hearing conference on procedural matters in the Council's office. All parties and intervenors are requested to attend. This is the proper venue to informally discuss the Council's procedure and ask any questions related to procedure. Failure to attend results in a lost opportunity to discuss process matters. The Council will also announce a schedule for the submission of pre-filed testimony and pre-hearing interrogatories.
- B. Pre-Filed Testimony:** The Council requires that testimony be pre-filed with the service list before the hearing to avoid direct testimony and to save the time and expense of the public at the hearing. Pre-filed testimony is the only chance for parties and intervenors to make a statement of position. Pre-filed testimony is posted on the docket webpage and is part of the record in a proceeding. Pre-filed testimony consists of allegations of fact and statements of position with exhibits attached in support of the allegations of fact and stated position. Parties and intervenors are not permitted to make statements (ex. directly testify) during the hearing.
- C. Pre-hearing Interrogatories:** The Council encourages parties and intervenors to file pre-hearing questions to the applicant and other parties and intervenors in the proceeding on any information in the record, including, but not limited to, the application, other pre-hearing questions, pre-filed testimony of the applicant or pre-filed testimony of other parties and intervenors in the proceeding. Pre-hearing questions are an opportunity for parties and intervenors to request more information. The applicant, parties and intervenors are obligated to respond to pre-hearing questions directed to them that are filed by the Council, the applicant and any party or intervenor in the proceeding in accordance with the schedule announced by the Council.

**D. Administrative Notice:** The Council routinely develops a list of exhibits known as “Administrative Notice Items” in every docket. Administrative Notice items are generally recognized technical or scientific facts within the Council’s specialized knowledge, including, but not limited to, prior decisions of the Council, publications of federal state agencies such as the Federal Communications Commission and publications of other state agencies such as the Department of Environmental Protection. Scientific studies or publications for which the author is not available for questioning by participants in the proceeding should be submitted as administrative notice items rather than exhibits attached to pre-filed testimony.

**E. Experts and/or Witnesses:** Experts and/or witnesses are the authors of pre-filed testimony and attached exhibits. They are the sponsors of the information contained in pre-filed testimony and are sworn in during the hearing. After the experts and/or witnesses are sworn in, they are made available for questioning by the Council and other participants in the proceeding. Experts and/or witnesses may not present new evidence or provide direct testimony. For example, if a party or intervenor presents a land survey in their pre-filed testimony, the author or engineer that prepared the land survey must be present at the hearing, sworn in and available to answer questions pertaining to the land survey that are asked by the Council and the other participants in the proceeding.

**F. Cross examination at the hearing:** The Council, applicant, parties and intervenors have an opportunity to cross-examine the witnesses appearing on behalf of the applicant or other parties and intervenors during the hearing. This means that the person conducting the cross-examination asks questions of the witnesses. The applicant and parties and intervenors submit to cross-examination from the Council, the applicant and other parties and intervenors. The order of appearances and cross examination will be governed by a hearing program developed by the Council for the proceeding. Order of appearance is determined by the order in which parties and intervenors were named or admitted by the Council. Typically, the hearing proceeds as follows:

1. Opening Statement from the Council Chairman
2. Administrative Notice Items of the Council
3. **Applicant’s Appearance**
  - a. Identification of Exhibits (pre-filed testimony, responses to pre-hearing interrogatories)
  - b. Swear Witnesses
  - c. Cross Examination of the Applicant by:
    - i. Council
    - ii. Party
    - iii. Intervenor
4. **Appearance by Party**
  - a. Identification of Exhibits (pre-filed testimony, responses to pre-hearing interrogatories)
  - b. Swear Witnesses
  - c. Cross Examination of Party by:
    - i. Council
    - ii. Applicant
    - iii. Intervenor

5. **Appearance by Intervenor**

- a. Identification of Exhibits (pre-filed testimony, responses to pre-hearing interrogatories)
- b. Swear Witnesses
- c. Cross Examination of Intervenor by:
  - i. Council
  - ii. Applicant
  - iii. Party

6. **Oral Limited Appearance Statements/Public Comment Session**

- this portion of the hearing is reserved for members of the public who are not parties and intervenors in the proceeding to express concerns
- members of citizens' groups or associations that have attained party or intervenor status are represented by the group or association and may not also provide oral limited appearance statements

7. **Rebuttal by Applicant:** Limited to facts and evidence addressed during the hearing. No argument or closing statements/remarks will be allowed.

**G. Post-Hearing Procedure:** At the conclusion of the hearing, when the evidentiary record is officially closed, the Council announces a post-hearing schedule for written limited appearance statements, briefs and proposed findings of fact. No new information, no new evidence and no arguments will be considered by the Council.

**1. 30 Day Written Limited Appearance/Public Comment Period:** Written limited appearance statements from the public are accepted within 30 days after the close of the hearing. Parties and intervenors may not submit additional written statements after the close of the evidentiary record.

**2. Post Hearing Brief and Proposed Findings of Fact Schedule:** Parties and intervenors may file a brief with the Council summarizing allegations of fact and statements of position presented during the evidentiary hearing. Parties and intervenors may also submit suggestions of facts in the record for inclusion in the Council's final decision.

**3. Draft Findings of Fact Issued by Council:** The Council will issue draft findings of fact from the record to be issued as part of the final decision. Parties and intervenors will be given an opportunity to identify errors or inconsistencies between the Council's draft findings of fact and the record.

**4. Final Decision:** The Council will make a final decision at a regular Council meeting. The agenda for all Council meetings is published on the Council website. All parties and intervenors to a docket that is on an agenda will receive a copy of the agenda. Although regular Council meetings are open to the public, there is no opportunity for public participation during the meeting. All parties and intervenors will receive a copy of the final decision in the mail.

**LIST OF PARTIES AND INTERVENORS**  
**SERVICE LIST**

<b>Status Granted</b>	<b>Document Service</b>	<b>Status Holder (name, address &amp; phone number)</b>	<b>Representative (name, address &amp; phone number)</b>
<b>Petitioner</b>	<input checked="" type="checkbox"/> U.S. Mail	BNE Energy, Inc. Town Center, Suite 200 29 South Main Street West Hartford, CT 06107 <a href="http://bneenergy.com/">http://bneenergy.com/</a>	Carrie L. Larson, Esq. Pullman & Comley, LLC 90 State House Square Hartford, CT 06103-3702 (860) 424-4312 (860) 424-4370 fax <a href="mailto:clarson@pullcom.com">clarson@pullcom.com</a>  Paul Corey, Chairman BNE Energy Inc. Town Center, Suite 200 29 South Main Street West Hartford, CT 06107 (860) 561-5101 (888) 891-6450 fax <a href="mailto:pcorey@bneenergy.com">pcorey@bneenergy.com</a>
<b>Party</b> <i>(granted on 01/20/11)</i>  <b>Party</b> <i>(granted on 01/20/11)</i>  <b>Party</b> <i>(granted on 01/20/11)</i>	<input checked="" type="checkbox"/> E-Mail	Stella and Michael Somers 19 Rock Hall Road Colebrook, CT 06021  Susan Wagner 117 Pinney Street Colebrook, CT 06021 (Residence) Mailing: P.O. Box 118 Norfolk, CT 06058-0118  FairwindCT, Inc. P.O. Box 225 Colebrook, CT 06021 (860) 379-6425 <a href="mailto:info@fairwindct.com">info@fairwindct.com</a>	Nicholas J. Harding Emily A. Gianquinto Reid and Riege, P.C. One Financial Plaza, 21 <sup>st</sup> Floor Hartford, CT 06103 (860) 240-1011 (860) 240-1025 <a href="mailto:nharding@rrlawpc.com">nharding@rrlawpc.com</a> <a href="mailto:egianquinto@rrlawpc.com">egianquinto@rrlawpc.com</a>
<b>Party</b> <i>(granted on 01/20/11)</i>	<input checked="" type="checkbox"/> U.S. Mail	Jeffrey and Mary Stauffer 21 Brightwood Drive Woodbridge, CT 06525 (203) 410-3433 <a href="mailto:Maryhubbard86@gmail.com">Maryhubbard86@gmail.com</a>	

<p><b>Party</b> (granted on 01/20/11)</p>	<p><input checked="" type="checkbox"/> U.S. Mail</p> <p><input checked="" type="checkbox"/> U.S. Mail</p>	<p>Town of Colebrook</p>	<p>The Honorable Thomas D. McKeon First Selectman Town of Colebrook Town Hall 562 Colebrook Road P.O. Box 5 Colebrook, CT 06021 (860) 379-3359 x202 (860) 379-7215 <a href="mailto:tommckeon@colebrooktownhall.org">tommckeon@colebrooktownhall.org</a></p> <p>David M. Cusick Howd, Lavieri &amp; Finch, LLP 682 Main Street Winsted, CT 06098 (860) 379-2761 x22 (860) 738-3493 fax <a href="mailto:dmc@hlf.com">dmc@hlf.com</a></p>
<p><b>Party</b> (granted on 01/20/11)</p>	<p><input checked="" type="checkbox"/> U.S. Mail</p>	<p>Kristin M. Mow Benjamin C. Mow 12A Greenwoods Turnpike Colebrook, CT 06021 (860) 738-0060 <a href="mailto:kmow@hcc-global.com">kmow@hcc-global.com</a></p>	<p>Richard T. Roznoy, Esq. Attorney at Law 11 School Street P.O. Box 850 East Granby, CT 06026 (860) 844-8769 (860) 874-4131 cell (860) 653-2221 fax <a href="mailto:RTR@RoznoyLaw.com">RTR@RoznoyLaw.com</a></p>
<p><b>Intervenor</b> (granted on 01/20/11)</p>	<p><input checked="" type="checkbox"/> E-Mail</p> <p><input checked="" type="checkbox"/> E-Mail</p> <p><input checked="" type="checkbox"/> E-Mail</p>	<p>The Connecticut Light and Power Company</p>	<p>John R. Morissette Manager – Transmission Siting and Permitting Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-2036 (860) 665-6933 fax <a href="mailto:morisjr@nu.com">morisjr@nu.com</a></p> <p>Christopher R. Bernard Manager, Regulatory Policy (Transmission) The Connecticut Light and Power Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-5967 (860) 665-3314 fax <a href="mailto:bernacr@nu.com">bernacr@nu.com</a></p> <p>Joaquina Borges King Senior Counsel</p>

			Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-3678 (860) 665-5504 fax
<b>Party</b> (approved on 02/8/11)	<input checked="" type="checkbox"/> U.S. Mail	David R. Lawrence, MD Jeannie Lemelin, LPN 30 Flagg Hill Road Colebrook, CT 06021 <a href="mailto:wnstddoc@yahoo.com">wnstddoc@yahoo.com</a>	
<b>Party</b> (approved 02/08/2011)  <b>Party</b> (approved on 03/17/2011)	<input checked="" type="checkbox"/> U.S. Mail	Walter M. Zima 12B Greenwood Turnpike Colebrook, CT 06021 (860) 379-5620 <a href="mailto:blkmgrant@yahoo.com">blkmgrant@yahoo.com</a> Mailing: 12B Greenwood Turnpike Winsted, CT 06098	Brandy Grant 12B Greenwood Turnpike Colebrook, CT 06021 (860) 379-5620 <a href="mailto:blkmgrant@yahoo.com">blkmgrant@yahoo.com</a> Mailing: 12B Greenwood Turnpike Winsted, CT 06098
<b>Party</b> (approved on 03/17/2011)	<input checked="" type="checkbox"/> U.S. Mail	Eva Villanova 28 Flagg Hill Road Colebrook, CT 06021 <a href="mailto:evaraku@aol.com">evaraku@aol.com</a> Mailing: 134 Forest Avenue Winsted, CT 06098	