

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

Application of Cassadaga Wind LLC
Request for Trade Secret/Confidential
Protection

**AFFIDAVIT IN SUPPORT
OF REQUEST**

Case No. 14-F-0490

STATE OF TEXAS)

: ss.:

COUNTY OF TRAVIS)

John Franklin, being duly sworn deposes and says as follows:

1. I am Executive Vice President-Operations for RWE Renewables Development, LLC, a Delaware limited liability company, which is a wholly-owned subsidiary of RWE Renewables Americas, LLC (collectively referred to as “RWE”), Cassadaga Wind LLC’s parent company. I am based in Austin, Texas. I attended the University of Massachusetts-Lowell and graduated with a BSEE degree in Power Engineering in 1976. I have worked for RWE (and its predecessor, E.ON Climate and Renewables North America Inc.) for 14 years. Prior to RWE I worked at Florida Power & Light Company. As EVP-Operations for RWE I am responsible for all aspects of operations and maintenance of RWE’s renewable assets in North America.

2. On January 17, 2018, the Siting Board issued an Order granting a Certificate of Environmental Compatibility and Public Need, with Conditions (“Certificate”) to Cassadaga Wind LLC (“Cassadaga Wind”). The Certificate authorizes construction of 48¹ wind turbines to be located in the Towns of Cherry Creek, Charlotte, and Arkwright, capable of producing up to 126 megawatts (hereinafter referred to as the “Facility”).

3. I submit this affidavit in support of Cassadaga Wind LLC’s appeal of the Records Access Officer’s determination denying trade secret protection for the Monthly Blade Inspection Reports which can contain confidential details related to the Facility’s turbines.

4. Cassadaga Wind completed construction of the Facility on June 6, 2021 and commenced commercial operations in August 2021. The Facility is powered by 27 Nordex and 10 Siemens Gamesa turbines and has the capacity to provide clean energy for more than 37,000 households. The Facility is RWE’s 29th onshore wind farm in the U.S. and represents a considerable investment in the State of New York. RWE is also developing and constructing the Baron Winds project in Steuben County, New York, which received its Article 10 Certificate in September 2019 and is currently under construction.

¹ The final Facility design is for 37 turbines and 125.5 MW.

5. RWE has invested considerable resources in developing renewable energy projects in New York and ranks among the top 10 onshore wind companies in the U.S. RWE has spent millions of dollars developing renewable energy in the State and as a private corporation operating in a highly competitive market has a vested interest in ensuring its trade secret/commercial confidential information is protected.

6. Cassadaga Wind was the first utility scale wind farm proceeding under Article 10 to receive a Certificate. Cassadaga Wind's Certificate includes Condition 158 which states:

"The Certificate Holder shall have an inspection program for the wind turbine blades and file monthly reports with the Secretary identifying any damage, defects or any other problems with the wind turbine blades, or indicating that no such damage, defect or problem was found. The report should include any photographs of the area in question, the repairs under taken [sic] and the diagram of the wind turbine blade."

7. The Monthly Blade Inspection Reports may contain details regarding damage, defects or "any other problems" with the turbine blades at the Facility. Cassadaga Wind considers this information to be confidential and aside from the requirement to submit the report as part of its Certificate, Cassadaga Wind would not share this report with the public. To date, Cassadaga Wind has submitted its Monthly Blade Inspection Reports under confidential cover to the Public Service Commission.

8. The information in the Monthly Blade Inspection Reports related to damage, defects or "any other problems" is confidential and highly valuable to competitors because such reports contain details about the Facility's maintenance and operation which would otherwise be unavailable to Cassadaga and RWE's competitors but for the requirements of the Certificate.

9. If the Monthly Blade Inspection Reports were disclosed with details of damage and defects, competitors and/or the public could misuse the information in the reports to undermine Cassadaga Wind, RWE and the Company's turbine vendors. They could use the information to dissuade investors, landowners, and contractors from working with the Company and its turbine vendors.

10. Competitors and/or the public, could manipulate this data to convince investors and landowners to not work with Cassadaga and RWE in the future on the erroneous and misleading basis that such reports reflect failures on the part of Cassadaga and RWE. RWE intends to continue to invest in the U.S. and New York State and this information could be used to interfere with those investments.

11. Moreover, the Facility and Facility components, including turbine blades, are considered critical energy infrastructure, and RWE treats detailed information regarding Facility maintenance and operation as such. This means that there are heightened concerns regarding

system vulnerability and national security issues, similar to any type of production, generation, transmission or distribution facility. If information regarding system vulnerabilities is made publicly available this increases the risk of catastrophic events.

12. The design of wind turbine blades and impact of damages on the integrity of the blades is a highly specialized field. The design, evaluation of performance as well as the condition assessment of wind turbine blades is a highly specialized field. It involves familiarity with their design and the physics surrounding these specialty engineered structures, aerodynamics and how dynamic and static forces interact with the blades themselves. Publicly releasing design details and images of damages on the blades may cause undue concern to the public who do not possess these specialized skills to interpret the reports or could potentially be misconstrued by those looking to interfere with Cassadaga Wind Farm or future developments. This is particularly concerning, as I understand, no other wind project in the State is required to submit monthly reports. This means Cassadaga's reports are even more ripe for misuse and misinformation and causing undue concern, in the highly competitive renewable energy market.

13. Cassadaga Wind's turbines are located on private lands and are setback appropriately from non-participating properties and public lands. Therefore, damage to turbine blades cannot pose a risk to public health and safety. There are no known instances of a member of the general public being injured at an operating wind farm in the United States from operational malfunctions. International engineering standards and industry standard setback requirements have been demonstrated to protect the public from harm. There are no public health and safety impacts associated with the wind turbine blades.

14. Cassadaga Wind makes significant investments in ensuring its Facility is operated and maintained in a safe and efficient manner. Conducting turbine inspections, identifying damage and defects, responding to issues, and repairing any required turbine blades requires specialized knowledge and substantial resources, including, engineering review where appropriate and consultation with vendors and maintenance contractors, in addition to repairing any issues, if necessary. Over many years of developing and operating projects RWE has developed strategies for addressing conditions and disclosure of these inspection and maintenance strategies would undermine this investment if disclosed to competitors.

15. I have also reviewed the April 11, 2022, letter by Concerned Citizens of Cassadaga Wind Project ("CCCWP"). CCCWP raises two concerns related to blade damage (1) noise generated by damaged blade and (2) microplastic shedding. Cassadaga Wind's Article 10 Certificate has sound limits and requirements for sound testing; therefore, the Monthly Blade Inspection Reports do not address any sound issues. Sound issues would be contained in separate reports that are required to be filed with the Public Service Commission per Cassadaga's Certificate (Conditions 71-73). With respect to microplastic shedding there is no scientific evidence that wind turbines increase microplastic pollution. Wind turbines do not contain the kind of plastics found in microplastics, as wind turbine blades are not composed of thermoplastics.

16. The Monthly Blade Inspection Reports also do not provide the general public with information with respect to operational reliability. Nothing in the reports would indicate whether the documented “damage, defects or any other problems” affect operational reliability and the Project can operate reliably while turbine repairs are made, if needed.

17. If the Monthly Blade Inspection Reports were disclosed to the public and competitors with details of damage and defects it would harm Cassadaga and RWE’s business.

18. I respectfully submit that the Monthly Blade Inspection Reports should be protected as trade secret and not disclosed to the public for the reasons stated above.

[Signature page to follow]


John Franklin

Sworn to me before me this
12 day of May, 2022


Notary Public

