



**Lee D. Hoffman**  
90 State House Square  
Hartford, CT 06103-3702  
p 860 424 4315  
f 860 424 4370  
lhoffman@pullcom.com  
www.pullcom.com

September 14, 2021

**VIA ELECTRONIC FILING AND OVERNIGHT MAIL**

Melanie A. Bachman  
Executive Director  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

**Re: PETITION NO. 983 - BNE Energy Inc. 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 Flagg Hill Road, Colebrook Connecticut. Motion for Extension to Complete Construction of Wind Colebrook South.**

Dear Ms. Bachman:

On behalf of BNE Energy Inc., I am hereby submitting one (1) original and fifteen (15) copies of a Motion for Extension to Complete Construction of the Wind Colebrook South wind renewable generating facility in connection with the above-referenced Petition.

Please do not hesitate to contact me if you have any questions

Sincerely,

Lee D. Hoffman

Enclosure

cc: Service List

**Petition 983 - Colebrook South**

**Certification**

This is to certify that a copy of the foregoing has been mailed, first class postage prepaid, and/or via electronic mail to all parties and intervenors of record as follows:

Richard Roznoy  
11 School Street  
P.O. Box 850  
East Granby, CT 06026  
[rtr@roznoylaw.com](mailto:rtr@roznoylaw.com)

Nicholas J. Harding  
Reid and Riege, P.C.  
One Financial Plaza  
Hartford, CT 06103  
[nharding@rrlawpc.com](mailto:nharding@rrlawpc.com)

Emily A. Gianquinto, Esq.  
EAG Law LLC  
21 Oak Street, Suite 601  
Hartford, CT 06106  
[Emily@eaglawllc.com](mailto:Emily@eaglawllc.com)

David R. Lawrence, MD  
Jeannie Lemelin, LPN  
30 Flagg Hill Road  
Colebrook, CT 06021  
[wnstdoc@yahoo.com](mailto:wnstdoc@yahoo.com)

The Honorable Thomas D. McKeon  
First Selectman  
Town of Colebrook  
Town Hall  
562 Colebrook Road  
P.O. Box 5  
Colebrook, CT 06021  
[tommckeon@colebrooktownhall.org](mailto:tommckeon@colebrooktownhall.org)

Page 3

Patrick E. Power  
David M. Cusick  
Howd, Lavieri & Finch, LLP  
682 Main Street  
Winsted, CT 06098  
[pep@hlf.com](mailto:pep@hlf.com)  
[dmc@hlf.com](mailto:dmc@hlf.com)

Kristin M. Mow  
Benjamin C. Mow  
12A Greenwoods Turnpike  
Winsted, CT 06098  
[kmow@hcc-global.com](mailto:kmow@hcc-global.com)

John R. Morissette (electronic format only)  
Manager-Transmission Siting and Permitting  
The Connecticut Light & Power Company  
PO Box 270  
Hartford, CT 06141-4270  
[morisjr@nu.com](mailto:morisjr@nu.com)

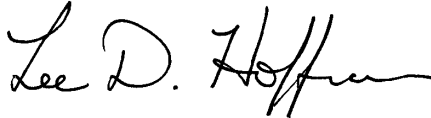
Christopher R. Bernard (electronic format only)  
Manager-Regulatory Policy (Transmission)  
Northeast Utilities Service Company  
P.O. Box 270  
Hartford, CT 06141-0270  
[bernacr@nu.com](mailto:bernacr@nu.com)

Joaquina Borges King (electronic format only)  
Senior Counsel  
Northeast Utilities Service Company  
P.O. Box 270  
Hartford, CT 06141-0270  
[borgej@nu.com](mailto:borgej@nu.com)

Walter M. Zima  
Brandy Grant  
12B Greenwood Turnpike  
Winsted, CT 06098  
[blkmgrant@yahoo.com](mailto:blkmgrant@yahoo.com)

Page 4

Eva Villanova  
134 Forest Avenue  
Winsted, CT 06098  
[evaraku@aol.com](mailto:evaraku@aol.com)

A handwritten signature in black ink that reads "Lee D. Hoffman". The signature is written in a cursive style with a horizontal line underneath it.

Lee D. Hoffman

**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

PETITION OF BNE ENERGY INC. FOR A : PETITION NO. 983  
DECLARATORY RULING FOR THE :  
LOCATION, CONSTRUCTION AND :  
OPERATION OF A 4.8 MW WIND : September 14, 2021  
RENEWABLE GENERATING PROJECT ON  
FLAGG HILL ROAD IN COLEBROOK,  
CONNECTICUT (“WIND COLEBROOK  
SOUTH”)

PETITIONER BNE ENERGY INC.’S  
MOTION FOR EXTENSION TO COMPLETE CONSTRUCTION

Petitioner BNE Energy Inc. (“BNE”) hereby moves the Connecticut Siting Council (the “Council”) to grant a three-year extension until September 23, 2024 for the completion of construction of the Wind Colebrook South wind renewable generating facility located at 29 Flagg Hill Road and 17 Flagg Hill Road in Colebrook, Connecticut as provided for herein.

The Council issued its Decision and Order on June 2, 2011 approving the location, construction and maintenance of Wind Colebrook South subject to certain conditions including the following:

Unless otherwise approved by the Council, this Decision and Order shall be void if all construction authorized herein is not completed within four years of the effective date of this Decision and Order or within four years after all appeals of this Decision and Order have been resolved. Decision and Order, Condition 7 at 2.

The Council’s Decision and Order was subsequently appealed to Superior Court by the plaintiffs FairwindCT, Inc. (FairwindCT), Stella Somers, Michael Somers and Susan Wagner, all

of whom were parties to the Siting Council proceeding. The Superior Court dismissed the appeal on October 1, 2012. The plaintiffs appealed the Superior Court decision to the Appellate Court, and the appeal was subsequently transferred to the Connecticut Supreme Court. On September 23, 2014 the Connecticut Supreme Court affirmed the judgments of the Superior Court and upheld the Council's Decision and Order.

On November 5, 2013, BNE filed a request for a Development and Management (D&M) Plan Modification for the construction, operations and maintenance of three GE 2.85 MW wind turbines and the D&M Plan Modification was approved by the Council on December 12, 2013. Wind Colebrook South constructed two of the three GE 2.85 MW wind turbines in 2015 and the turbines began commercial operations on November 4, 2015.

On March 6, 2020, the Council granted BNE's request for a Development and Management ("D&M") Plan Modification to an approval granted earlier in Petition 983 for the three wind turbines that were previously approved by the Council. A group of parties, namely Grant Swamp Group, Julia Gold, Jonathan Gold, FairwindCT and The Town of Colebrook opposed this modification to BNE's D&M Plan. On June 1, 2020, Julia Gold, Jonathan Gold, FairwindCT and the Grant Swamp Group filed a new petition for declaratory ruling (Petition No. 1408), again objecting to the Council's approval of the modifications to BNE's modified D&M Plan. The Town of Colebrook later joined Petition No. 1408.

As the Council is well aware, the Council denied the relief that was sought in Petition No. 1408, and those parties filed an appeal of the Council's Decision to the Superior Court on

January 19, 2021. That case is ongoing, and briefing related to that appeal has yet to be completed. Thus, for the foreseeable future, the project finds itself embroiled in additional litigation, which is beyond the project's ability to control.

In addition to this litigation, the recent and ongoing COVID 19 pandemic has affected business and personal lives in ways previously never seen or experienced. With that, there have been numerous unforeseen logistical delays, including worker shortages and supply chain issues.

Nonetheless, BNE is currently working on the third turbine. BNE entered into power purchase agreements with The Connecticut Light & Power Company, d/b/a/ Eversource Energy and The United Illuminating Company for the third turbine on June 20, 2017. BNE continues to advance the preliminary activities needed to construct the third turbine.

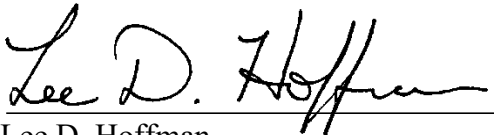
Pursuant to the Council's Decision and Order, BNE had four years from the date that all appeals of this Decision and Order have been resolved to complete construction of the project unless otherwise approved by the Council. The appeals of the Decision and Order were fully resolved on September 23, 2014 when the Connecticut Supreme Court issued its decision upholding the Council's Decision and Order. Therefore, in accordance with the Decision and Order, BNE had until September 23, 2018, which was four years from the date that all appeals were resolved, to complete construction activities unless otherwise approved by the Council. BNE timely filed a request for an extension of time to construct its third turbine until September 23, 2021, which the Council granted in due course.

Although BNE made progress on its efforts to construct the third turbine prior to September 23, 2021, more time is needed to complete construction due to events beyond BNE's control, including, but not limited to, the resolution of the pending litigation related to Petition 1408 and the impacts on construction associated with the Covid-19 pandemic. As such, BNE is hereby requesting that the Council grant BNE a three-year extension to September 23, 2024 for the completion of construction of the Wind Colebrook South facility. The requested extension should be sufficient time for all construction activities associated with the third turbine and related equipment to be completed.

WHEREFORE, for the reasons described herein, BNE respectfully requests that the Council grant this Motion for an Extension to Complete Construction of Wind Colebrook South.

Respectfully submitted,

BNE ENERGY INC.

By: 

Lee D. Hoffman  
Pullman & Comley, LLC  
90 State House Square  
Hartford, CT 06103  
(860) 424-4315  
lhoffman@pullcom.com  
Its Attorney