

07-0537  
004,000,000/4  
SEP 15 2008

Cohocton Wind Watch  
PO Box 638  
Naples, NY 14512

2008 SEP 15 PM 2:48

September 10, 2008

Hon. Jaclyn A. Brilling,  
Secretary  
New York State Public Service Commission  
Three Empire State Plaza  
Albany, New York 12223

RE: Case 07-E0138 Petition of the Canandaigua Power Partners, LLC for an Order Granting a Certification of Public Convenience and Necessity Pursuant to Section 68 of the Public Service Law, Approving Financing Pursuant to Section 69 of the Public Service Law and Approving a Lightened Regulatory Regime  
Case 07-E-0406 later changed to 07-E-1003  
Case 07-E-0674  
Case 07-E-0301

Dear Secretary Brilling,

I preface the following complaint to the Commissioners by asking for their patience in understanding we are overtaxed ratepayers fighting to protect the environment and health and safety of NYS residents. We have no public funding and therefore limited legal advice. Cohocton Wind Watch(CWW) and Advocates for Prattsburgh(AFP) members have spent tens of thousands of dollars on legal actions and research that should have been provided by the oversight of the NYS agencies already charged with overseeing our protection.

I will use the words of your Commission Chairman, Mr. Brown to urge you to look at the misleading facts provided by UPC in documents filed with your Commission and testimony at a June 2007 evidentiary hearing before Judge Bouteillier regarding their ability to provide safe reliable power to NYS.

“Determining whether a company should have the privilege to operate a utility franchise in New York is a paramount responsibility of the Commission, and it’s a responsibility we exercise with great caution, and only after thorough review, careful thought and much deliberation,” said Commission Chairman Garry Brown. “Millions of people who depend on safe and reliable utility service at just and reasonable rates should expect nothing less; and the acquisition approved today, with necessary conditions, will do just that.”

In documents filed with the PSC by UPC/First Wind on 1/25/07 and 6/15/07 they stated “Both CPP and CPPII are wholly- owned subsidiaries of UPC New York Wind, LLC, which in turn is a wholly- owned susidiary of UPC Wind Partners, LLC(UPC Wind).” UPC Wind Partners did not exist on those dates. On 3/29/04 UPC Wind Partners became Oregon Wind Partners. This can be verified by

documents filed with the PSC of Oregon for a wind project there. Please see [www.cascadewind.com](http://www.cascadewind.com) to view the entire document. Also if you check the DOS corporate filings, there is currently no listing for a UPC New York Wind, LLC to do business in NYS or in Delaware. Please also be aware CWW and AFP provided literally hundreds of pages of information about the dubious make-up of UPC and its use of a multitude of LLC names to the Commissioners, hand delivered on August 14, 2007. The Secretary found it untimely for your 8/15/07 special meeting to approve the Certificate of Need and Necessity for CPP but it was certainly timely for subsequent orders and decisions on the projects. 07-E-0674 Windfarm Prattsburgh, 07-E-0301 Ecogen 07-E--0138 Cohocton, 07-E-0406 Dutch Hill. The Dutch Hill case number has since been changed to 07-E-1003 of which we were never formally notified. Dutch Hill was considered separately, then combined with the Cohocton project 07-E-0138 and then renumbered as a separate entity. To the lay-person this appears suspect. Is Cohocton one project or two?

On August 15, 2007 UPC was aware of the fact that there were serious problems with the Clipper C96 turbines as well as the blades. They were also aware that project completion was certainly not feasible by the end of 2007 for that primary fact in itself. I quote from the First Wind Holdings Inc. (formerly UPC Wind) S-1 application with the US Securities and Exchange Commission. "During the first year of commercial operation, the Liberty turbines drive trains were found to have a supplier-related deficiency, resulting in a prolonged shutdown of a number of turbines. In addition, in December 2007, following discovery of separation of bonding materials in the blades of several Liberty turbines at Steel Winds I, Clipper Windpower initiated a blade reinforcement program to increase design margins and ensure a 20-year design life." This quote is from page 18 of the S-1 application. Continuing on page 18 "however, the Liberty turbines may not perform in accordance with Clipper Windpower's specifications for their anticipated useful life or may require additional warranty repairs." The complete S-1 SEC filing can be found electronically at <http://www.sec.gov/Archives>.

Please see the attached Clipper turbine timeline.

We have continually requested a review of the length of the Cohocton and Dutch Hill 115Kv overhead transmission line. It is over 10 miles in length. There have been numerous changes to both the transmission lines and the project layout since 8/15/07 none of which have been referred to DPS staff according to a FOIL request for the information from Mr. Blow. Please see the attached letters between the town of Cohocton and UPC.

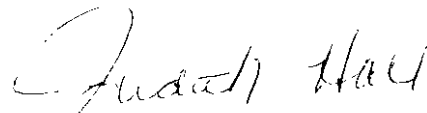
Additionally, both the assets of the Cohocton and Prattsburgh projects have been pledged by First Wind Holdings Inc. (yet to be formed), in what they call their New York portfolio of projects. These assets were pledged prior to all required permits being in place or the start of construction for these projects. From numerous statements made in the S-1 filing with the SEC it appears prior applications with NYSERDA and the Steuben County Industrial Development

Agency as well as the PSC would have to be false as to ownership of the various LLC names and indebtedness already incurred. We would once again raise the issue of who actually is UPC/First Wind and especially Canandaigua Power Partners I and II?

At the evidentiary hearing as well as numerous filings with the Commission, UPC has consistently stated that the land for the Cohocton Projects was under their control. We now know that as late as January 2008 and we believe currently, all required leases for the project have not yet been executed. This was certainly true on August 15, 2007. Please see attached list of Cohocton Leases and Easements provided as a cover to the leases filed with the Cohocton Zoning Officer.

UPC/First Wind is in violation of the Special Use Permits (SUP) issued by the Town of Cohocton Planning Board. They have not provided the insurance, bonding or assurances necessary to protect the town and NYS as required by the SUP. I have repeatedly asked the town and Zoning Officer to address this situation but they are leaving the issue to the courts it appears. The Special Use Permits are the current subject of three lawsuits still pending in NY Supreme Court. The Town Boards as well as the Zoning Officer are being investigated by the Office of the Attorney General.

To date CWW and AFP have continually updated the DPS staff about changes and inconsistencies with the UPC projects. We once again appeal to you the agency charged with regulating and guaranteeing our, the public's health and safety. We stand ready to send you further information. We request the Commission revoke the Certificate of Public convenience and Necessity received by Canandaigua Power Partners I and II, as well as the Lightened Regulatory Regime.



Judith Hall  
Cohocton Wind Watch

Cc: Steven Blow, PSC  
Andrew Davis, PSC  
Andrew Heffner, OAG

**APPENDIX A-1**  
**Articles of Organization of**  
**UPC Oregon Wind, LLC**

# AMENDED AND RESTATED LIMITED LIABILITY COMPANY AGREEMENT

## UPC OREGON WIND LLC

This Amended and Restated Limited Liability Company Agreement (hereinafter referred to as the "Agreement") is made as of this 2<sup>nd</sup> day of April 2004 (the "Effective Date") by and among Oregon Wind Partners, LLC ("Oregon") (hereinafter referred to collectively as the "Members" and individually as a "Member") and UPC Oregon Wind, LLC, a Delaware limited liability company (hereinafter referred to as "Company").

### PREAMBLE

A. Whereas, Brian E. Caffyn and the Company previously entered into that certain Limited Liability Company Agreement of Cape Wind, LLC dated on or about 30th day of March 2001 (the "Original Agreement"); and

B. Whereas, Brian E. Caffyn entered into a Membership Interest Purchase Agreement whereby he assigned one hundred percent (100%) of his interest in Cape Wind, LLC to UPC Wind Partners, LLC on or around the 2<sup>nd</sup> day of January 2002; and

C. Whereas, the Company subsequently changed its name to UPC Oregon Wind, LLC on or around the 11<sup>th</sup> day of February 2003; and

D. Whereas, Oregon Wind Partners, LLC entered into a Membership Interest Purchase Agreement whereby it assigned one hundred percent (100%) of his interest in UPC Oregon Wind, LLC to Oregon Wind Partners, LLC on or around the 2nd day of April 2004; and

E. Whereas, by entering into this Agreement the parties desire to provide for (i) the purpose for which the Company was formed; (ii) the division of the Company's net profits and net losses; (iii) the restrictions on the disposition of Company property and Company interests; (iv) the management of the Company's business; (v) the duration of the Company's existence; and (vi) various other matters relating to the Company.

NOW, THEREFORE, in consideration of the premises and the mutual promises, covenants and agreements contained in this Agreement, the parties hereto, intending to be legally bound hereby, agree to form a limited liability company under the laws of the State of Delaware in accordance with the following terms and conditions:

### ARTICLE I. FORMATION AND PURPOSE

1.1 Governing Law and Government Filings. The Company was formed in accordance with, and shall be governed by, the Delaware Limited Liability Company Act, (hereinafter referred to as the "Act"), except to the extent that the Act permits variation by agreement of the parties and this Agreement provides for such variation. On or after the execution of this Agreement, and to the extent required by law, the Members shall cause to be filed with the Office of the Secretary of State for the



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- About Agency
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- Newsroom
- Frequent Questions
- Related Links
- Contact Us
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### General Information Name Search

10 Matches found

\* Required Field

\* Entity Name:  or File Number:

This field is not case sensitive.

FILE NUMBER	ENTITY NAME
4226914	UPC WIND ACQUISITION III, LLC
4193652	UPC WIND ACQUISITION II, LLC
4235936	UPC WIND ACQUISITION IV, LLC
4114545	UPC WIND ACQUISITION I, LLC
3884201	UPC WIND CONSTRUCTION, LLC
3328092	UPC WIND MANAGEMENT, LLC
3883996	UPC WIND O & M, LLC
4114930	UPC WIND PARTNERS II, LLC
3479790	UPC WIND PARTNERS, LLC
3769649	UPC WIND PROSPECTS, LLC

- SERVICES
- Pay Taxes
- File UCC's
- Delaware Laws Online
- Name Reservation
- General Information
- Status
- Validate Certificate



State of Delaware



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Citizen Services Business Services Visitor Info

Department of State: Division of Corporations

- Home
- About Agency
- Secretary's Letter
- Newsroom
- Frequent Questions
- Related Links
- Contact Us
- Office Location

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5 Matches found

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\* Entity Name: UPC NEW YORK WIND or File Number:

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Search

FILE NUMBER	ENTITY NAME
4420814	UPC NEW YORK WIND LLC
4421170	UPC NEW YORK WIND LLC
4421183	UPC NEW YORK WIND LLC
3561388	UPC NEW YORK WIND LLC
4194294	UPC NEW YORK WIND OS LLC

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- Corporate Forms
- Corporate Fees
- UCC Forms and Fees
- UCC Searches
- Taxes
- Expedited Services
- Service of Process
- Registered Agents
- Get Corporate Status
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HOME

- [About Agency](#)
- [Secretary's Letter](#)
- [Newsroom](#)
- [Frequent Questions](#)
- [Related Links](#)
- [Contact Us](#)
- [Office Location](#)

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- [Pay Taxes](#)
- [File UCC's](#)
- [Delaware Laws Online](#)
- [Name Reservation](#)
- [General Information](#)
- [Status](#)
- [Validate Certificate](#)

INFORMATION

- [Corporate Forms](#)
- [Corporate Fees](#)
- [UCC Forms and Fees](#)
- [UCC Searches](#)
- [Taxes](#)
- [Expedited Services](#)
- [Service of Process](#)
- [Registered Agents](#)
- [Get Corporate Status](#)
- [Submitting a Request](#)

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Entity Details

THIS IS NOT A STATEMENT OF GOOD STANDING

File Number:	<b>4194294</b>	Incorporation Date / Formation Date:	<b>07/24/2006</b> (mm/dd/yyyy)
Entity Name:	<b>UPC NEW YORK WIND O&amp;M, LLC</b>		
Entity Kind:	<b>LIMITED LIABILITY COMPANY (LLC)</b>	Entity Type:	<b>GENERAL</b>
Residency	<b>DOMESTIC</b>	State:	<b>DE</b>

REGISTERED AGENT INFORMATION

Name: **AGENTS AND CORPORATIONS, INC.**

Address: **1201 ORANGE STREET, SUITE 600 ONE COMMERCE CENTER**

City: **WILMINGTON** County: **NEW CASTLE**

State: **DE** Postal Code: **19801**

Phone: **(302)575-0873**

Additional Information is available for a fee. You can retrieve Status for a fee of \$10.00 or more detailed information including current franchise tax assessment, current filing history and more for a fee of \$20.00

Would you like  Status  Status, Tax & History Information

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A total of 6 entities were found.

**Entity Name**

BLC REAL ESTATE (UPC PETROLEUM), LLC  
D. E. SHAW CH-SP SERIES 1 UPC ACQUISITION (C), L.L.C.  
D. E. SHAW UPC ACQUISITION HOLDINGS, L.L.C.  
UPC NY, LLC  
UPC REALTY LLC  
UPC WIND MANAGEMENT, L.L.C.

Entities 1 to 6

The Entity Name column contains the entity names that were found based on your search criteria. To display information for an entity, tab to the entity name and press the enter key or click on the entity name. To revise your search criteria, tab to [Revise Search Criteria](#) and press the enter key or click on [Revise Search Criteria](#). To start a new search, tab to [New Search](#) and press the enter key or click on [New Search](#).

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## Division of Corporations

### Entity Information

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Selected Entity Name: UPC NY, LLC

#### Selected Entity Status Information

**Current Entity Name:** UPC NY, LLC  
**Initial DOS Filing Date:** APRIL 01, 2005  
**County:** ALBANY  
**Jurisdiction:** NEW YORK  
**Entity Type:** DOMESTIC LIMITED LIABILITY COMPANY  
**Current Entity Status:** ACTIVE

#### Selected Entity Address Information

**DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)**  
CORPORATION SERVICE COMPANY  
80 STATE STREET  
ALBANY, NEW YORK, 12207

#### Registered Agent

NONE

NOTE: New York State does not issue organizational identification numbers.

[Search Results](#)

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[Business Services](#)
[Visitor Info.](#)

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- HOME
- About Agency
- Secretary's Letter
- Newsroom
- Frequent Questions
- Related Links
- Contact Us
- Office Location

- SERVICES
- Pay Taxes
- File UCC's
- Delaware Laws Online
- Name Reservation
- General Information Status
- Validate Certificate

- INFORMATION
- Corporate Forms
- Corporate Fees
- UCC Forms and Fees
- UCC Searches
- Taxes
- Expedited Services
- Service of Process
- Registered Agents
- Get Corporate Status
- Submitting a Request

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2 Matches found

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Search

FILE NUMBER	ENTITY NAME
4114930	UPC WIND PARTNERS, LLC
3479790	UPC WIND PARTNERS, LLC



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## Department of State: Division of Corporations

### HOME

- [About Agency](#)
- [Secretary's Letter](#)
- [Newsroom](#)
- [Frequent Questions](#)
- [Related Links](#)
- [Contact Us](#)
- [Office Location](#)

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- [Pay Taxes](#)
- [File UCC's](#)
- [Delaware Laws Online](#)
- [Name Reservation](#)
- [General Information](#)
- [Status](#)
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- [Corporate Forms](#)
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- [Registered Agents](#)
- [Get Corporate Status](#)
- [Submitting a Request](#)

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## Entity Details

### THIS IS NOT A STATEMENT OF GOOD STANDING

File Number: **3758132**      Incorporation Date / Formation Date: **03/29/2004** (mm/dd/yyyy)

Entity Name: **OREGON WIND PARTNERS, LLC**

Entity Kind: **LIMITED LIABILITY COMPANY (LLC)**      Entity Type: **GENERAL**

Residency: **DOMESTIC**      State: **DE**

### REGISTERED AGENT INFORMATION

Name: **THE CORPORATION TRUST COMPANY**

Address: **CORPORATION TRUST CENTER 1209 ORANGE STREET**

City: **WILMINGTON**      County: **NEW CASTLE**

State: **DE**      Postal Code: **19801**

Phone: **(302)658-7581**

Additional information is available for a fee. You can retrieve Status for a fee of \$10.00 or more detailed information including current franchise tax assessment, current filing history and more for a fee of \$20.00.

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[Citizen Services](#) | [Business Services](#) | [Visitor Info](#)

## Department of State: Division of Corporations

### HOME

- [About Agency](#)
- [Secretary's Letter](#)
- [Newsroom](#)
- [Frequent Questions](#)
- [Related Links](#)
- [Contact Us](#)
- [Office Location](#)

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- [Pay Taxes](#)
- [File UCC's](#)
- [Delaware Laws Online](#)
- [Name Reservation](#)
- [General Information](#)
- [Status](#)
- [Validate Certificate](#)

### INFORMATION

- [Corporate Forms](#)
- [Corporate Fees](#)
- [UCC Forms and Fees](#)
- [UCC Searches](#)
- [Taxes](#)
- [Expedited Services](#)
- [Service of Process](#)
- [Registered Agents](#)
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## Department of State: Division of Corporations

### HOME

- [About Agency](#)
- [Secretary's Letter](#)
- [Newsroom](#)
- [Frequent Questions](#)
- [Related Links](#)
- [Contact Us](#)
- [Office Location](#)

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- [Pay Taxes](#)
- [File UCC's](#)
- [Delaware Laws Online](#)
- [Name Reservation](#)
- [General Information](#)
- [Status](#)
- [Validate Certificate](#)

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- [Corporate Forms](#)
- [Corporate Fees](#)
- [UCC Forms and Fees](#)
- [UCC Searches](#)
- [Taxes](#)
- [Expedited Services](#)
- [Service of Process](#)
- [Registered Agents](#)
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\* Required Field

\* Entity Name:  or File Number:

This field is not case sensitive.

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4194294	UPC NEW YORK WIND O&M, LLC

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!!!!!!TIMELINE of Clipper/UPC Problems with Gearboxes and Blades

Saturday, June 14, 2008 12:16 PM

From: "Sksajs@aol.com" <Sksajs@aol.com>  
To: Andrew.Heffner@oag.state.ny.us  
Cc: judihall66@yahoo.com

1997

- [PDF]Wind Power News Wind Power News  
Zond will be replacing the gearboxes, over the next several months on all of the turbines to eliminate the possibility of any further problems de- ...  
[www3.digitalfrontier.com/essential\\_wc5/vera/images/photos/WPN%200397.PDF](http://www3.digitalfrontier.com/essential_wc5/vera/images/photos/WPN%200397.PDF) - Similar pages  
[http://www3.digitalfrontier.com/essential\\_wc5/vera/images/photos/WPN%200397.PDF](http://www3.digitalfrontier.com/essential_wc5/vera/images/photos/WPN%200397.PDF)
- The Great Wind Rush of 99  
In early 1997 Zond replaced the 2600 blade mounting bolts on all turbines. Subsequently, Zond discovered additional gearbox damage and removed all eleven ...  
[www.wind-works.org/articles/99rush.html](http://www.wind-works.org/articles/99rush.html) - 37k - Similar pages  
<http://www.wind-works.org/articles/99rush.html>

1999

<http://www.wind-works.org/index.html>

After testing a single prototype in Tehachapi for several years, Enron Wind began deploying the turbine commercially. By mid 1999 Enron Wind will have erected more than 500 of the new 750 kW turbines within eighteen months of their release.

After years of development and the testing of several prototypes in the Altamont Pass Kenetech began commercial production of its much-touted 33 meter, 300 kW variable-speed turbine in 1993. During the first year Kenetech installed only 33 of the machines. In 1994 Kenetech began full production and installed 276 turbines. In 1995 production peaked with nearly 400 units. By late spring 1996 Kenetech declared bankruptcy, a victim of hubris, poor management, and a flawed design.

Enron to Zond to Clipper from Clipper website

About James G. P. Dehlsen

James Dehlsen founded Clipper Windpower Inc in 2001 Previously, he founded Zond Corporation in 1980 and served as Chairman of the Board until its partial acquisition by Enron Corporation in 1997  
He received the Lifetime Achievement Award by the American Wind Energy Association and the Danish Medal of Honour for the advancement of the wind power industry  
James Dehlsen has served as an advisor to the US Department of Energy's Wind Program and was a delegate to the Conference on Climate Change in Kyoto, Japan

2003 Prediction of Delamination in Wind Turbine Blade Structural Details <http://scitation.aip.org/getabs/servlet/GetabsServlet?prog=normal&id=JSEED00012500004000522000001&idtype=cvips&gifs=yes>

July 9, 2006 – Vol.11

In a single stroke of a pen, BP has entered into the wind energy business in a major way and Clipper Windpower has become a significant player in the wind turbine business

BP and Clipper Wind have announced that they have entered into a strategic alliance for the long term supply of wind turbines as well as the joint development of five of Clipper's wind projects in the US.

The five Clipper projects - for New York, Texas, and South Dakota - are anticipated to have a combined capacity of 2015 megawatts In the supply agreement, BP has secured additional orders of up to 2250 megawatts of wind turbine capacity

BP will utilize the turbines in projects around the globe beginning in 2007 with 100 megawatts of Liberty turbines, and by 2008 an additional 200 megawatts of turbine capacity will be delivered for more projects

Including firm and contingent orders Clipper will be delivering up to 900 units over five years of its Liberty 2.5 megawatt turbine The turbine is unique in that it incorporates four power generators within its nacelle The generators can be individually removed and lowered to the ground for repair or replacement if necessary  
Visit BP at <http://www.bp.com/> , Clipper Windpower at <http://www.clipperwind.com/>

October 12, 2006

Clipper Windpower to Deliver 125 MW of Liberty Wind Turbines

Carpinteria, California [RenewableEnergyAccess.com]

Clipper Windpower Plc signed a contract with a subsidiary of UPC Wind to deliver 50 2.5 megawatt (MW) Clipper Liberty wind turbines – including their installation supervision -- and will provide operations and maintenance services for five years.

Clipper Windpower is one of eight companies to win the Rising Star Award (one of 15 categories) announced by Platts for its 8th Annual Global Energy Awards. The awards are given annually to recognize outstanding achievement and vision in the global energy industry.

The wind turbines are to be used by UPC Wind for projects the company plans to develop in the northeastern U.S. during 2007.

This transaction represents firm commitments of 495 MW of Liberty wind turbines, with opportunity for a further 160 MW of Liberty wind turbines to be deployed into near-term Clipper development projects, and 2,165 MW of early stage projects

Earlier this year, Clipper Windpower announced a strategic alliance for project development and wind turbine sales with BP Alternative Energy, a wind turbine sales agreement with Edison Mission Energy, and a wind turbine sales agreement with UPC Wind (UPC Wind is currently developing more than 3,000 MWs of wind power projects)

Clipper wind turbines are produced at Clipper's assembly facilities in Cedar Rapids, Iowa; Clipper's 2.5 MW Liberty machine is the largest wind turbine assembled in the U.S. and is the first to deploy a unique distributed powertrain.

In other news, Clipper Windpower is one of eight companies to win the Rising Star Award (one of 15 categories) announced by Platts for its 8th Annual Global Energy Awards. The awards are given annually to recognize outstanding achievement and vision in the global energy industry.

**For Further Information**

- [Clipper Windpower, Inc](#)

**November 17, 2006 in Yahoo Finance UK & Ireland Clipper delays turbine deliveries**

Wind turbine manufacturer Clipper Windpower tumbled from recent highs today after it announced an issue relating to machining tolerances in its gearboxes and a short delay in turbine deliveries

As a result of the issue, the group said it has decided to introduce an additional measurement process during machining to ensure gearbox tolerances are met

The additional measurement process is being implemented with machining vendors and will not impact future gearbox procurement, it said

The first phase of deliveries to the Endeavor project in Iowa, originally expected by the end of 2006, will now start at the beginning of 2007, although the group still expects to deliver 250 plus turbines in 2007.

Eight turbines will be shipped to the Steel Winds project in Buffalo (BUFD PK - news), New York by the end of December

**January 3, 2007**

**UPC Wind Closes Financing for Wind Turbines from Clipper**

Newton, Massachusetts [RenewableEnergyAccess.com] UPC Wind Partners, LLC, closed the first limited recourse loan facility in connection with Clipper Turbine Works, Inc.'s 2.5-megawatt (MW) Liberty series wind turbine generators. The \$95 million turbine supply loan, underwritten by HSH Nordbank AG, New York Branch, is primarily secured by a turbine supply agreement with Clipper for 50 wind turbines and a limited parent company guarantee. UPC Wind is an independent wind power developer backed by affiliates of Madison Dearborn Partners and D.E. Shaw

**For further information**

- [» UPC Wind](#)

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**Overview**

Clipper Windpower, Inc. is a rapidly growing wind energy technology company which manufactures the 2.5 MW Liberty turbine and actively develops wind power generating projects in the Americas and Europe. The patented technology of the Liberty turbine developed by Clipper substantially increases the efficiency of wind-generated electricity, providing a formidable increase in the potential geographic areas for turbine deployment. In recognition of the merits of this advanced technology and for Clipper's highly experienced management and engineering team, the company was awarded grants from the U.S. Department of Energy ("DOE") and the California Energy Commission ("CEC") for development of the turbine. The Liberty turbine has certification (Germanischer Lloyd) to international standards. The Company's wind power development activity includes the sale of the 44 MW Flying Cloud project under a joint development agreement with Pacific Corp. in 2003 and the 160 MW Intrepid project acquired by MidAmerican Energy in 2004. In 2005, Clipper completed essential project development requirements for its 100 MW Criterion Facility and its 150 MW Endeavor Facilities and will be using 40 and 60 Liberty turbines, respectively, for installation in 2006. Clipper has in excess of 3000 MW of wind development resource in addition to its 3000 MW strategic Midwest site, and is actively adding additional sites. Clipper Windpower Inc. is a wholly owned subsidiary of Clipper Windpower Plc, a public limited company that is organized under the laws of the United Kingdom and Wales and domesticated in the United States under the laws of the State of Delaware. The shares of Clipper Windpower Plc are traded on the Alternative Investment Market of the London Stock Exchange under the symbol CWP.

**April 2007-opinion**

**In my April 4, 2007 field report on Clipper's Lackawanna installation I wrote: "My bet is that this complex gear train will have maintenance issues". And I do not believe the present Clipper gear problems will be fixed by re-manufacturing specific gears or gear teeth or changing gear surface hardness, gear lubrication, etc, etc.**

Click here: [CLIPPER WIND TURBINE GEAR FAILURES STOP "STEELWINDS" IN LACKAWANNA, NEW YORK | REALNEO](#) for all

Buffalo News reports today that the complicated gearboxes on the Clipper wind turbines in Lackawanna New York have caused the facility to shut down. The photo above was taken in September of 2007 and shows the eight Clipper turbines on the old Bethlehem slag heaps with Buffalo in the left hand background. The US designed and built Clipper turbines are a radical departure from the direction turbine engineering is headed in Europe.

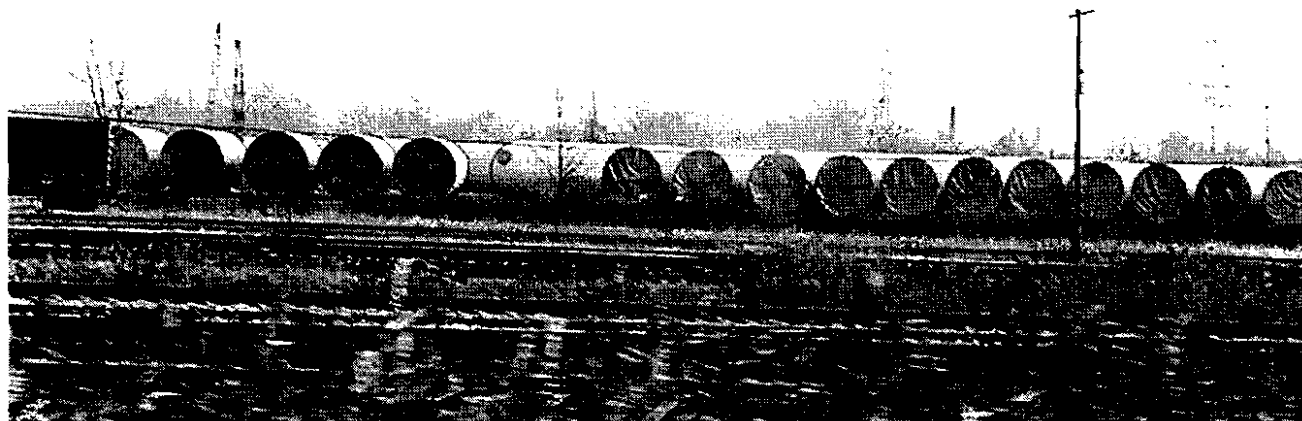
For the last decade in Europe the goal in wind turbine engineering has been the elimination of any gearbox or gears between the turbine rotor and the generator. The privately held German firm Enercon produces what I believe are the most advanced gearless turbines using a large diameter annular generator. On my visit to the wind energy trade fair in Hamburg, Germany in 2004 large sections of the multiple convention halls were dedicated to gears, gearboxes, gear machining, gear face surface finishing, gear lubrication, gear lubrication heat, noise, and particulates monitoring, gear lubrication cleaning, etc etc about gears. It was clear from the number of gear engineering, gear maintenance and gear service vendors that gears and gearboxes were a big problem in the wind turbine industry. A problem to avoid, not embrace - as Clipper chose to do.

So when Clipper engineers went in the opposite direction and designed a turbine with four generators driven synchronously by a huge gearbox with one low speed input shaft and four high speed out shafts - I was very skeptical.

The present gear problems in Lackawanna were, I believe, predictable. In my April 4, 2007 field report on Clipper's Lackawanna installation I wrote: "My bet is that this complex gear train will have maintenance issues". And I do not believe the present Clipper gear problems will be fixed by re-manufacturing specific gears or gear teeth or changing gear surface hardness, gear lubrication, etc, etc.

Unfortunately, this will probably have a negative ripple effect right here in Cleveland where Advanced Manufacturing is machining the gear boxes for Clipper.

Clipper will also be seen as a horse with a broken leg - an injury from which I believe it will be difficult for Clipper to recover.



One expense Clipper will be eating for a while is the cost and maintenance of dozens of sections of new wind turbine towers which have been trucked to a Lackawanna lay-down yard. The photo above was taken from Amtrak in November. Photo of these tower sections being trucked on interstate 90 can be seen here on Realneo.

Bill Mason, Richard Stuebi and the Cuyahoga County Energy "Task Force" should recognize that their scheme to put "10 wind turbines about 3 miles off of Cleveland in Lake Erie is a much more radical idea than Clipper's failure prone gearbox. So, why is Cleveland using very scarce tax dollars to toy around with such a hairbrained risk - instead of building a turbine tower manufacturing facility or other more proven wind energy manufacturing process which will bring jobs to NEO?

2007 [http://www.clipperwind.com/pdf/clipper\\_2006\\_annual\\_report.pdf](http://www.clipperwind.com/pdf/clipper_2006_annual_report.pdf)

**BQ, UPC and Endeavor Iowa problem with delamination and gearboxes-detailed and important!!!!**

**2007, prior to June Clipper, which has seen its shares fall by a third since June after a warning about problems with components for its Liberty turbines, got a 4.74 percent boost on today's news.**

Click here: [Clipper Windpower to build world's largest turbine | Cleantech.com](#)

Clipper Windpower to build world's largest turbine

October 8, 2007 - Exclusive

By David Ehrlich, Cleantech Group

Similar

- U.K. aims for 33GW of wind
- U.K. approves two massive windpower projects
- Largest wind industry event underway
- Offshore wind gets pricey
- The race for affordable wind

The U.K. government is putting up £5 million to develop the new offshore turbine. Carpinteria, Calif.-based Clipper Windpower (LSE AIM: CWP) announced today that it plans to develop a 7.5 megawatt offshore turbine, putting it at the top of the list for turbine power, both on and offshore. The company said a single 7.5 MW turbine could provide enough electricity for more than 5,500 homes. Germany's Enercon holds the current turbine record, with a 6 MW model. Clipper plans to develop its big turbine in Blyth, England, as part of a two year development dubbed the "Britannia Project." The U.K. government's One North East regional development agency is putting up £5 million for the project. "The U.K. has the largest offshore market right now," Mary McCann-Gates, director of global communications at Clipper Windpower, told Cleantech.com. McCann-Gates said Clipper is "contributing significantly" to the development, but would not disclose the size of its investment in the project. The company, which already has an office in London, plans to set up shop adjacent to the government funded New and Renewable Energy Centre in Blyth, in northeast England, using the center's blade test and manufacturing facilities to construct a prototype turbine. Check out the U.K.'s turbine testing center here >>> Blyth could end up becoming a hub for the company beyond just the development stage. "What we're looking at right now is possibly manufacturing in the U.K.," said McCann-Gates, noting that a decision would depend on how many orders for the new turbine they get in the country. Six year old Clipper Windpower currently has a manufacturing plant in Cedar Rapids, Iowa. The company, which trades on the Alternative Investments Market in London, lists Blackrock Investment Management, Dehlsen Associates, Fidelity, Lehman Brothers, and Landsdowne partners as significant shareholders. Orders for turbines may not be a problem for the company, as the European Wind Energy Association has estimated that 5 gigawatts of the 60 GW predicted for 2010 will be coming from the offshore sector. The U.K., which has three operating offshore wind farms, including a small one off Blyth pumping out 3.8 MW, has a number of offshore projects in the pipeline, including the world's largest. The London Array, to be built by DONG Energy, Shell Wind Energy and E.ON Renewables, is pegged at 1 gigawatt. Construction of the 341 turbine wind farm is expected to start in 2009. The U.K. government has told utilities it wants them to get 10 percent of their electricity from renewable sources by 2010 and 20 percent by 2020. Clipper, which has seen its shares fall by a third since June after a warning about problems with components for its Liberty turbines, got a 4.74 percent boost on today's news. McCann-Gates said the warning was related to a supplier. "There was a component that a supplier had provided for the machine that was deficient," said McCann-Gates. "We've worked through the details of that with the supplier." Other than affecting the scheduling of some of the turbines that were supposed to be deployed this year, she said the component problem won't affect the company going forward. BP Alternative Energy has certainly put in a vote of confidence for the company, placing an order late last month for 120 of Clipper's 2.5 MW Liberty models. Clipper's first firm order to deliver turbines in 2009. The 300 MW order is part of a wider 2006 agreement between the companies for Clipper to provide up to 2,250 MW of wind turbines for BP's U.S. wind farms. The new 7.5 MW turbine, which would be three times larger than the company's current turbines, would be based on its Liberty turbine design. The U.K. government said Clipper's Blyth project is likely to create 25 engineering jobs in the area. The U.K.'s business and enterprise secretary, John Hutton, said in a statement that "the U.K. is fast becoming a magnet for renewable energy investment." He cited a recent report from Ernst & Young that showed that the U.K. has moved up from fifth to second in the world for attractiveness in new renewable investment. "Behind this is the government's determination to bring down planning barriers and target support at marine and emerging renewables. By 2015 we expect to see a threefold increase in green energy feeding into the grid," he said. Clipper, which is primarily a manufacturer of turbines, also has a development division, which could end up developing projects with the new turbine. "Where it makes sense," said McCann-Gates. The division has not yet worked on any projects in Europe. It's portfolio currently totals over 6,500 MW in the U.S. and Latin America, with additional prospects in early stage development.

### Summer 2007 Clipper's 2.5-MW Liberty wind turbines malfunction

January 09, 2008 5:52 PM ET

By Jennifer Zajac

The largest wind turbine manufactured in the United States is running into some technical difficulty. Clipper Windpower Inc.'s 2.5-MW Liberty wind turbines at the 20-MW Steel Winds facility in Lackawanna, N.Y., are malfunctioning due to faulty gear sets. "At first, we were receiving great performance from the turbines," said Michael Alvarez, executive vice president and COO of UPC Wind Partners LLC, which co-owns the facility with BQ Energy LLC. "Over the summer, a gear-timing issue in the drive train's secondary stage was detected in some of Clipper Windpower's Liberty wind turbines at the Steel Winds site. The cause was found to be a supplier quality deficiency in the drive train attributable to the suppliers' manufacturing process. As part of Clipper's warranty, upgraded drive trains will be installed into all eight turbines at the Steel Winds site. Currently, two turbines are in operation." UPC Wind partnered with BQ Energy to produce and sell energy, capacity and renewable energy certificates generated by Steel Winds to energy retailer Constellation NewEnergy Inc., a subsidiary of Constellation Energy Group Inc., through 2009, Alvarez said. Clipper is providing turbine operation and maintenance services to the facility under a five-year contract ending May 31, 2012, according to Alvarez. After the technical problem was detected at Steel Winds, Clipper examined its manufacturing process. "The root cause of this situation is the quality control process to ensure that the timing of the gear sets was correct," said Robert Gates, senior vice president, commercial operations, at Clipper Wind, a subsidiary of the British company Clipper Windpower Plc. He added that the process has since been corrected. Altogether, roughly 50 Liberty 2.5-MW wind turbines contain the defect. About 40 Liberty 2.5-MW

#### Options Toolbox



#### Related Companies

- BQ Energy LLC
- Clipper Windpower Inc
- Clipper Windpower Plc
- Constellation Energy Group Inc (CEG)
- Constellation NewEnergy Inc
- Edison International (EIX)
- Edison Mission Energy
- First Wind

#### Related Articles

6/26/2007 Clipper Windpower exec named AWEA's president of the board

turbines at Clipper's Endeavor wind farm and nearly a dozen in Minnesota at Edison International subsidiary Edison Mission Energy's Jeffers Wind facility require retrofitting as well, Gates said. Gear sets that have been manufactured after October do not have the problem, he added.

"UPC Wind has worked aggressively with Clipper to ensure that they detect and repair the issues with their Liberty turbines at Steel Winds," Alvarez said. "The turbines are under warranty and Clipper Wind is covering the costs of all repairs, as well as some of the revenue UPC Wind will lose while the turbines are not operating. We are confident all turbines will be returned to service in the near term and will operate in accordance with design specifications."

2/21/2007 High winds hamper construction of New York wind farm

**Related Power Plants**

- Endeavor
- Jeffers Wind
- Steel Winds

A retrofit program is under way at Steel Winds that entails removing the gear sets and replacing them with new ones. Repairs have been hampered by the delay in transporting a crane to the site to conduct the necessary repairs as well as the harsh winter conditions, according to Gates. The first few wind turbines are expected to go online in February and all of them should be in operation by the end of March, he said.

The Clipper 2.5-MW wind turbine is the first wind turbine to utilize a patented, distributed power train and four permanent magnet generators to mitigate loads to components found in many of today's multimegawatt wind turbine designs. It is among the largest land-based wind turbines in the world. The Clipper 2.5-MW wind turbine is sold out for 2008 and 2009, Gates said.

Steel Winds is the first wind farm to feature Clipper's new Liberty turbines. Manufactured in late 2006 at Clipper's new 330,000-square-foot facility in Cedar Rapids, Iowa, the wind turbines were shipped to the project site in early 2007 and placed online in April 2007, according to Clipper's Web site. The project, which was completed in February 2007, was supposed to be done by November 2006 but was delayed due to high winds.

The Steel Winds project is located outside of Buffalo, N.Y., on the banks of Lake Erie. The facility is also believed to be the first installation on a former Superfund site, and may be the largest wind farm in an urban setting in the United States. Steel Winds is a redevelopment of a 1,600-acre plot of land long occupied by Bethlehem Steel. The ground that the turbines are installed on is composed of steel slag, a byproduct of the former industrial operations which, until now, has hindered redevelopment opportunities for the site. *Power Magazine* named Steel Winds as one of the top renewable plants in its December 2007 issue.

**2007, June 5 Steel Wind commissioned**

<http://www.wapa.gov/ES/greennews/2007/jul2307.htm>

Renewable Energy Technologies

**Clipper Windpower Completes Commissioning of 2.5 Wind Turbines (Ind. Report)**





Clipper Windpower Plc has completed the commissioning process for eight of its first full-production 2.5 MW Liberty wind turbines recently installed at the Steel Winds Project, near Buffalo, NY. Based on Clipper's preliminary performance data, the Liberty wind turbines are meeting performance expectations. The Steel Winds project has been under construction by co-owner/developers UPC Energy and BQ Energy. Source: *PR Web, June 05, '07*. For more information, contact Amir S. Mikhail, Senior VP and Chief Technology Engineer, Clipper Windpower, 805-690-3275. Source: *ep-overviews, 6/10/2007*

**2007, June 6 Evidentiary Hearing PSC Cohocton/Dutch Hill**

**2007, June 29**

Click here: [http://www.clipperwind.com/pdf/clipper\\_2007\\_annual\\_report.pdf](http://www.clipperwind.com/pdf/clipper_2007_annual_report.pdf)  
page 27 borrowed money due to difficulties-detailed and important!!!!

**2007 August**

<p><b>08/16/2007</b></p>  <p>File Size 20054 View Document</p>	<p><b>Consent Agenda</b></p> <p>Consent Agenda, Summary of Consent Agenda Item for the August 15, 2007 Session</p> <p>View All Documents issued on 08/16/2007</p>	<p>Summary of Consent Items</p> <p>Electric</p>
<p><b>08/16/2007</b></p>  <p>File Size 125879 View Document</p>	<p><b>07-E-0138</b></p> <p>Canandaigua Power Partners, LLC, Order Granting Certificates of Public Convenience and Necessity. Providing for Lightened Regulation and Approving Financing</p> <p>View All Documents with this Case Number View All Documents issued on 08/16/2007</p>	<p>Orders and Opinions</p> <p>Electric</p>
<p><b>08/15/2007</b></p>  <p>File Size 15310 View Document</p>	<p><b>07-E-0138 Pr07070</b></p> <p>PSC Issues Certificates for Cohocton Projects - Construction and Operation of Wind Energy Generating Projects in Steuben County</p> <p>View All Documents with this Case Number View All Documents issued on 08/15/2007</p>	<p>Press Releases</p> <p>Electric</p>
<p><b>08/10/2007</b></p>  <p>File Size 19229 View Document</p>	<p><b>Pr07068</b></p> <p>PSC Lists Agenda for Wednesday, August 15, 2007</p> <p>View All Documents issued on 08/10/2007</p>	<p>Press Releases, Agendas</p> <p>Miscellaneous</p>

**August 2007**

**The newspaper said the owners of the project – UPC Wind and BQ Energy – first noticed the problems with the wind machines in August.** The paper reported, "Engineers quickly discovered that a tooth on one of the four gears in the box had broken." Inspections found the problem on all of the turbines on the site....

**According to the paper, Liberty turbines at projects in Iowa and Minnesota have the same problem and will require repairs. SNL Financial, a trade news service, reported that 50 Liberty turbines will require repair.**

Click here: [Clipper wind turbines grounded - 01/11/2008](#)

**Clipper wind turbines grounded**

Clipper Windpower, a California-based wind turbine manufacturer, is in deep trouble with its top-of-the-line, 2.5-MW Liberty machine, which is experiencing quality control and apparent design problems, and with the company's financial performance.

The 20-MW Steel Winds wind farm in upstate New York, using eight of the Liberty turbines, has been shut down because of gearbox problems in the turbines, according to *The Buffalo News*. The local newspaper reported that all eight turbines are suffering from what is described as a manufacturing problem and repairing the problem will require several months.

The Steel Winds project, on a former Bethlehem Steel site that is also a listed Superfund toxic waste site, is the first to use the 2.5-MW machines. According to a company news release, the eight wind turbines rolled off the company's assembly line in Cedar Rapids, Iowa, in late 2006, and went into service at the site on Lake Erie in April 2007.

The newspaper said the owners of the project – UPC Wind and BQ Energy – first noticed the problems with the wind machines in August. The paper reported, "Engineers quickly discovered that a tooth on one of the four gears in the box had broken." Inspections found the problem on all of the turbines on the site.

**According to the paper, Liberty turbines at projects in Iowa and Minnesota have the same problem and will require repairs. SNL Financial, a trade news service, reported that 50 Liberty turbines will require repair.**

The Steel Wind turbines are all under warranty, according to a UPC Wind official, so Clipper will bear the costs of repair.

In the meantime, Reuters late last year reported that Clipper warned that the company may report a loss for 2007, and that "only a small portion of output" from 2007 would contribute to revenue. A company spokesman told the news service that while it made 125 turbines in 2007, only eight will produce revenue for the company. Whether those eight are the Steel Wind machines was not clear.

Several Clipper projects in 2007, said the Reuters report, were "loss making."

POWER named Steel Winds one of its top renewable projects in the December 2007 issue, highlighting the unique approach the turbines use in their gearboxes to cope with the enormous torque of turbine blades longer than the wing of a Boeing 747 airplane.

**September 3, 2007 by Alexander Kwiatkowski in Bloomberg News -Clipper Windpower Drops to 11-Month Low on Fault**

Sept. 3 (Bloomberg) -- Clipper Windpower Plc, the partner of BP Plc in U.S. wind-energy projects, fell to an 11-month low in London trading because a faulty component will lead to a delay in shipments.

Shipments will be reduced to between 125 and 145 turbines from a previously estimated 181, according to a statement distributed today by the Regulatory News Service. A testing facility at Clipper's Cedar Rapids, Iowa, plant detected the fault in the 2.5-megawatt drivetrain, which is used to speed up the blades of the turbine.

Production of Clipper's 2.5-megawatt Liberty wind turbine has been hampered by problems relating to the supply of externally-sourced components. The company forecast a first-half loss after turbine production was "constrained" by difficulties in obtaining parts.

"They have slipped up on quality issues twice," said John-Marc Bunce, an analyst at London-based Ambrian Partners Ltd. "This could potentially be damaging to their sales ability going forward." Bunce lowered his recommendation on Clipper to "sell" from "hold."

Clipper slid as much as 63 pence, or 11 percent, to 492.5 pence, the lowest since Oct. 11. The stock traded at 510 pence as of 12:50 p.m. local time.

**Production Shortfalls**

Some turbines already installed may be affected by the fault and the company said it could face costs of as much as \$15 million to remedy the problem. Clipper expects production shortfalls this year will be made up in 2008.

Completion of Clipper's Endeavor project, a 40-turbine, 100-megawatt development in Iowa planned for the third quarter of this year, has been delayed to the fourth quarter, the company said. Clipper assembled 83 drivetrains this year as of Aug. 30.

"Suppliers' deliveries have been temporarily slowed," the company statement said. "These component delays could result in a limited amount of turbine delivery delay damages."

Clipper and London-based BP last year agreed to jointly develop five wind projects in the U.S. with a total generating capacity of 2,015 megawatts. The five projects are located in New York, Texas and South Dakota. Clipper today said it's negotiating a merger of its wind resource portfolios with another developer and expects to announce further details within two weeks.

To contact the reporter on this story, Alexander Kwiatkowski in London at [akwiatkowsk2@bloomberg.net](mailto:akwiatkowsk2@bloomberg.net).

Last Updated: September 3, 2007 08:09 EDT

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**TOWN OF COHOCTON  
CODE ENFORCEMENT OFFICE**

**Joseph S. Bob, Code Enforcement Officer  
P.O. BOX 327, COHOCTON, NEW YORK 14828**

**telephone 585-534-5103**

**fax 585-534-5472**

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**October 05, 2007**

Mr Lawrence Mott  
Senior Projects Manager  
UPC Wind Management, LLC  
23 Main Street, Studio 2  
Bristol, Vermont 05443

**RE: CONDITIONS ON TOWN OF COHOCTON BUILDING PERMITS 07-0064 and 07-0066**

The Town of Cohocton will require that the conditions recommended by LaBelle Associates, P.C. be implemented as a condition of issuance for the building permits for the Dutch Hill and Cohocton Wind Projects. The conditions are as follows:

The Town Code Enforcement Officer will be provided:

- Coordinates of the monopole base of each turbine system to the Code Enforcement Officer prior to construction.
- Certification by a licensed surveyor that the turbine systems, as installed, conform to the setbacks as prescribed in the Local Laws of Cohocton
- All logs and reports of the environmental compliance monitor as construction progresses.
- Results of concrete, geotechnical and other site testing results.
- "As Built" maps or other descriptions clarifying the final locations of access roads and how they differ from locations shown on submitted site plans.
- "As Built" package including cut sheets and manufacturers specifications for turbine system components.
- Per the site plans, advance notice concerning specific locations in which blasting is found to be necessary and the plan to be relied upon to manage the process.

I trust that these conditions will meet with your approval, along with all other conditions, requirements and guidelines set forth by the Town of Cohocton, Planning Board's Special Use Permit. I look forward to working with you as work progresses. Should you have any questions, comments or concerns please feel free to contact me at your earliest convenience.

Respectfully,



Joseph S. Bob  
Code Enforcement Officer

# TOWN OF COHOCTON

Jack Zigenfus - Supervisor

15 S Main St.

PO Box 327

Cohocton NY 14826

Ph. 585/534-5101

Fax 585/534-5472

 **COPY**

February 5, 2008

Mr. Lawrence Mott  
UPC Wind Management, LLC  
50 State Street  
Montpelier, VT 05602

Re: Cohocton and Dutch Hill Wind Power Projects  
Canandaigua Power Partners, LLC and Canandaigua Power Partners II, LLC  
Town of Cohocton

Dear Mr. Mott:

The purpose of this letter is to notify you of Canandaigua Power Partners, LLC (CPP) and Canandaigua Power Partners II, LLC (CPP II)'s remaining obligations under the SUP. This list is not exhaustive. These issues are related to the conditions set forth in the Special Use Permit and other executed agreements that govern your work. It is important for you to recognize that compliance with these conditions are essential and that they must be completed in a timely fashion and to the satisfaction of the Town. Please address your responses to me, the Town's Designee. Responses will be in writing on CPP or UPC letterhead (no E-Mail), with copies to LaBella. Please call me at your earliest convenience so that we can establish a schedule for complying with these requirements.

The following list identifies the outstanding issues that have been identified to date:

## I. SPECIAL USE PERMIT (SUP):

### Condition 3: Permittee's Contractual Interest in Project Parcels of Land

- CPP and CPP II must document to the Town Designee proof of Permittee's contractual interest in parcels of land identified on the site plans. The form of proof has been previously agreed upon and must include acknowledgement by UPC and the landowner.
- CPP and CPP II must document to the Town Designee compliance with the setback requirements of Local Law Nos. 1 and 2 of 2006. It is the Town's intent to utilize LaBella Associates to conduct an instrument survey to verify construction compliance with the site plans. We anticipate checking several critical turbine setbacks. Labella's surveyor is willing to work with your surveyor to accomplish this "spot check". Corrective action will be taken should setbacks be determined to be in violation of our ordinances.
- CPP and CPP II must provide setback releases from the owners of record of the parcels of land identified in Schedule 3.

Conditions 4 &5: Federal State & Local Permits and approvals

- Provide written acknowledgment that any work undertaken prior to obtaining all federal, state, and local permits and approvals shall be undertaken at the permittee's sole risk.

Condition 9G: Construction Requirement

- Provide the Town with a written plan describing how the Permittee intends to implement a *Survey and Avoidance Plan* whose purpose is to identify nesting grassland bird species and avoid any species of concern. To date this has not been an issue due to the season of construction however Spring is approaching.

Condition 13 & 23: Immaterial Alterations

- We request that CPP and CPP II copy all alteration requests to LaBella Associates per SUP Condition 23A.
- Please submit appropriate drawings and written descriptions for each instance identified below.
  - Lent Hill, T-30 &31: Access Road Changes from Site Plan.
  - Lent Hill, T-9: Access Road alignment changed from site plan.

**II. PERMIT OVERSIGHT AGREEMENT**

Article VI - Section 6.3: Fire Protection and Control

- It is not clear whether the meeting with the Fire Chief has taken place and whether the *Fire Protection Plan* been instituted.

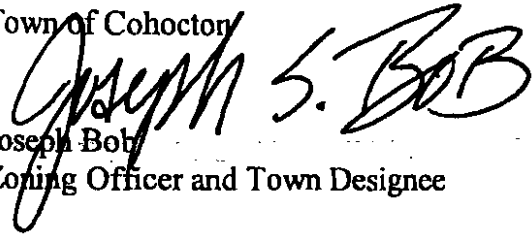
Exhibit C: Complaint Resolution Protocol

- The Town requests that the weekly complaint log be submitted to the Town Designee. Please submit the log to date and submit timely logs hereafter.
- Submit weekly construction schedules to the Town's designee and LaBella Associates outlining your anticipated work for that week. Weekly scheduled meetings may also be required.

Thank you for your consideration of these matters.

Sincerely,

Town of Cohocton

  
Joseph Bob  
Zoning Officer and Town Designee

Cc: Jack Zigenfus, Supervisor Town of Cohocton  
Ray Schrader, Town of Cohocton Planning Board  
Eric Henderson, Code Enforcement Officer  
Wayne Hunt, Town Councilman  
Doug Hastings, LaBella Associates, PC  
Todd Mathes, White Osterman and Hanna  
Ruth E. Leistensnider, Nixon Peabody  
Chris Swartley, UPC  
John Pelczar, UPC  
Josh Bagnato, UPC  
Jim Goodman, UPC

 **COPY**



**FEEL THE WIND. THINK CLEAN.™**

February 21, 2008

Mr. Joseph Bob  
Zoning Officer and Town Designee  
Town of Cohocton  
15 South Main Street  
Cohocton, New York 14826

Re: *Cohocton and Dutch Hill Wind Projects*  
*Canandaigua Power Partners, LLC*  
*Canandaigua Power Partners II, LLC*

Dear Mr. Bob

Thank you for your letter of February 5, 2008 regarding the above two referenced projects, which we received on February 11, 2008. The purpose of this letter is to follow up on our call of February 11, 2008 and our subsequent discussions, and to provide information which Canandaigua Power Partners, LLC ("CPP") and Canandaigua Power Partners II, LLC ("CPP II") believe will satisfy the concerns you raised in your letter.

**I. SPECIAL USE PERMITS (SUPs)**

**Condition 3: Permittee's Contractual Interest in Project Parcels of Land**

*Memoranda of Leases:* Our records indicate that all of the Memoranda of Lease for each of the parcels of land which comprise the Dutch Hill Wind Project were provided to you on September 11, 2007. In addition, we believe that the Memoranda of Leases that we have signed to date for the Cohocton Wind Project were also provided to you previously. However, we have no confirming records regarding this, as there were no transmittal letters; rather, the Memoranda of Lease were merely handed to you informally, on a parcel by parcel basis. Nonetheless, I am enclosing another set of the Memoranda of Lease for the Dutch Hill and Cohocton Wind Projects for your records. In addition, attached to this letter as Exhibit A is a chart showing each parcel of land comprising the Dutch Hill and Cohocton Wind Projects, the date construction commenced on that particular parcel of land, if it has yet occurred, and the

10907813.1

date the lease(s) was or were signed. As demonstrated in Exhibit A, construction did not commence on any particular parcel of land until after each of the leases were signed.

*Setback Releases:* Some or all of the setback releases may have been provided to you earlier. However, because of the informal nature of the delivery, our records cannot confirm that this occurred. Therefore, enclosed please find the following setback releases identified in Schedule 3 of each of the respective Special Use Permits:

Cohocton Wind Project:

- Turbine 4: Consent and Release between Roger Bidlack, as Grantor, Canandaigua Power Partners, LLC, as Grantee, and Austin W. Dyckman, Inc., as Contiguous Landowner.
- Turbine 30: Consent and Release between Patrick Carey, as Grantor, Canandaigua Power Partners, LLC, as Grantee, and Phyllis Meyer, as Contiguous Landowner.
- Turbine 35: Consent and Release between the Edgar Walter Trust, as Grantor, Canandaigua Power Partners, LLC, as Grantee, and Thomas and Carrie Walter, as Contiguous Landowner.
- Turbine 36: Consent and Release between John Wilson, as Grantor, Canandaigua Power Partners, LLC as Grantee, and Mr. and Mrs. Thomas and Carrie Walter, and Mr. and Mrs. Russell and Susan Ferrell, as Contiguous Landowners.

Dutch Hill Wind Project:

- Turbine 2A: Consent and Release between Mr. James Wallace, as Grantor, Canandaigua Power Partners II, LLC, as Grantee, and Sara and Roland Drum, as Contiguous Landowners.
- Turbine 4A: Consent and Release between Mr. and Mrs. Todd and Stephanie Lewis, as Grantor, Canandaigua Power Partners II, LLC, as Grantee, and Gene and Patricia Drum, as Contiguous Landowners.
- Turbine 15A: Consent and Release between Robert and Debra Goshner, as Grantor, Canandaigua Power Partners, LLC, as Grantee, and Henry and Ilean Schultheiss as Contiguous Landowners.
- Turbine 16A: Turbine 16A has been dropped from the Dutch Hill Wind Project, therefore, no setback from the Madison/Geis property line is required at this time.

*Compliance with Setback Requirements* CPP and CPP II are constructing the turbines in the locations set forth on the site plans, which demonstrate compliance with the setback requirements of Local Law Nos. 1 and 2 of 2006, with the setback releases provided above, and in compliance with any immaterial alterations approved by you. It is my understanding, based upon our conversation on Monday, February 5, 2008, that the Town would like to have LaBella contact our surveyor to witness and review certain setbacks to ensure that the turbines are being constructed in accordance with the setback requirements. CPP and CPP II have no problem with this request, or having LaBella do its own instrument survey. Please let me know if you need anything further on this item.

Conditions 4 & 5: Federal, State & Local Permits and Approvals

You have requested we provide a written acknowledgement that any work undertaken prior to obtaining all federal, state, and local permits and approvals would be undertaken at the permittee's sole risk. CPP and CPP II thought letters containing this written acknowledgement had been previously submitted, but we cannot locate copies. Accordingly, attached as Exhibits B and C are letters which acknowledge that the work would be undertaken at CPP and CPP II's sole risk.

Condition 9G: Construction Requirement

You have requested a written plan describing how CPP and CPP II intend to identify nesting grassland bird species and avoid any species of concern. Due to the season of construction, this has not yet been an issue. Special Condition 9G merely requires that CPP and CPP II implement a survey and avoidance plan, not that it needs to be submitted to the Town. Nonetheless, I am enclosing as Exhibit D a copy of CPP and CPP II's Survey and Avoidance Plan for nesting grassland bird species and avoiding any species of concern.

Conditions 13 & 23: Immaterial Alterations

You have requested that we copy all immaterial alteration requests to LaBella Associates. CPP and CPP II were initially advised that copying Todd Mathes, Esq., as the Town's designated consultant would comply with this requirement. Nonetheless, CPP and CPP II will copy LaBella Associates on all future requests.

With respect to the issues you raise regarding Lent Hill, T-9, T-30 and T-31 access road changes from the site plans, these issues will be addressed under separate cover.

## II PERMIT OVERSIGHT AGREEMENT

### Article VI - Section 6.3 Fire Protection and Control

Your letter states that it is not clear whether the meeting with the Fire Chief has taken place, and whether a fire protection plan has been instituted. Section 6.3 of the Permit Oversight Agreement requires that CPP and CPP II meet, at least annually, with the fire chief of the fire district in which the Projects are located, and that the initial meeting was to take place within ninety (90) days of the date of the Permit Oversight Agreement (dated as of August 10, 2007). The Permit Oversight Agreement further requires that a fire protection plan be submitted to the fire chief within thirty (30) days of the initial meeting. There is no requirement that these details be reported to the Town; rather, just that they occur.

In my conversation with you, you indicated that you had spoken with the fire chiefs, and felt that all was in order, but asked that CPP and CPP II submit the details of such meetings. In response to that request, CPP and CPP II provide the following:

An initial meeting was held with representatives of CPP, CPP II, Clipper, M.A. Mortenson, Atlanta Fire Department (including the chief) and the Cohocton Fire Department (including the chief) on September 11, 2007 at 7 PM at the Atlanta Fire House. This meeting was approximately 32 days after the Permit Oversight Agreement was signed. Prior to the meeting, Rick Towner provided the Fire Departments copies of M.A. Mortenson's Fire Prevention and Emergency Response Plans. During the meeting, the fire departments asked questions on the plans and projects, and seemed generally satisfied that the plans provided were sufficient. As no revisions to the fire prevention plan submitted prior to the meeting seemed necessary, no additional fire prevention plan was provided.

Subsequent to that meeting, a drill was undertaken in November of 2007 to test response times. This drill involved a simple injury (broken arm) at Turbine #3 on Pine Hill, which is in the Atlanta Hatch Hose district. This drill only required an ambulance response. Mortenson initiated the call through 911 and measured the response times. Everyone involved was satisfied with the response time, and the help given for locating the patient.

In addition to the September meeting mentioned above, CPP and CPP II met with all members from both departments in June, 2007 to discuss emergency response both during construction and after commissioning. The members of both departments were given an opportunity to ask questions at that time. We believe those questions were addressed to their satisfaction.

Please let me know if you need anything further with respect to this issue.

Exhibit C: Complaint Resolution Protocol

*Provision of complaint log*

Your letter requests that the existing "weekly complaint log" be submitted to the Town, and to submit "timely" logs thereafter. The Complaint Resolution Protocol requires that a log be kept regarding all complaints and concerns, and that the log is available upon request. The Complaint Resolution Protocol negotiated with the Town does not state that the complaint log is a "weekly" log, nor that it is to be submitted to the Town on a "timely" basis. The log has always been available to you in our offices during normal business hours, as you acknowledged.

The concerns you expressed to me during our call was to ensure that reoccurring, more urgent "criminal" type complaints be communicated to you so you can raise the issue with the Sheriff, *i.e.*, for repeat speeders, so that law enforcement could set a speed trap. You also said to me that you did not believe that this type of situation was CPP/ CPP II's responsibility to handle. Our counsel has discussed this request with the Town's special counsel, Todd Mathes, who relayed to her that one issue which has arisen is that some people are calling the Town to complain, and the Town would like to know whether the complaint was reported to CPP/ CPP II, and if so, what the resolution was.

I would like to discuss with you further the concerns expressed by you and by Todd Mathes, to see if we can develop a mechanism to address the concerns short of making formal submission of the complaint log to the Town.

*Submission of weekly construction schedules*

Finally, your letter also requests that weekly construction schedules be submitted to you and to LaBella Associates outlining anticipated work for the week, and that weekly scheduled meetings may also be required. The submission of a weekly construction schedule is not expressly required by any of the permits or agreements between CPP, CPP II and the Town.

As you know, a weekly "communications link" meeting is currently held every Wednesday at 3:30 PM, as contemplated by the Complaint Resolution Protocol, between the representatives of the Town and CPP and CPP II to discuss construction issues. The following persons are the current members of communications link committee: Eric Henderson, Code Enforcement officer, you, as the Town Designee, Tom Simons, Superintendent of the Town Highway Department, John Pelczar, our local Construction Manager, Jeff Wise and Wayne Hunt from the Town Board (designated by the Town), Janice Sabrie from the Village Board of Trustees (designated by the Town), Brian Cocca from our development team, Rick Towner, responsible for outreach and

Operations and Maintenance, and Jane Towner, our Community Outreach representative. Although not everyone comes to every meeting, they do stop by our offices and check the complaint log on a regular basis. During those meetings, construction issues are discussed, as well as any complaints received. We have absolutely no problem with representatives of LaBella attending this meeting, as it may be helpful to them to understand the extent of the interaction and communication which is occurring between CPP, CPP II and the Town, including the discussions occurring between the construction team and the Town representatives.

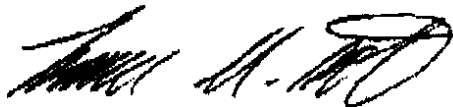
In addition, and as you are aware, UPC holds construction meetings every morning at 6:30 A.M., and I believe we have told you that you are more than welcome to attend, as is LaBella. Due to the complexities associated with construction of a project such as this, adding additional meetings on a weekly basis other than the communications link meeting held each Wednesday discussed above, merely to re-hash what is discussed on a daily basis seems to add more administration than may be warranted.

As we discussed, we prepare "Plan of Day" or "POD" reports on a daily basis. These reports cover the construction which occurred during the previous day, what is planned for the current day, and what is anticipated to occur the next day. It is my understanding, based upon our discussions, that your concerns with respect to this issue may well be addressed by adding you and LaBella to our distribution list for these reports. Please let me know if my understanding of our conversations is incorrect.

#### CONCLUSION

I hope the above discussion, and the enclosures, addresses the matters raised in your letter of February 5, 2008. As always, please feel free to call me to discuss any concerns you or LaBella may have with respect to the construction of the Cohocton and Dutch Hill Wind Projects. I will commit to following up on a timely basis to any concerns you or the Town may have.

Very truly yours,



Lawrence H. Mott  
Senior Projects Manager  
UPC Wind Management, LLC

(09/20/08)

/rel

enclosures

cc: Jack Zigenfus, Supervisor, Town of Cohocton  
Ray Schrader, Town of Cohocton Planning Board  
Eric Henderson, Code Enforcement Officer  
Wayne Hunt, Town Councilman  
Doug Hastings, LaBella Associates, P.C.  
Todd Matbes, Esq., Whiteman, Osterman & Hanna  
Ruth E. Leistensnider, Esq., Nixon Peabody LLP  
Chris Swartley, UPC  
John Pelczar, UPC  
Josh Bagnato, UPC  
Jim Goodman, UPC  
Evelyn Lim, Esq., UPC  
Elizabeth Weir, Esq., UPC

**COHOCTON / DUTCH HILL LEASES**

**TURBINE LEASES**

<b>LANDOWNER NAME AND CONTACT INFO</b>	<b>TURBINES</b>	<b>Construction Start Date</b>	<b>Lease execution date</b>
Austin W. Dyckman, Inc.	T4, T5 T6, T8 T10,	10/2/07 – Road	July 25, 2007, amended November 7, 2007
Cunningham, Glenn and Diana	T8A, T9A	10/3/07 - Road	February 15, 2006, amended June 30, 2006
Jerry Deusenbery Anthony Deusenbery Cheryl Deusenbery	T16	10/16/07 - Road	July 8, 2004, amended August 31, 2007
Drum, Gene	T10A, T11A	9/27/07 - Road	July 12, 2007
Drum, Gene and Pat	T4A, T5A	9/21/07 - Road	July 12, 2007
Drum, Roland and Sara	T1A T2A	9/19/07 - Road	July 12, 2007
Drum, et al	T3A	9/22/07 - Road	July 12, 2007
Hal and Judith Graham	T14	11/2/07 - Road	April 15, 2004, amended June 30, 2006, further amended October 29, 2007
Lent Hill Dairy Farms,	T15 T18, T19, T20 T21 T22 T23, T24, T25 T26 T27 , T29	9/20/07 – CR-35/Wetland Bore 10/16/07 - Road	August 15, 2007
Meyer, Joseph, Joseph Jr. and John	T32 T line	10/24/07 - Road	August 30, 2007
Meyer, Phyllis	T30 T31	10/1/07 – U.G.E. From PM yard to T31. (10/31 – Road)	August 30, 2007
Moore, Gerald and Dorothy, Richard	T9	10/8/07 - Road	August 2, 2007

Nelson, John and Patricia	T11	10/24/07 - Road	April 24, 2007, amended October 29, 2007
Schultheis, Henry, Ilean, Ed	T12A, T13A, T14A, T15A	10/1/07 - Atlanta Back Bore 10/3/07 - Road	February 28, 2006, amended July 30, 2007, MOU November 8, 2007, MOU further November 9, 2007
Schwingel, Douglas and Susan	T1, T2, T3, T7	9/29/07 - Road	April 16, 2004, amended July 26, 2006
Simolo, Et al	T6A, T7A	9/25/07 - Road	February 13, 2006, amended June 30, 2006
Towner, Rick and Christine	PM Yard	8/21/07 - PM Yard	May 5, 2007
Wallace, Tedd	T17	10/31/07 - Road	July 8, 2004, amended June 30, 2006, further supplemented by Consent & Waiver August 22, 2007, and further amended November 19, 2007
Walter, Thomas and Carrie	T34, T35, T36	11/13/07 - Road	August 15, 2007, amended July 26, 2007
Wolcott, Maureen	T28	10/22/07 - Road	August 15, 2007
Wolcott, Roger	T12 T13	10/15/07 - Road	April 16, 2004, amended November 19, 2007

#### T-LINE

Kris and Bradley Harter	Tline	N/A	February 7, 2007, amended October 26, 2007
McCormick and Funk	T line	N/A	April 30, 2007
Lent Hill Dairy (CPPII)	T line	9/20/07	August 15, 2007
Meyer (Joseph Jr and John)	Tline	12/28/07	November 19, 2007
Fairbrother, Paul and Roberta	Tline	N/A	February 6, 2007
Ferrell, Russell and Susan	No turbines, just substation	1/15/2008	September 12, 2005, amended July 2007
Jacobs, Lisa and Jason and Holbrook	Tline	N/A	August 31, 2007
Jacobs, Robert and	T line and	9/27/07	April 26, 2007, amended July

Karen	substation		31, 2007
Kastberg, Jan	Tline	N/A	April 14, 2006, amended October 26, 2007
Preston	Tline	N/A	February 20, 2007
Slayton, Forrest and Kelly	Tline	N/A	May 26, 2007
Sick, Neil and Linda	tline	N/A	September 9, 2006
Simmons, Berta	Tline	N/A	May 17, 2007
Towner, Jane	Tline	12/29/07	January 3, 2006, amended July 31, 2007
Towner, Rick and Christine	Tline	8/21/07	July 31, 2007
Walker, Tedd, Susan and Gregg	Tline	N/A	November 19, 2007
Zastawny, Eric	Tline	12/29/07	April 26, 2007, amended April 2007
DPW - County of Steuben 3 East Pulteney Square Bath, NY 14810	T line	N/A	October 23, 2007
Railway	Tline	N/A	Has yet to be executed
State parcel	Tline	N/A	Has yet to be executed