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January 31, 2011

Connecticut Siting Council
Attn: Hon. Daniel Caruso, Chair
10 Franklin Square
New Britain, CT 06051

**Re: Petition Nos. 980, 983 and 984, BNE Energy Wind Projects in
Prospect and Colebrook**

Dear Judge Caruso:

This firm represents FairwindCT, Inc. ("FairwindCT") in connection with the above petitions for declaratory rulings submitted by BNE Energy, Inc. ("BNE"). I write to ask that the Siting Council consider partially consolidating the proceedings scheduled for the three petitions.

The petitions submitted by BNE raise issues and concerns that are global to any proposal to site industrial wind turbines in residential neighborhoods or proximity to residences. Accordingly, a large part of both FairwindCT and Save Prospect Corp ("Save Prospect"), which is a party to Petition No. 980, presentations to the Council be largely identical. For example, both groups will present evidence regarding the deficiencies in BNE's wetland and habitat studies and its bat and bird surveys. Both groups will present evidence regarding noise levels and health concerns. Both groups will present evidence regarding BNE's viewshed analyses. Both groups will present evidence regarding safety concerns such as ice throw, blade throw and turbine collapse.

In light of these overlapping global issues and the common interests of FairwindCT and Save Prospect, FairwindCT proposes that the evidentiary hearings previously set for the Colebrook petitions and the Prospect petition be consolidated in a manner that will promote efficiency of the process, relieve the Council from receiving duplicative testimony and other exhibits, and save all parties time and money.

FairwindCT proposes that the field review and public hearing dates proceed as scheduled, but that the evidentiary hearing scheduled to begin in Petition No. 980 on February 24, 2010 be pushed back to coincide with the evidentiary hearing scheduled to begin in Petition Nos. 983 and 984 on March 23, 2010. We understand that the Council is working under a statutorily mandated deadline and have no desire to interfere with that timeline. However, given the very short timeframe between the Council's next meeting on February 8 (the earliest opportunity for the Council to consider partial consolidation), and February 16, the date that pre-filed testimony is presently due in Petition No. 980, we believe the additional time is necessary to ensure orderly

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proceedings. We note that BNE has stated that it will not be able to respond to Save Prospect's first set of interrogatories until February 16 – the date pre-filed testimony, which will undoubtedly be affected by BNE's responses, is due. Presumably, the extra time would assist BNE in meeting its obligations with regard to interrogatories already issued and those yet to be issued.

The undersigned discussed the matter briefly with Ms. Bachman by telephone on Friday, January 28. We have not discussed our proposal with BNE. We suggest that the parties discuss partial consolidation with Council staff at the pre-hearing conference scheduled for February 2, 2010.

Very truly yours,

REID and RIEGE, P.C.



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