

*BROWN & WEINRAUB, PLLC*

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ATTORNEYS AT LAW

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233 Broadway, Suite 2070  
New York, New York 10279  
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John S. Harris  
email: [jharris@brownweinraub.com](mailto:jharris@brownweinraub.com)

March 29, 2013

Hon. Jeffrey Cohen  
Acting Secretary  
New York State Department of Public Service  
3 Empire State Plaza  
Albany, NY 12223

Re: Case No. 12-F-0410: Application of Cape Vincent Wind Power, LLC, for a Certificate of Environmental Compatibility and Public Need to Construct an Approximately 200-285 Megawatt Wind Electric Generating Facility in the Town of Cape Vincent, New York.

Dear Acting Secretary Cohen,

Cape Vincent Wind Power, LLC (“CVWP”), is proposing to construct a wind electric generating facility in the Town of Cape Vincent, New York, with associated transmission facilities in the Town of Lyme and potentially in the Village of Chaumont (the “Project”). To construct the facility, CVWP is seeking a certificate of environmental compatibility and public need (“CECPN”) from the New York State Board on Electric Generation Siting and the Environment (“Siting Board”) pursuant to Article 10 of the Public Service Law (“PSL”) and the Siting Board’s rules (16 NYCRR Part 1000).

Pursuant to PSL §163 and §1000.5 of the Siting Board’s rules (16 NYCRR §1000.5), CVWP hereby files its Preliminary Scoping Statement (“PSS”). Please find enclosed ten paper copies of the PSS along with a check in the amount of \$99,750 for pre-application intervenor funding as required by PSL §163(4).

The PSS follows the statutory requirements of Article X (PSL §163(1)) and the Siting Board’s rules (16 NYCRR §1000.5(1)). The PSS contains, *inter alia*, a description of the proposed Project and the studies or program of studies designed to evaluate potentially

significant adverse environmental and health impacts, the results of which CVWP intends to include in its Application for an Article X certificate.

Also enclosed is proof of service on each of the parties identified in Article X and the Siting Board's rules. Pursuant to Article X (PSL §163(2)) and Section 1000.5 of the Siting Board's rules (16 NYCRR §1000.5(1)) copies of the PSS have been served on the following parties (*See*, Attachment 1):

- (1) four paper copies on the New York State Department of Environmental Conservation ("DEC") at its central office and three paper copies on the DEC Region 6 office;
- (2) two paper copies each on the Commissioner of the New York State Department of Health, the Chair of the New York State Energy Research and Development Authority, and the President of Empire State Development;
- (3) one paper copy each on the chief executive officer of the Town of Cape Vincent, Town of Lyme, Village of Chaumont and Jefferson County;
- (4) one paper copy each on the New York State Department of Agriculture & Markets, the New York State Department of State, the New York State Attorney General, the New York State Department of Transportation, and the New York State Office of Parks Recreation and Historic Preservation;
- (5) one paper copy each on the following libraries:

- Cape Vincent Community Library
- Lyme Free Library
- Clayton Hawn Memorial Library
- Roswell P. Flower Memorial Library; and

- (6) one electronic copy on the Public Information Coordinator (for placement on the DPS website).

Pursuant to Section 1000.5(d), notice of the PSS with a summary (*see*, Attachment 2) was published in the following newspaper on the date indicated:

- The Watertown Daily Times on March 24, 2013.

Pursuant to Section 1000.5(e), three days' advance notice of the filing of the PSS was served on the following parties (*see*, Attachment 3):

- Senator Patty Ritchie
- Assemblywoman Addie Russell

Section 1000.5(e) of the Siting Board's rules also requires that the three days' advance notice be served on all persons who have filed a statement with the Secretary to the Siting Board that they desire to receive all such notices concerning proposed alternate facilities for a particular area or municipality. CVWP reviewed the documents filed in this proceeding, conferred with the DPS, and identified no such statements filed. In addition, there is no active party list. Accordingly, no such letter was sent.

At the request of DPS staff, CVWP did, however, provide notice to the following municipalities of the proposed date of the filing of the PSS (*see*, Attachment 4):

- Town of Lyme
- Town of Cape Vincent
- Village of Chaumont
- Jefferson County

CVWP looks forward to working with DPS Staff and interested parties to this proceeding.

Please do not hesitate to call me with any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "John S. Harris", written over a light gray rectangular background.

John S. Harris

# **ATTACHMENT 1**

STATE OF NEW YORK  
BOARD ON ELECTRIC GENERATION SITING AND THE ENVIRONMENT

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Application of Cape Vincent Wind Power, LLC, for a Certificate of Environmental Compatibility and Public Need to Construct an Approximately 200-285 Megawatt Wind Electric Generating Facility in the Town of Cape Vincent, New York.

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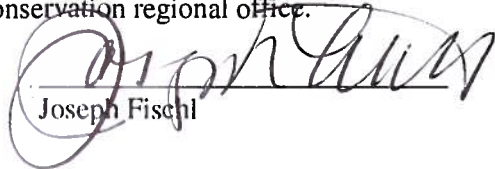
Case 12-F-0410

**AFFIDAVIT OF SERVICE**

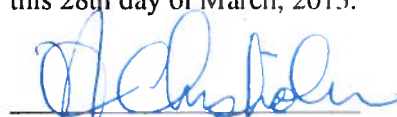
STATE OF NEW JERSEY        )  
  ) ss:  
COUNTY OF MORRIS        )

Joseph Fischl, being duly sworn, deposes and says that on the 28th day of March, 2013, he served a copy of Cape Vincent Wind Power, LLC's, Preliminary Scoping Statement, with exhibits thereto, by mailing a true copy, or copies, thereof, properly and securely enclosed in a sealed wrapper, with full postage prepaid thereon, via Federal Express overnight delivery to the following recipients:

- 4 copies to Joe Martens as Commissioner of the NYS Department of Environmental Conservation;
- 2 copies to Nirav Shah as Commissioner of the NYS Department of Health;
- 2 copies to Frank Murray as Chairman of the New York State Energy Research and Development Authority;
- 2 copies to Ken Adams as President of the NYS Economic Development Corporation;
- 1 copy to Matthew Brower as Agriculture and Resource specialist for the NYS Department of Agriculture and Markets;
- 1 copy to Cesar Perales as Secretary of State;
- 1 copy to Eric Schneiderman as NYS Attorney General;
- 1 copy to Joan McDonald as Commissioner of the NYS Department of Transportation;
- 1 copy to Rose Harvey as Commissioner for the NYS Office of Parks, Recreation and Historic Preservation;
- 1 copy to Mr. Scott Aubertine, Town Supervisor, Town of Lyme;
- 1 copy to Mr. Urban Hirschey, Town Supervisor, Town of Cape Vincent;
- 1 copy to Valerie Rust, Mayor, Village of Chaumont;
- 1 copy to Carolyn Fitzpatrick, Chairwoman Jefferson County Legislature; and
- 3 copies to the NYS Department of Environmental Conservation regional office.

  
Joseph Fischl

Sworn to before me  
this 28th day of March, 2013.

  
Notary Public

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**ANNIE CHISHOLM**  
**NOTARY PUBLIC OF NEW JERSEY**  
Commission Expires: 7/7/2016  
ID# 2346323



STATE OF NEW YORK  
BOARD ON ELECTRIC GENERATION SITING AND THE ENVIRONMENT

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Application of Cape Vincent Wind Power, LLC, for a Certificate of Environmental Compatibility and Public Need to Construct an Approximately 200-285 Megawatt Wind Electric Generating Facility in the Town of Cape Vincent, New York.

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Case 12-F-0410

AFFIDAVIT OF SERVICE

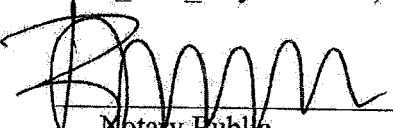
STATE OF NEW YORK     )  
                                  ) ss:  
COUNTY OF JEFFERSON    )

Bob Jepson, being duly sworn, deposes and says that on the 29<sup>th</sup> day of March, 2013, he served a copy of Cape Vincent Wind Power, LLC's, Preliminary Scoping Statement, with exhibits thereto, by providing a true copy, or copies, thereof, properly and securely enclosed in a sealed wrapper, by hand delivery to the following recipients:

- 1 copy to the Roswell P. Flower Memorial Library in Watertown, New York;
- 1 copy to the Cape Vincent Community Library;
- 1 copy to the Lyme Free Library; and
- 1 copy to the Clayton Hawn Memorial Library.

  
\_\_\_\_\_  
Bob Jepson

Sworn to before me  
this 29th day of March, 2013.

  
\_\_\_\_\_  
Notary Public

**BETSYA. NUNU**  
Notary Public, State of New York  
No. 01NU6275858  
Qualified in Jefferson County  
My Commission Expires 2/4/17

STATE OF NEW YORK  
BOARD ON ELECTRIC GENERATION SITING AND THE ENVIRONMENT

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Application of Cape Vincent Wind Power, LLC, for a Certificate of Environmental Compatibility and Public Need to Construct an Approximately 200- 285 Megawatt Wind Electric Generating Facility in the Town of Cape Vincent, New York.

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Case 12-F-0410

**AFFIDAVIT OF SERVICE**

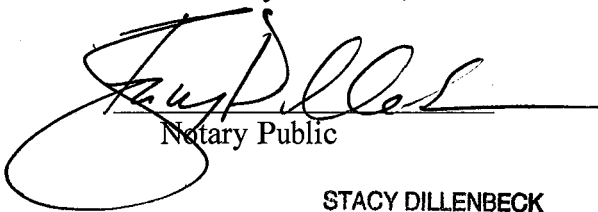
STATE OF NEW YORK     )  
  ) ss:  
COUNTY OF ALBANY     )

STEVEN D. WILSON, being duly sworn, deposes and says that on the 29<sup>th</sup> day of March, 2013, he served a copy of Cape Vincent Wind Power, LLC's, Preliminary Scoping Statement, with exhibits thereto, by electronically sending a true copy thereof, on the following recipients:

- 1 copy to the Public Information Coordinator for the Department of Public Service; and
- 1 copy to the Chairman of New York State Board on Electric Generation Siting and the Environment.

  
\_\_\_\_\_  
Steven D. Wilson

Sworn to before me  
this 29<sup>th</sup> day of March, 2013.

  
\_\_\_\_\_  
Notary Public

STACY DILLENBECK  
NOTARY PUBLIC STATE OF NEW YORK  
NO. 01D16212806  
QUALIFIED IN SCHENECTADY COUNTY  
COMMISSION EXPIRES 10-19-13

# **ATTACHMENT 2**

AFFIDAVIT OF PUBLICATION

STATE OF NEW YORK  
COUNTY OF JEFFERSON

WATERTOWN DAILY TIMES

C/O ACCOUNTS PAYABLE  
BP WIND ENERGY NORTH AMERICA  
700 LOUISIANA St Ste 3200  
HOUSTON TX 77002

REFERENCE: 99359  
1623625 BP WIND

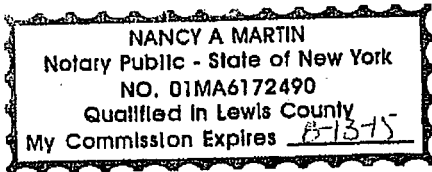
Darlene Sheitz of the City of Watertown, Jefferson County, New York, being duly sworn, says that she is the Bookkeeping Supervisor for Johnson Newspaper Corp., a corporation duly organized and existing under the laws of the State of New York, and having its principle place of business in the City of Watertown, New York, and that said corporation is the publisher of the WATERTOWN DAILY TIMES, a newspaper published in the City of Watertown, County of Jefferson, and State of New York, and that advertising of which an annexed is a printed copy, has been published in the said Newspaper.

*Darlene Sheitz*  
Darlene Sheitz, Bookkeeping Supervisor

PUBLISHED ON: 03/24

TOTAL COST: 5,019.63 AD SPACE: 123.000 INCH  
FILED ON: 03/24/13

Sworn to before me this  
26<sup>th</sup> day of March, 2013  
*Nancy A. Martin*  
Notary Public



## The Cape Vincent Wind Farm – Preliminary Scoping Statement Public Notice

On March 29<sup>th</sup>, 2013 Cape Vincent Wind Power, LLC ("CVWP") will file a Preliminary Scoping Statement ("PSS") for the proposed Cape Vincent Wind Farm pursuant to Article 10 of the New York Public Service Law (16 NYCRR § 1000.5). A PSS is a written document intended to inform the New York State Board on Electric Generation and Siting (the "Siting Board"), other public agencies, and the public that CVWP is contemplating making an Article 10 application (the "Application") to the Siting Board.

CVWP is proposing to build a 200-285 megawatt wind energy facility with up to 124 wind turbines to be sited in the Town of Cape Vincent and the associated overhead generation interconnection line and related equipment to be sited in the Towns of Cape Vincent and Lyme and potentially the Village of Chaumont ("Project").

The PSS will contain:

- i. A brief description of the proposed Cape Vincent Wind Farm and its environmental setting;
- ii. Potentially significant adverse environmental and health impacts related to the construction and operation of the Project including impacts related to:
  - Statewide electrical system
  - Ecology, air, ground and surface water, wildlife, and habitat
  - Public health and safety
  - Cultural, historical and recreational resources
  - Transportation, communication, utilities
  - Noise and vibration
  - Socioeconomic effects
  - Visual impacts
  - Electric magnetic fields
  - Wetlands
  - Cumulative impact of emissions on the local community
  - Environmental justice communities

The PSS will contain measures proposed to minimize environmental impacts and the identification of all other state and federal permits, certifications, or other authorizations needed for construction, operation or maintenance of the Project. The PSS will contain a list of local laws, rules, or regulations that the Project will be seeking the Siting Board to supplant or override.

The PSS will also contain a description of the proposed studies or program of studies designed to evaluate potential environmental and health impacts that CVWP intends to include in its Application for an Article 10 certificate. The description of the studies will include the extent and quality of information needed for the Application to adequately address and evaluate each potentially significant adverse environmental and health impact, including existing and new information where required, and the methodologies and procedures for obtaining the new information. The PSS will also include an identification of any other material issues raised by the public and affected agencies to date and the response of CVWP to those issues.

Within 21 days after the filing of the PSS, any person, agency or municipality may submit comments on the PSS by serving such comments on CVWP and filing a copy with the Secretary to the Department of Public Service. Within 21 days after the closing of the comment period, CVWP shall prepare a summary of the material comments and its responses to those comments.

CVWP will provide \$99,750 of intervenor funds available for municipal and local parties that may be used to defray certain expenses associated with participating in the Article 10 proceeding during the pre-application phase. Fifty percent (50%) of these intervenor funds are reserved for municipalities. An application for intervenor funds and more information on eligibility and how to apply for intervenor funds is available at the DPS website at <http://www.dps.ny.gov>.

An Application for a certificate of environmental compatibility and public need for the Project may be filed by CVWP 90 days after the filing of the PSS. The Application will be accompanied by additional funding for intervenors. The Application will build upon the scope agreed upon in the PSS and contain a description of the site and the facilities to be built thereon. The Application will include geological, visual or other aesthetic, ecological, seismic, biological, water supply, population and load center data as well as an evaluation of the expected environmental and health impacts and safety implications of the Project, both during its construction and operation, including any studies, identifying the author and date thereof.

Once an Application is filed and determined to be complete, the Siting Board will set a date for a public hearing. The presiding examiner will conduct a prehearing conference to identify intervenors, award intervenor funds, identify issues for hearing and establish a case schedule for discovery to be followed by hearings. After hearings, stakeholders may brief their positions and the presiding examiner will issue a recommended decision upon which the Siting Board will base its decision. Stakeholders will also have an opportunity to submit briefs on the recommended decision. Article 10 requires that all proceedings on the Application, including a final decision by the Siting Board, must be completed within 12 months from the date that the Application is determined to comply with all filing requirements.

Information about the Project is available from the applicant, the DPS Public Information Coordinator, the Project website ([www.capevincentwindfarm.com](http://www.capevincentwindfarm.com)) and the Siting Board's web page at ([www.dps.ny.gov/SitingBoard](http://www.dps.ny.gov/SitingBoard)).

Any member of the public wishing to receive all formal notices, including but not limited to notices regarding any pre-application stipulations, concerning the proposed facility can file a request with the Secretary. A written request may be emailed to the Secretary at [secretary@dps.ny.gov](mailto:secretary@dps.ny.gov) or sent by mail to the following address: Hon. Jeffrey Cohen, Acting Secretary, NYS Department of Public Service, Three Empire State Plaza, Albany, New York 12223-1350.

Electronic documents concerning the proposed Cape Vincent Wind Farm can be accessed on the DPS website at: <http://www.dps.ny.gov>. To access documents: go to the DPS's website <http://www.dps.ny.gov>, see the link on the left side of the webpage under "Most Popular Page" to access the "Commission Documents" Page, search for the Cape Vincent Wind Farm Documents using the Case Number 12-F-0410. Alternatively, go directly to the Siting Board's web page at <http://www.dps.ny.gov/SitingBoard> to access documents and notices.

Contact information for Cape Vincent Wind Power, LLC: Mr. Richard Chandler, Director, Business Development, BP Wind Energy North America, Inc., 700 Louisiana Street, 33rd Floor, Houston, Texas 77002, Tel: (713) 354-2100, Email: [info@capevincentwindfarm.com](mailto:info@capevincentwindfarm.com)

Contact information for the DPS Article 10 Public Information Coordinator: Mr. James Denn, NYS Department of Public Service, 3 Empire State Plaza, Albany, NY 12223, Tel: (518) 474-7080, Email: [james.denn@dps.ny.gov](mailto:james.denn@dps.ny.gov)

# **ATTACHMENT 3**



700 Louisiana Street, Floor 33  
Houston, TX 77002

March 22, 2013

Honorable Addie Russell  
NYS Assembly  
Legislative Office Building, Room 456  
Albany, NY 12248

Re: Case No. 12-F-0410:      Application of Cape Vincent Wind Power, LLC, for a Certificate of Environmental Compatibility and Public Need to Construct an Approximately 200-285 Megawatt Wind Electric Generating Facility in the Town of Cape Vincent, New York

Dear Assemblywoman Russell,

As you are probably aware, Cape Vincent Wind Power, LLC ("CVWP"), proposes to construct a wind electric generating facility in the Town of Cape Vincent, New York. To construct the facility, CVWP is seeking a certificate of environmental compatibility and public need ("CECPN") from the New York State Board on Electric Generation Siting and the Environment ("Siting Board") pursuant to Article 10 of the Public Service Law and the Siting Board's rules (16 NYCRR Part 1000).

The Siting Board's rules require that, at least ninety (90) days before filing its application for a CECPN, CVWP file a Preliminary Scoping Statement ("PSS"). The Siting Board's rules further require that CVWP provide three (3) days' notice of filing of the PSS to "each member of the state legislature in whose district any portion of [a project] is proposed to be located or in which any alternative location identified is located, or in which any interconnections or related facilities necessary to serve the proposed facility are proposed to be located." (16 NYCRR § 1005(e))

By this letter, CVWP hereby provides you notice that it will file its PSS by March 29, 2013. Enclosed is a copy of the notice published in local community and general circulation newspapers in and around the Towns of Cape Vincent and Lyme and the Village of Chaumont.

Sincerely,

A handwritten signature in cursive script that reads "Richard F. Chandler".

Richard Chandler

## The Cape Vincent Wind Farm – Preliminary Scoping Statement Public Notice

On March 29<sup>th</sup>, 2013 Cape Vincent Wind Power, LLC (“CVWP”) will file a Preliminary Scoping Statement (“PSS”) for the proposed Cape Vincent Wind Farm pursuant to Article 10 of the New York Public Service Law (16 NYCRR § 1000.5). A PSS is a written document intended to inform the New York State Board on Electric Generation and Siting (the “Siting Board”), other public agencies, and the public that CVWP is contemplating making an Article 10 application (the “Application”) to the Siting Board.

CVWP is proposing to build a 200-285 megawatt wind energy facility with up to 124 wind turbines to be sited in the Town of Cape Vincent and the associated overhead generation interconnection line and related equipment to be sited in the Towns of Cape Vincent and Lyme and potentially the Village of Chaumont (“Project”).

The PSS will contain:

- i. A brief description of the proposed Cape Vincent Wind Farm and its environmental setting;
- ii. Potentially significant adverse environmental and health impacts related to the construction and operation of the Project including impacts related to:
  - Statewide electrical system
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  - Public health and safety
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  - Noise and vibration
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  - Wetlands
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The PSS will contain measures proposed to minimize environmental impacts and the identification of all other state and federal permits, certifications, or other authorizations needed for construction, operation or maintenance of the Project. The PSS will contain a list of local laws, rules, or regulations that the Project will be seeking the Siting Board to supplant or override.

The PSS will also contain a description of the proposed studies or program of studies designed to evaluate potential environmental and health impacts that CVWP intends to include in its Application for an Article 10 certificate. The description of the studies will include the extent and quality of information needed for the Application to adequately address and evaluate each potentially significant adverse environmental and health impact, including existing and new information where required, and the methodologies and procedures for obtaining the new information. The PSS will also include an identification of any other material issues raised by the public and affected agencies to date and the response of CVWP to those issues.

Within 21 days after the filing of the PSS, any person, agency or municipality may submit comments on the PSS by serving such comments on CVWP and filing a copy with the Secretary to the Department of Public Service. Within 21 days after the closing of the comment period, CVWP shall prepare a summary of the material comments and its responses to those comments.

CVWP will provide \$99,750 of intervenor funds available for municipal and local parties that may be used to defray certain expenses associated with participating in the Article 10 proceeding during the pre-application phase. Fifty percent (50%) of these intervenor funds are reserved for municipalities. An application for intervenor funds and more information on eligibility and how to apply for intervenor funds is available at the DPS website at <http://www.dps.ny.gov>.

An Application for a certificate of environmental compatibility and public need for the Project may be filed by CVWP 90 days after the filing of the PSS. The Application will be accompanied by additional funding for intervenors. The Application will build upon the scope agreed upon in the PSS and contain a description of the site and the facilities to be built thereon. The Application will include geological, visual or other aesthetic, ecological, seismic, biological, water supply, population and load center data as well as an evaluation of the expected environmental and health impacts and safety implications of the Project, both during its construction and operation, including any studies, identifying the author and date thereof.

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Information about the Project is available from the applicant, the DPS Public Information Coordinator, the Project website ([www.capevincentwindfarm.com](http://www.capevincentwindfarm.com)) and the Siting Board's web page at ([www.dps.ny.gov/SitingBoard](http://www.dps.ny.gov/SitingBoard)).

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700 Louisiana Street, Floor 33  
Houston, TX 77002

March 22, 2013

Honorable Patty Ritchie  
NYS Senate  
Legislative Office Building, Room 412  
Albany, NY 12247

Re: Case No. 12-F-0410:      Application of Cape Vincent Wind Power, LLC, for a Certificate of Environmental Compatibility and Public Need to Construct an Approximately 200-285 Megawatt Wind Electric Generating Facility in the Town of Cape Vincent, New York

Dear Senator Ritchie,

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By this letter, CVWP hereby provides you notice that it will file its PSS by March 29, 2013. Enclosed is a copy of the notice published in local community and general circulation newspapers in and around the Towns of Cape Vincent and Lyme and the Village of Chaumont.

Sincerely,

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Richard Chandler

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STATE OF NEW YORK  
BOARD ON ELECTRIC GENERATION SITING AND THE ENVIRONMENT

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Application of Cape Vincent Wind Power, LLC, for a Certificate of Environmental Compatibility and Public Need to Construct an Approximately 200- 285 Megawatt Wind Electric Generating Facility in the Town of Cape Vincent, New York.

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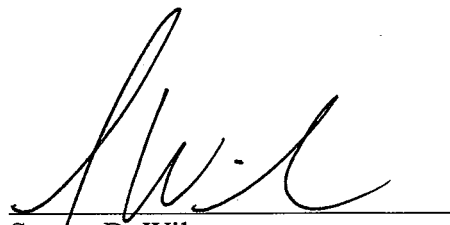
Case 12-F-0410

**AFFIDAVIT OF SERVICE**


STATE OF NEW YORK     )  
  ) ss:  
COUNTY OF ALBANY     )

STEVEN D. WILSON, being duly sworn, deposes and says that on the 22<sup>nd</sup> day of March, 2013, he served the foregoing letters, providing three days' notice of filing of the Preliminary Scoping Statement, on the following recipients via overnight delivery:

- Honorable Addie Russell, NYS Assembly; and
- Honorable Patty Ritchie, NYS Senate.

  
\_\_\_\_\_  
Steven D. Wilson

Sworn to before me  
this 29<sup>th</sup> day of March, 2013.

  
\_\_\_\_\_  
Notary Public

STACY DILLENBECK  
NOTARY PUBLIC STATE OF NEW YORK  
NO. 01D16212806  
QUALIFIED IN SCHENECTADY COUNTY  
COMMISSION EXPIRES 12-1-13

# **ATTACHMENT 4**

BP Wind Energy



700 Louisiana Street, Floor 33  
Houston, TX 77002

March 26, 2013

Valerie Rust  
Mayor  
Village of Chaumont  
12175 NYS Rt 12E, PO Box 297  
Chaumont, NY 13622

Re: Case No. 12-F-0410: Application of Cape Vincent Wind Power, LLC, for a Certificate of Environmental Compatibility and Public Need to Construct an Approximately 200-285 Megawatt Wind Electric Generating Facility in the Town of Cape Vincent, New York.

Dear Mayor Rust,

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The Siting Board's rules require that, at least ninety (90) days before filing its application for a CECPN, CVWP file a Preliminary Scoping Statement ("PSS"). We have been asked by the Department of Public Service to provide you notice that the PSS will be filed on March 29, 2013.

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Sincerely,

A handwritten signature in black ink that reads "Richard J. Chandler".

Richard Chandler

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BP Wind Energy



700 Louisiana Street, Floor 33  
Houston, TX 77002

March 26, 2013

Carolyn Fitzpatrick  
Chairwoman, County Legislature  
Jefferson County  
837 Holcomb Street  
Watertown, NY 13601

Re: Case No. 12-F-0410: Application of Cape Vincent Wind Power, LLC, for a Certificate of Environmental Compatibility and Public Need to Construct an Approximately 200-285 Megawatt Wind Electric Generating Facility in the Town of Cape Vincent, New York.

Dear Ms. Fitzpatrick,

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Sincerely,

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Richard Chandler

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BP Wind Energy



700 Louisiana Street, Floor 33  
Houston, TX 77002

March 26, 2013

Urban C. Hirschey  
Supervisor  
Town of Cape Vincent  
1964 NYS Rt 12E, PO Box 680  
Cape Vincent, NY 13618

Re: Case No. 12-F-0410: Application of Cape Vincent Wind Power, LLC, for a Certificate of Environmental Compatibility and Public Need to Construct an Approximately 200-285 Megawatt Wind Electric Generating Facility in the Town of Cape Vincent, New York.

Dear Mr. Hirschey,

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Sincerely,

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Richard Chandler

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BP Wind Energy



700 Louisiana Street, Floor 33  
Houston, TX 77002

March 26, 2013

Scott Aubertine  
Town Supervisor  
Town of Lyme  
12175 NYS Rt 12E, PO Box 66  
Chaumont, NY 13622

Re: Case No. 12-F-0410: Application of Cape Vincent Wind Power, LLC, for a Certificate of Environmental Compatibility and Public Need to Construct an Approximately 200-285 Megawatt Wind Electric Generating Facility in the Town of Cape Vincent, New York.

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The PSS will also contain a description of the proposed studies or program of studies designed to evaluate potential environmental and health impacts that CVWP intends to include in its Application for an Article 10 certificate. The description of the studies will include the extent and quality of information needed for the Application to adequately address and evaluate each potentially significant adverse environmental and health impact, including existing and new information where required, and the methodologies and procedures for obtaining the new information. The PSS will also include an identification of any other material issues raised by the public and affected agencies to date and the response of CVWP to those issues.

Within 21 days after the filing of the PSS, any person, agency or municipality may submit comments on the PSS by serving such comments on CVWP and filing a copy with the Secretary to the Department of Public Service. Within 21 days after the closing of the comment period, CVWP shall prepare a summary of the material comments and its responses to those comments.

CVWP will provide \$99,750 of intervenor funds available for municipal and local parties that may be used to defray certain expenses associated with participating in the Article 10 proceeding during the pre-application phase. Fifty percent (50%) of these intervenor funds are reserved for municipalities. An application for intervenor funds and more information on eligibility and how to apply for intervenor funds is available at the DPS website at <http://www.dps.ny.gov>.

An Application for a certificate of environmental compatibility and public need for the Project may be filed by CVWP 90 days after the filing of the PSS. The Application will be accompanied by additional funding for intervenors. The Application will build upon the scope agreed upon in the PSS and contain a description of the site and the facilities to be built thereon. The Application will include geological, visual or other aesthetic, ecological, seismic, biological, water supply, population and load center data as well as an evaluation of the expected environmental and health impacts and safety implications of the Project, both during its construction and operation, including any studies, identifying the author and date thereof.

Once an Application is filed and determined to be complete, the Siting Board will set a date for a public hearing. The presiding examiner will conduct a prehearing conference to identify intervenors, award intervenor funds, identify issues for hearing and establish a case schedule for discovery to be followed by hearings. After hearings, stakeholders may brief their positions and the presiding examiner will issue a recommended decision upon which the Siting Board will base its decision. Stakeholders will also have an opportunity to submit briefs on the recommended decision. Article 10 requires that all proceedings on the Application, including a final decision by the Siting Board, must be completed within 12 months from the date that the Application is determined to comply with all filing requirements.

Information about the Project is available from the applicant, the DPS Public Information Coordinator, the Project website ([www.capevincentwindfarm.com](http://www.capevincentwindfarm.com)) and the Siting Board’s web page at ([www.dps.ny.gov/SitingBoard](http://www.dps.ny.gov/SitingBoard)).

Any member of the public wishing to receive all formal notices, including but not limited to notices regarding any pre-application stipulations, concerning the proposed facility can file a request with the Secretary. A written request may be emailed to the Secretary at [secretary@dps.ny.gov](mailto:secretary@dps.ny.gov) or sent by mail to the following address: Hon. Jeffrey Cohen, Acting Secretary, NYS Department of Public Service, Three Empire State Plaza, Albany, New York 12223-1350.

Electronic documents concerning the proposed Cape Vincent Wind Farm can be accessed on the DPS website at: <http://www.dps.ny.gov>. To access documents: go to the DPS’s website <http://www.dps.ny.gov>, see the link on the left side of the webpage under “Most Popular Page” to access the “Commission Documents” Page, search for the Cape Vincent Wind Farm Documents using the Case Number 12-F-0410. Alternatively, go directly to the Siting Board’s web page at <http://www.dps.ny.gov/SitingBoard> to access documents and notices.

Contact information for Cape Vincent Wind Power, LLC: Mr. Richard Chandler, Director, Business Development, BP Wind Energy North America, Inc., 700 Louisiana Street, 33rd Floor, Houston, Texas 77002, Tel: (713) 354-2100, Email: [info@capevincentwindfarm.com](mailto:info@capevincentwindfarm.com)

Contact information for the DPS Article 10 Public Information Coordinator: Mr. James Denn, NYS Department of Public Service, 3 Empire State Plaza, Albany, NY 12223, Tel: (518) 474-7080, Email: [james.denn@dps.ny.gov](mailto:james.denn@dps.ny.gov)

STATE OF NEW YORK  
BOARD ON ELECTRIC GENERATION SITING AND THE ENVIRONMENT

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Application of Cape Vincent Wind Power, LLC, for a Certificate of Environmental Compatibility and Public Need to Construct an Approximately 200- 285 Megawatt Wind Electric Generating Facility in the Town of Cape Vincent, New York.

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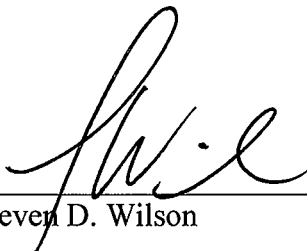
Case 12-F-0410

**AFFIDAVIT OF SERVICE**

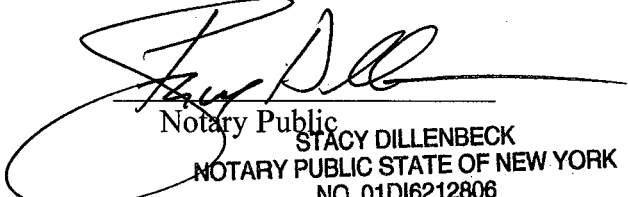
STATE OF NEW YORK     )  
  ) ss:  
COUNTY OF ALBANY     )

STEVEN D. WILSON, being duly sworn, deposes and says that on the 27<sup>th</sup> day of March, 2013, he served the foregoing letters on the following recipients via overnight delivery:

- Valerie Rust, Mayor, Village of Chaumont;
- Urban Hirschey, Supervisor, Town of Cape Vincent;
- Scott Aubertine, Supervisor, Town of Lyme; and
- Carolyn Fitzpatrick, Chairwoman of the Board, Jefferson County Legislature.

  
\_\_\_\_\_  
Steven D. Wilson

Sworn to before me  
this 29<sup>th</sup> day of March, 2013.

  
\_\_\_\_\_  
Notary Public  
STACY DILLENBECK  
NOTARY PUBLIC STATE OF NEW YORK  
NO. 01DI6212806  
QUALIFIED IN SCHENECTADY COUNTY  
COMMISSION EXPIRES 10-19-13