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April 19, 2013

Via email: Info@capevincentwindfarm.com

Mr. Richard Chandler
Director, Business Development
BP Wind Energy North America, Inc.
700 Louisiana Street, 33rd Floor
Houston, TX 77002

Matter Title: Application of Cape Vincent Wind Power, LLC (the "Applicant") for Certificate of Environmental Compatibility and Public Need to Construct an Approximately 200-285 MW Wind Electric Generating Facility in the Town of Cape Vincent, New York (the "Project")

Case No.: 12-F-0410

Re: Development Authority of the North Country ("DANC") – comments on the Applicant's Preliminary Scoping Statement ("PSS")

Dear Mr. Chandler:

We are the attorneys for DANC and represent its interests in the above-referenced matter.

As you know DANC owns and operates the 22 mile long Western Jefferson County Regional Waterline (the "Waterline"). The Waterline is the source of water for the Villages of Chaumont and Dexter, and supplemental source of water for the Villages of Brownville and Glen Park and is also a source of water for numerous Water Districts which are located in the Towns of Cape Vincent, Lyme, Brownville and Hounsfield.

Our comments are limited to the potential impacts the Project may have on DANC operations and maintenance of its Waterline and the need for studies and programs of studies to be undertaken by the Applicant in its Final Application for the Article 10 permit it seeks to build the Project.

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DANC's first comment is that the PSS does not give sufficient detail as to the location, construction, and operation of the Project's proposed facilities relative to DANC's Waterline and operations. Exhibit A's large scale makes it difficult for DANC staff to know the relative locations of the proposed Project Facilities to DANC's facilities and operations. This lack of specificity limits DANC's ability to offer comprehensive details as to the rest of the PSS and as to how the proposed Project may or may not relate to DANC's Waterline and operations. The Final Application should provide greater clarification of the location, nature of the facilities, the location of and proposed uses of temporary construction easements and permanent access easements, and a detailed study of the potential adverse impacts of the Applicant's proposed Facilities and temporary and permanent easements, their construction and operation on DANC's facilities and operation of the Waterline. Data showing the exact location of the facilities should be provided to DANC in a format that will allow DANC's engineers to assess potential interferences and impacts.

There are three major Project components that need more detailed study and analysis to insure the Project will not adversely impact the Waterline and its operations.

1. The proposed Electrical Collection System is underground and buried at a depth of three feet according to the PSS. DANC's staff has major concerns for its workers' safety and potential adverse physical impacts to its Waterline with this minimum separation and lack of construction details. The collection system appears to potentially cross the Waterline in two locations. One location is near Burnt Rock Road near tax parcels 50.00-1-25 and 50.07-1-19, and the other is near Favret Road near to Tax Parcel No. 49.00-1-15.1. At a minimum the final application should have a full scale Basis of Design Report for the Electrical Collection System by a competent engineer, which should be developed in close consultation and collaboration with DANC's engineering department in regard to any crossings of the Waterline by this Project component. Furthermore, the Basis of Design Report should include an analysis of the potential need of cathodic protection of DANC's facilities.

DANC would also note that it appears that the proposed Electrical Collection System crosses Town of Cape Vincent Water Districts Nos. 1 and 2 water mains in at least eight instances. It is unknown to DANC whether there are similar crossings of Town of Cape Vincent sewer lines. The final Basis of Design Report should be prepared with close consultation and collaboration with the Town of Cape Vincent's engineers and water department in regards to those crossings.

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2. Another major area of concern is the proposed Generator Interconnect Line and its potential impacts on the Waterline. The PSS shows at least one crossing of the Waterline with the Generator Interconnect Line. In addition, it is impossible to discern from the PSS if it is proposed to be on the same right-of-way as the Waterline or is immediately adjacent thereto from approximately tax parcel nos. 51.00-1-32 to 51.00-1-23.2. The PSS is deficient in that it fails to address the level of study or methodology to study the potential impacts this Project component may have on the Waterline and its operation. Again, the Final Application should have a detailed Basis of Design Report completed in close consultation and collaboration with DANC staff which addresses those potential impacts. That report should thoroughly analyze both the horizontal and vertical separations between DANC's facilities and the Generator Interconnect Line to ensure protection of DANC's Waterline facilities and persons working on and maintaining these facilities. At times DANC may be required to utilize heavy equipment to excavate and repair breaks in the line, this would pose a hazard to employees if the separation distance for overhead lines is not set taking this into account. The Basis of Design Report should also analyze whether cathodic protection is advisable and if so, what the methods and equipment should be used. In addition, there needs to be an analysis of the proposed alternative routes to ensure the best alternative is chosen. This analysis should be to the level of detail no less than that which would be required under Article 7 of the Public Service Law. It should be noted that several of the proposed alternatives appear to involve crossing of waterlines (and possibly sewer lines) in the Town of Lyme, and the Applicant should similarly confer with the Town of Lyme in preparing its analysis of the alternatives and the Basis of Design Report.
3. The third major project component of concern is the location of the Wind Turbines in close proximity to the Waterline. Again, after close consultation and collaboration with DANC Engineering Department, the Final Application should have sufficient analysis and study of the potential adverse impacts to the Waterline in the event of a catastrophic failure of a Wind Turbine or Tower.

In addition, to the comments on the three major components the Final Application should also address the potential impacts during both the construction and operation phases. This should include locating all access areas for all Project Components for persons, vehicles and equipment and a detailed analysis of the potential impacts on DANC's facilities. This analysis should be prepared in close consultation and collaboration

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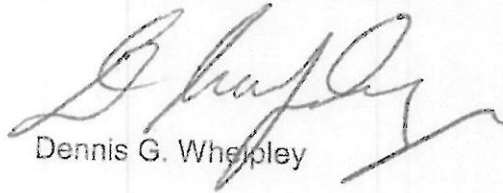
with DANC staff. This close consultation should also occur in the development of Blasting and Construction Plans by the Applicant for those areas which could potentially impact DANC's waterline.

As an obvious stakeholder, we hope that you will joint in DANC's request for Party Status.

DANC staff is willing to meet with the appropriate members of your development team in an effort to develop a stipulation which would address the above concerns and comments. DANC staff have as-built drawings and relevant studies on file which may assist your Project team in developing a complete and accurate Final Application. Please contact the undersigned if you desire such contact information.

Very truly yours,

SCHWERZMANN & WISE, P. C.


Dennis G. Whippley

DGW:cas

cc Jeffrey C. Cohen, Acting Secretary of the Commission
New York State Public Service Commission
New York State Board of Electric Generator
Siting and the Environment
James W. Wright, Executive Director, DANC
Carrie Tuttle, Director of Engineering, DANC