

KEOUGH & SWEENEY, LTD.

ATTORNEYS AND COUNSELORS AT LAW
100 ARMISTICE BOULEVARD
PAWTUCKET, RHODE ISLAND 02860

JOSEPH A. KEOUGH JR.*
JEROME V. SWEENEY III*

SEAN P. KEOUGH*
MARGARET HOGAN SWEENEY*

JEROME V. SWEENEY II
OF COUNSEL

TELEPHONE
(401) 724-3600
FACSIMILE
(401) 724-9909

www.keoughsweeney.com

BOSTON OFFICE:
171 MILK STREET
SUITE 30
BOSTON, MA 02109
TEL. (617) 574-0054
FAX (617) 451-1914

*ADMITTED TO PRACTICE IN
RHODE ISLAND & MASSACHUSETTS

January 11, 2010

Ms. Luly Massaro, Clerk
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888

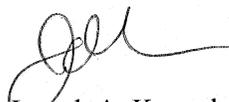
**Re: *Review of Proposed Town of New Shoreham
Project, Pursuant to R.I.G.L. § 39-26.1-7
Docket No. 4111***

Dear Ms. Massaro:

Enclosed please find an original and nine (9) copies of Deepwater Wind Block Island, LLC's response to the Conservation Law Foundation's Third Set of Data Requests. Please note that an electronic copy has been sent to the Service List.

Thank you for your attention to this matter.

Sincerely,



Joseph A. Keough, Jr.

JAK/kf
Enclosure

CC: Service List (via electronic mail)

STATE OF RHODE ISLAND PUBLIC UTILITIES COMMISSION
DOCKET No. 4111
Deepwater Wind Block Island, LLC
Response To
The Conservation Law Foundation's Data Requests
SET 3

CLF 9: Reference is made to CLF's Data Request 5 and to Deepwater Wind's December 28, 2009 Response thereto. CLF's Data Request asked about "Deepwater Wind's understanding of the permitting process." The last sentence of Deepwater Wind's Response reads, in its entirety, "A detailed list of permits is set forth on Exhibit B of the Power Purchase Agreement filed with the Commission." Is it Deepwater Wind's position that all the permits listed on Exhibit B of the Power Purchase Agreement (PPA) will be necessary in order for the proposed Block Island wind farm at issue in this Docket to be built? Please begin your answer with a simple yes or no; you may then provide any additional amplification or narrative explanation necessary for a complete answer.

Response: Yes, to the best of Deepwater Wind's knowledge. The list attached as Exhibit B of the Power Purchase Agreement filed with the Commission is Deepwater Wind's current understanding of the permitting regime applicable to the construction and operation of the Block Island Wind Farm. Since submitting the response to CLF's Data Request 5, Deepwater Wind has been informed that it may need to obtain two additional permits, and continues to discuss these requirements with the applicable agencies, as follows:

Rhode Island Department of Environmental Management
Section 401 Water Quality Certification

U. S. Army Corps of Engineers
Section 404 Water Quality Permit

Other than those permits identified on Exhibit B and the permits above, Deepwater Wind is not aware of any other material permits that will be required which cannot be obtained in the normal course.

However, it is important to bear in mind that the Block Island Wind Farm is the first offshore wind farm to be permitted by or in within the coastal waters of Rhode Island, Deepwater Wind cannot provide absolute assurance that the agencies having jurisdiction will not make additional requests or that future regulatory requirements will not establish the need for additional permits or certificates, variances, exemptions or other approvals.

Response by: William Moore

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CLF 10: If the Response to CLF's Data Request 9 begins with anything other than "yes," please list all the permits set forth on Exhibit B of the Power Purchase Agreement filed with the Commission that Deepwater Wind believes will not be necessary in order for the proposed Block Island wind farm at issue in this Docket to be built.

Response: Please see the response to CLF's Data Request 9, which is incorporated herein by reference.

Response by: William Moore

STATE OF RHODE ISLAND PUBLIC UTILITIES COMMISSION
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CLF 11: Reference is made to CLF's Data Request 5 and to Deepwater Wind's Response thereto. The last sentence of Deepwater Wind's Response reads, in its entirety, "A detailed list of permits is set forth on Exhibit B of the Power Purchase Agreement filed with the Commission." Is it Deepwater Wind's position that Exhibit B of the PPA is an exhaustive list of all permits that will be required, and that no other permits will be required in order for the proposed Block Island wind farm at issue in this Docket to be built? Please begin your answer with a simple yes or no; you may then provide any additional amplification or narrative explanation necessary for a complete answer.

Response: Please see the response to CLF's Data Request 9, which is incorporated herein by reference.

Response by: William Moore

STATE OF RHODE ISLAND PUBLIC UTILITIES COMMISSION
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CLF 12: If the Response to CLF's Data Request 11 begins with anything other than "yes," please list all additional permits not set forth on Exhibit B of the PPA that, in Deepwater Wind's view, may be necessary in order for the proposed Block Island wind farm at issue in this Docket to be built.

Response: Please see the response to CLF's Data Request 9, which is incorporated herein by reference.

Response by: William Moore

STATE OF RHODE ISLAND PUBLIC UTILITIES COMMISSION
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CLF 13: Reference is made to the last sentence of the first paragraph of Deepwater Wind's December 28, 2009 Response to CLF's Data Request 5. Please identify each and every permit that Deepwater Wind believes may be (and/or is) necessary to obtain for the "preliminary studies" described in that sentence, and state the government agency responsible for issuing each one.

Response: The permits required to commence the preliminary studies are listed below along with the corresponding state agency responsible for issuing the permit:

Activity	Agency/Permit
Avian RADAR (Southeast Lighthouse)	Town of New Shoreham (Use Permit)
Meteorological Tower Installation	CRMC (Assent), Town of New Shoreham (Building Permit)
LIDAR Unit Installation (Northeast Light)	CRMC (Assent), Town of New Shoreham (Building Permit)
Geotechnical Coring Permit	CRMC (Use Permit), USCG (Maritime Safety), & ACOE (Use Permit)

Response by: William Moore

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CLF 14: With regard to the "preliminary studies," referenced in CLF's Data Request 13, list each and every preliminary study Deepwater Wind believes to be necessary (whether or not yet commenced or completed). For each preliminary study, provide a description of what is being studied, whether the preliminary study is being required by any government agency (and, if so, by which one(s)), and state the date that each preliminary study began (or is anticipated to begin) and the date that the preliminary study ended (or is anticipated to end).

Response: The following is a list of those studies which Deepwater Wind is studying, or will conduct, and the agency overseeing such activities and for which permits. While the start dates for studies are identified in the table, end dates are not yet certain as pre- and post-monitoring schedules remain subject to SAMP review and determination. Lastly, it should be noted that while no offshore wind farms have yet to date been fully permitted, we cannot guarantee that other agencies having jurisdiction won't make additional study or permitting requests. Therefore, although we may be fairly certain in our understanding, our response calls for a certain degree of speculation.

Preliminary Study	Agency/Permit	Start Date
Avian Studies (Population count & Migration patterns)	US Fish & Wildlife Service (ESA)	Feb 20, 2009
Bat Studies (Population count & Migration patterns)	US Fish & Wildlife Service (ESA)	May 1, 2009
Marine Habitat Studies (Essential Fish Habitat; Benthic Habitat Survey; Eel Grass Surveys; Scour Analysis; Construction Noise Assessment)	National Marine Fisheries Service (Essential Fish Habitat/Section 7 of ESA-Marine Mammals Protection Act)	Oct 1, 2009
Marine Mammal & Sea Turtle Studies (ESA; Measuring potential acoustic impacts)	US Fish & Wildlife Service (ESA)	Aug 1, 2009
Upland and Marine Archeological Studies	First Nations; State Historic Preservation Office	Nov 1, 2009
Visual Impact Studies	State Historic Preservation Office	Mar 1, 2010

Response by: William Moore

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CLF 15: Reference is made to the last sentence of the first paragraph of Deepwater Wind's Response to CLF's Data Request 5 which Response refers to possible "additional permits for ... various aspects of the construction process" Reference is also made to Exhibit B of the PPA, listing permits, and specifically to subsection "a" thereto labeled "Construction Permits." Is it Deepwater's belief that subsection a of Exhibit B to the PPA is an exhaustive list of all construction permits that will be required for construction of the proposed Block Island wind farm at issue in this Docket?

Response: Please see the response to CLF's Data Request 9, which is incorporated herein by reference.

Response by: William Moore

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Deepwater Wind Block Island, LLC

Response To

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CLF 16: If your answer to Data Request 13 is anything other than "yes," please state all additional permits required for construction, and for each permit identified, state the government agency requiring the permit.

Response: Please see the response to CLF's Data Request 9, which is incorporated herein by reference.

Response by: William Moore

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Deepwater Wind Block Island, LLC

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CLF 17: Reference is made to the last sentence of the first paragraph of Deepwater Wind's Response to CLF's Data Request 5 which Response refers to possible "additional permits for ... operations and maintenance...." Reference is also made to Exhibit B of the PPA, listing permits, and specifically to subsection "b" thereto labeled "Operating Permits." Is it Deepwater's belief that subsection b of Exhibit B to the PPA is an exhaustive list of all operating and/or maintenance permits that will be required for the proposed Block Island wind farm at issue in this Docket?

Response: Please see the response to CLF's Data Request 9, which is incorporated herein by reference.

Response by: William Moore

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Deepwater Wind Block Island, LLC

Response To

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CLF 18: If your answer to Data Request 15 is anything other than "yes," please state all additional permits required and for each permit identify the government agency requiring the permit.

Response: Please see the response to CLF's Data Request 9, which is incorporated herein by reference.

Response by: William Moore

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Deepwater Wind Block Island, LLC

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CLF 19: Reference is made to CLF's Data Request 6, which asked, in relevant part about Deepwater Wind's understanding of the relationship and applicability (if any) of the SAMP to the permitting of the proposed Block Island wind farm at issue in this Docket. Deepwater Wind's Response made reference to "expediting application review." (See penultimate sentence of paragraph 2 of Response.) Does Deepwater Wind believe that the SAMP will (or may) have the effect of expediting the review of Deepwater Wind's application for any of the permits listed on Exhibit B of the PPA? If yes, please identify all such permits and describe Deepwater Wind's understanding of how the SAMP will (or may) expedite the permitting process for each listed permit.

Response: Deepwater Wind concurs with the following statement by the Rhode Island Coastal Resources Management Council ("CRMC") regarding the Special Area Management Plan ("SAMP"):

"This work will generate a draft zoning map for public review and comment and will involve other state and federal agencies. Concurrent with this work, the CRMC will generate regulatory standards for guiding development and protecting the state's resources as part of the RI coastal program. With this process the state will have preselected sites that are environmentally and technically sound and most importantly have public and government acceptance. This will increase permitting predictability for renewable energy projects and expedite application review." (Source: http://www.crmc.ri.gov/samp_ocean.html)

Deepwater Wind cannot determine whether or not the SAMP will or may expedite the review of Deepwater Wind's application for permits. The nature of environmental permitting is such that the actual review period depends on the scope of the permitting agency's jurisdiction and the issues that come to the agency's attention in its review of data collected and submitted to the agency. Deepwater Wind does not set the scope or duration of the agency's review, though obviously it will work closely with any such agency, and hopes that permits are issued in a responsible but timely fashion to enable the project to move forward without delay or the loss of available Federal incentives.

Deepwater Wind is attempting to pursue a parallel track of taking steps to finance the construction of the project along with site selection and permitting. The SAMP will define use zones for Rhode Island's ocean waters through a research and planning process. The CRMC is leading the SAMP effort with the support of the University of Rhode Island ("URI"). Federal agencies such as Minerals Management Service and the US Army Corp of Engineers, which have authority in federal waters, are participating in the development of the SAMP, as are state agencies including the Rhode Island Department of Environmental Management. As part of the SAMP process, the CRMC is working to define offshore energy zones by collecting information related to sensitive resources and habitats, as well as potential marine and safety hazards. The SAMP preparation process is expected to be completed by August 2010.

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Deepwater Wind will use the results of the SAMP process and the data collected in connection therewith to prepare permit applications which are scheduled to be submitted in September 2010 after the SAMP has been completed and adopted. Given the involvement in the SAMP of many of the same agencies that will be responsible for issuing permits, permit issuance is expected to be timely, although the actual relevance of SAMP data to individual permits, and its impact on the timeline and process for permit review, will ultimately be determined by the individual agencies, and not Deepwater Wind.

Response by: William Moore

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CLF 20: Reference is made to CLF's Data Request 6, and to the penultimate sentence of paragraph 2 of the Response. What is Deepwater Wind's understanding of how the SAMP "zoning exercise" will "inform the regulatory permitting process, thereby increasing permitting predictability, and expediting application review?"

Response: Please see response to CLF's Data Request 19, which is incorporated herein by reference. Deepwater Wind believes that the SAMP will provide the relevant agencies with information that will be relevant to their decision making process, and in light of the involvement of those same agencies in the development of the SAMP, their understanding of the relevant issues should be current.

Response by: William Moore

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CLF 21: Reference is made to Deepwater Wind's Response to CLF's Data Request 7. The first sentence of the Response says, in part, "In selecting a site for the Block Island Wind Farm, Deepwater Wind will take into account a number of factors" Please identify all the factors that must be taken into account in selecting a site and describe how each factor was established. If factors were established by law, cite the applicable law; if factors were established by a government agency, name the agency. For each factor, describe the criteria against which the factors are to be evaluated. Merely repeating Deepwater Wind's previous response to CLF's Data Request 7 is not a satisfactory answer to this Data Request.

Response: Deepwater Wind has considered, and will continue to consider, a number of factors in determining the location of the Block Island Wind Farm. The legal/permitting requirements and constraints are one factor that is being considered, as are such things as wind resources, access to markets, constructability, maintainability, access to a skilled workforce and the applicable legislation, RIGL § 39-26.1-1, et. seq. In addition, as a project developer, Deepwater Wind relies on management experience as to what project parameters are acceptable to the financing markets - parameters that shift over time due to changing credit conditions and information about other projects that lenders incorporate into their consideration set. The list is non-exhaustive, and evolves with the development of the project. It is not possible to lay out in advance all possible considerations relevant to site selection. The site selection process ultimately requires that a developer consider numerous conditions.

Deepwater Wind's response to CLF's Data Response 7 was an attempt to convey the fluid nature of the project development process. Generally speaking, some of the factors that are considered are whether the site is one that has good wind resources, does not pose any environmental issues (such as being in a sensitive marine habitat), is compatible with any competing use, has favorable geographic conditions, is accessible to ports, affords a short transit time to shelter in the event of unfavorable weather conditions, affords an extended installation window relative to other sites, is close to an acceptable transmission interconnection point requiring few network upgrades, is sheltered from adverse weather conditions, is familiar to local maritime resources, minimizes potential disruption to existing and ongoing uses of the surrounding areas, and is acceptable to the local community.

Response by: William Moore

STATE OF RHODE ISLAND PUBLIC UTILITIES COMMISSION

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Deepwater Wind Block Island, LLC

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CLF 22: Reference is made to Deepwater Wind's Response to CLF's Data Request 8. The first sentence of the Response says, in full, "Deepwater Wind has assumed it will obtain a state lease for a site within the state waters around Block Island in a location to the southeast of Block Island, shown in Figure 1 below." The Response then has a map labeled "Fig 1: Proposed site of Block Island Wind Farm." The map includes 8 circular dots placed within state waters in a location to the southeast of Block Island. What meaning did Deepwater Wind mean to convey by the placement of these eight dots?

Response: The eight dots represent the locations at which Deepwater Wind has performed detailed geotechnical borings.

Response by: William Moore

STATE OF RHODE ISLAND PUBLIC UTILITIES COMMISSION

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Deepwater Wind Block Island, LLC

Response To

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CLF 23: CLF incorporates by this reference its Data Request 22. Do these eight dots indicate the actual locations for the eight wind turbines that Deepwater Wind plans to erect for the proposed Block Island wind farm at issue in this Docket?

Response: No. The actual locations will be determined by a number of factors, including turbine selection, permitting, geotechnical and geophysical studies, the studies referenced in response to CLF 14, the considerations discussed in CLF 21, and final engineering.

Response by: William Moore

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CLF 24: If the answer to Data Request 23 is yes, how were these locations determined?

Response: Not Applicable.

Response by: William Moore

STATE OF RHODE ISLAND PUBLIC UTILITIES COMMISSION**DOCKET No. 4111****Deepwater Wind Block Island, LLC****Response To****The Conservation Law Foundation's Data Requests****SET 3****CERTIFICATION**

I hereby certify that on January 11, 2009, I sent a copy of the within to all parties set forth on the attached Service List by electronic mail and copies to Luly Massaro, Commission Clerk, by electronic mail and regular mail.

Name/Address	E-mail Distribution	Phone/FAX
Thomas R. Teehan, Esq. National Grid. 280 Melrose St. Providence, RI 02907	Thomas.teehan@us.ngrid.com	401-784-7667 401-784-4321
	Joanne.scanlon@us.ngrid.com	
Ronald T. Gerwatowski, Esq. National Grid 40 Sylvan Rd. Waltham, MA 02451	Ronald.gerwatowski@us.ngrid.com	
	Celia.obrien@us.ngrid.com	
	Jennifer.brooks@us.ngrid.com	
Joseph A. Keough, Jr., Esq. Keough & Sweeney 100 Armistice Blvd. Pawtucket, RI 02860	jkeoughjr@keoughsweeney.com	401-724-0600
Michael McElroy, Esq. Schacht & McElroy PO Box 6721 Providence RI 02940-6721	McElroyMik@aol.com	401-351-4100 401-421-5696
	ifrtruck35@mac.com	
	albertrc@optimum.net	
Alan Mandl, Esq. Smith & Duggan LLP Lincoln North 55 Old Bedford Road Lincoln, MA 01773	amandl@smithduggan.com	617-228-4464 781-259-1112
Jerry Elmer, Esq. Conservation Law Foundation 55 Dorrance Street Providence, RI 02903	Jelmer@clf.org	401-351-1102 401-351-1130
Katherine A. Merolla, Esq., Merolla & Accetturo 469 Centerville Road Suite 206 Warwick, RI 02886	KAMLAW2344@aol.com	401-739-2900 401-739-2906
Richard A. Sinapi, Esq. Sinapi Formisano & Company, Ltd. 100 Midway Place, Suite 1 Cranston, RI 02920-5707	dicks@sfclaw.com	401-944-9690 401-943-9040

STATE OF RHODE ISLAND PUBLIC UTILITIES COMMISSION

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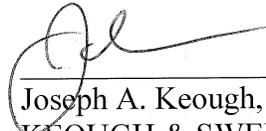
Response To

The Conservation Law Foundation's Data Requests

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Alan Shoer, Esq. Adler Pollock & Sheehan One Citizens Plaza, 8 th Floor Providence, RI 02903-1345	Ashoer@apslaw.com	401-274-7200 401-751-0604
Joseph J. McGair, Esq. Petrarca & McGair, Inc. 797 Bald Hill Rd. Warwick RI 02886	jjm@petrarcamcgair.com	401-821-1330 401-823-0970
	mikdelia@biaero.com	
	maggie@biaero.com	
Leo Wold, Esq. Dept. of Attorney General 150 South Main St. Providence, RI 02903	lwold@riag.ri.gov	401-222-2424 401-222-3016
	Steve.scialabba@ripuc.state.ri.us	
	Al.contente@ripuc.state.ri.us	
Jon Hagopian, Esq. Dept. of Attorney General 150 South Main St. Providence, RI 02903	jhagopian@riag.ri.gov	
	Dmacrae@riag.ri.gov	
	Mtobin@riag.ri.gov	
Paul Rich, Deepwater Wind	Prich@dwwind.com	401-648-0604
Bill Moore, Deepwater Wind	Wmoore@dwwind.com	401-648-0604
Susan Demacedo, Deepwater Wind David Schwartz	susan@dwwind.com dschwartz@dwwind.com	401-648-0606
Richard LaCapra, LaCapra Associates	Rlacapra@lacapra.com	212-675-8123
Richard Hahn Mary Neal Lacapra Associates 1 Washington Mall, 9th floor Boston, MA 02108	rhahn@lacapra.com	
	mneal@lacapra.com	
Original & nine (9) copies w/: Luly E. Massaro, Commission Clerk Public Utilities Commission 89 Jefferson Blvd. Warwick RI 02889	Lmassaro@puc.state.ri.us	401-780-2017 401-941-1691
	Cwilson@puc.state.ri.us	
	Nucci@puc.state.ri.us	
	Anault@puc.state.ri.us	
	Secamara@puc.state.ri.us	
Matt Auten, Office of Lt. Governor	mauten@ltgov.state.ri.us	
Julian Dash, RIEDC	jdash@riedc.com	
Rep. Ehrhardt	rep-ehrhardt@rilin.state.ri.us	

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Joseph A. Keough, Jr., Esquire # 4925
KEOUGH & SWEENEY, LTD.
100 Armistice Boulevard
Pawtucket, RI 02860
(401) 724-3600