

**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

**Petition of BNE Energy Inc. for a  
Declaratory Ruling for the Location, Construction  
and Operation of a 3.2 MW Wind Renewable  
Generating Project on New Haven Road in  
Prospect, Connecticut ("Wind Prospect")**

**Petition 980**

**February 1, 2011**

**OBJECTION TO REQUEST FOR PARTY STATUS**

The petitioner, BNE Energy Inc. ("BNE") respectfully submits this objection to a request for party dated January 25, 2011 submitted by Fairwindct, Inc. ("Fairwind"). As discussed more fully below, in accordance with Connecticut General Statutes § 16-50n, Fairwind's request for party status should be denied and Fairwind should not be permitted to participate in this proceeding in any manner. Simply put, Fairwind's only basis for participating in this proceeding is based on its stated concern that the Council's handling of this proceeding may impact its treatment of two, wholly unrelated proceedings to which Fairwind is already a party. This is insufficient to grant legal standing. If the Council should choose to permit Fairwind to participate, it should be as an intervenor and, in accordance with § 16-50n (c), Fairwind should be grouped with Save Prospect Corp., already a party to this proceeding. In support of its objection, BNE states as follows:

1. This petition for declaratory ruling was submitted to the Council on November 17, 2010 (the "Petition").
2. On or about January 25, 2011, Fairwind submitted a request for party status purportedly based on §§ 16-50l, 16-50n, 22a-15 through 22a-20 and 4-177a.
3. Connecticut General Statutes § 16-50n (a) states that the parties to a declaratory ruling proceeding shall include: (1) the applicant, certificate

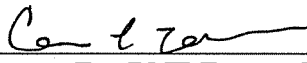
holder or petitioner; (2) each person entitled to receive a copy of the application under § 16-50l if such person files a notice of intent to be a party; (3) any domestic or qualified nonprofit corporation or association formed in whole or in part to promote conservation or natural beauty; and (4) any such other persons as the council may at any time deem appropriate.

4. If unable to establish party status pursuant to 16-50n, the Council has the option of deeming interested persons intervenors pursuant to 16-50n (b).
5. Fairwind has not alleged any facts to support their request for party status pursuant to the criteria of 16-50n – while Fairwind alleges to be a domestic or qualified nonprofit corporation, they admit in their request that Fairwind was formed to promote the orderly development of **Colebrook** and the surrounding area and that its members are primarily from Colebrook, Norfolk and Winchester. *See* Request at 2. Fairwind admits that it seeks legal standing in this proceeding because the Council’s decision in this Petition will “be a model for its consideration of the two Colebrook petitions”—both of which Fairwind has already been granted party status in.
6. There is simply no basis in the Council’s statutes, regulations or past practices to grant legal standing to a proposed participant merely because that participant is concerned that the Siting Council’s decision in one proceeding may impact a decision in another, wholly unrelated proceeding.
7. Based on this, BNE objects to Fairwind’s request for party status and requests that the Council deny any request for legal standing to Fairwind.

8. Should the Council wish to grant some type of standing to Fairwind, BNE strongly urges the Council to permit their participation as an intervenor only. BNE further urges that Fairwind be grouped with party Save Prospect Corp.

**WHEREFORE**, BNE respectfully objects to Fairwind's request for party status and requests that the Council deny Fairwind's request in its entirety. In the alternative, BNE requests that the Council grant Fairwind intervenor status only and group Fairwind with Save Prospect Corp. pursuant to § 16-50n (c).

Respectfully Submitted,

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**Certification**

This is to certify that a copy of the foregoing has been mailed this date to all parties and intervenors of record.

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