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Attorneys at Law

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April 15, 2016

VIA FIRST CLASS MAIL

Attorney General Eric Schneiderman
New York State Attorney General
120 Broadway, 25th Floor
New York, New York 10271

Re: Potentially Illegal Deceptive Acts and Practices Engaged in by Apex
Clean Energy

Dear Attorney General Schneiderman:

I represent the Town of Somerset in Niagara County ("Somerset" or "the Town") with regard to the Lighthouse Wind project ("the Project") proposed by Lighthouse Wind LLC and Apex Clean Energy (collectively "Apex").

On March 17, 2016, I sent you a detailed letter raising several concerns which Somerset has regarding both the Project and Apex's conduct, including what appears to be unregistered lobbying, astroturfing, and other potentially deceptive business practices. On behalf of the Town, I requested that you open an investigation regarding Apex's conduct. To date, I have not received any response to my request for an investigation.

My letter also raised concerns that the revised Code of Conduct is too limited in scope and does not address the potential for deceptive business practices. On or about April 7, 2016 you issued a press release announcing a revised Code of Conduct ("the Code") for the wind energy industry in New York State. However, based upon the content of the press release it does not appear the Code was revised to address any of the concerns raised by Somerset in my March 17th letter. I am writing to again request your office make further revisions to the Code that (1) increases the scope of the Code's disclosure requirements; (2) makes the Code applicable to all local municipal boards that will make decisions regarding special permits, variances, and/or the subdivision of land; and (3) prohibits any and all deceptive business practices.

Please accept this letter as the Town of Somerset's further request that your office open an investigation into whether Apex has engaged in any deceptive business practices and/or unregistered lobbying. In addition, the Town hopes that you will consider further revising the Code to increase its scope and applicability along with prohibiting deceptive business practices. Your oversight of the conduct of Apex is critically important given that Article 10 divests local governments of so much authority to regulate the siting of wind turbines in their communities.



I would be happy to travel to New York or Albany to further discuss Somerset's concerns with you and your staff. I look forward to hearing from you.

Best Regards,

Lippes Mathias Wexler Friedman LLP

A handwritten signature in blue ink that reads "Dennis C. Vacco". The signature is written in a cursive style.

Dennis C. Vacco

DCV/mcd

cc: Assistant Attorney General Judith C. Malkin