

# Young / Sommer LLC

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October 28, 2016

Ms. Audrey Zibelman  
New York State  
Board on Electric Generation Siting and the Environment  
Three Empire State Plaza  
Albany, NY 12223-1350

**RE: *Application of Cassadaga Wind LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 to Construct a 126 MW Wind Energy Project; Case No. 14-F-0490***

Dear Ms. Zibelman:

As you know, we represent Cassadaga Wind LLC in the above referenced proceeding. This letter is a follow up to our letter dated October 7, 2016 and is in further response to the July 26, 2016 letter by the Board on Electric Generation Siting and the Environment ("Siting Board") regarding the Application submitted by Cassadaga Wind LLC ("Cassadaga Wind") pursuant to N.Y. Public Service Law ("PSL") 164 for a Certificate of Environmental Compatibility and Public Need authorizing the construction and operation of the Cassadaga Wind Project ("Facility"). In our previous letter, we indicated that we would provide the Arkwright Zoning Code when the Applicant received it from the Town. Enclosed please find the Town of Arkwright Zoning Code. This document was previously publicly available from the Town. In addition, the Siting Board's request involved certain materials associated with an RFP by New England ISO. Enclosed, please find the redacted bid information. The bid document could previously be obtained from the New England Clean Energy RFP's website (<https://cleanenergyrfp.com/bids/>) and was publicly available.

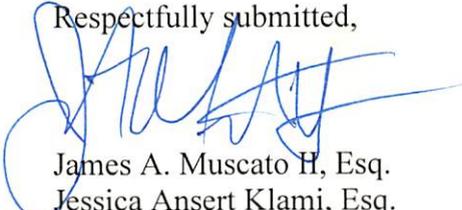
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Note, regarding the bid information, in response to a comment regarding Exhibit 33, the Applicant had previously confirmed that it is participating in the New England Clean Energy Request for Proposals. As stated in the October 7 supplement to the Application, the Facility is not dependent on actions taken by the New England ISO. The Applicant is not aware of any reason why the New England ISO filing will have an effect on the grant or denial of the Certificate by the Siting Board within the scope of 16 NYCRR 1001.33. As explained previously, because of the nature of the competitive bidding process and sensitive contractual negotiations taking place, the commercial information in the RFP is highly confidential and contains sensitive business trade secrets. Nevertheless, since the filing of the October 7 Supplement, the Applicant has been informed by New England ISO that it is a successful bidder in the RFP and, as a result, has the opportunity to proceed to the next phase of the process. While this does not guarantee a contract will be entered into, the Applicant is looking forward to the opportunity afforded by successfully proceeding to the next phase.

Without waiving its previous objections regarding the relevance of the RFP bidding documents, in addition to the materials enclosed, the Applicant is also submitting materials previously not provided to the Siting Board under confidential cover to the Administrative Law Judge in this proceeding. Pursuant to 16 NYCRR 6-1.4, certain information related to the Applicant's bidding documents for the New England Clean Energy RFP are being submitted to the Administrative Law Judges under separate cover because the Applicant is seeking confidentiality.

Please let us know if there are any questions.

Respectfully submitted,

A handwritten signature in blue ink, appearing to be "James A. Muscato", is written over the typed name. The signature is fluid and cursive, with a large initial "J" and "M".

James A. Muscato H, Esq.  
Jessica Ansert Klami, Esq.

Enclosures

cc: Party List (*via email*)