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*ADMITTED TO PRACTICE IN
RHODE ISLAND & MASSACHUSETTS

February 26, 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 Motion To Strike Testimony Of William V. Short, III, Michael Delia And Maggie Delia.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,

Joseph A. Keough, Jr.

JAK:prc
Enclosures

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION**

IN RE: REVIEW OF PROPOSED :
TOWN OF NEW SHOREHAM :
PROJECT PURSUANT TO : **DOCKET NO. 4111**
R.I. GEN. LAWS § 39-26.1-7 :

**DEEPWATER WIND BLOCK ISLAND, LLC’S MOTION TO STRIKE
TESTIMONY OF WILLIAM V. SHORT, III, MICHAEL DELIA AND MAGGIE
DELIA**

I. INTRODUCTION

Now comes Deepwater Wind Block Island, LLC (“Deepwater Wind”) and hereby requests that the Rhode Island Public Utilities Commission (“Commission”) strike the testimony of William V. Short, III, Michael Delia and Maggie Delia. Deepwater Wind’s request for relief is made pursuant to the Commission’s Rules of Practice and Procedure (“Commission’s Rule(s)” or “Rule(s)”), Rules 1.2 (a), 1.1, 1.18(c)(4), 1.20(e), 1.21(b).

II. FACTS

On October 30, 2009 Michael and Maggie Delia (“Delias”) filed a Motion to Intervene in the above-captioned Docket. This motion was subsequently granted as no opposition was filed. After being granted intervener status, the Delias issued six (6) sets of Data Requests to the parties in this Docket.¹ On January 19, 2010, Michael and Maggie Delia submitted pre-filed direct testimony in this Docket as required by Commission Rule 1.20 (e). In addition, testimony was filed on behalf of the Delias by William V. Short, III. The cover page of Mr. Short’s testimony identified him as an

¹ The Delias issued 3 sets of Data Requests to Deepwater Wind, 1 set of Data Requests to the Division of Public Utilities and Carriers, 1 set of Data Requests to National Grid and 1 set of Data Requests to the Town of New Shoreham.

expert witness, and on page 4 of his testimony he indicated that he had “been retained by Michael and Maggie Delia as an expert witness in this proceeding.” As such, Mr. Short’s testimony was submitted pursuant to Rule 1.21(b) of the Commission’s Rules.

Thereafter, National Grid issued its First Set of Data Requests to the Delias on January 26, 2010.² The response to this Request was due on February 5, 2010. On January 29, 2010, Deepwater Wind issued its First Set of Data Requests to the Delias.³ The response was due on February 8, 2010. On February 5, 2010 Deepwater Wind issued its Second Set of Data Requests to the Delias, with a response date of February 15, 2010.⁴

The Delia’s failed to respond to National Grid’s Data Request on February 5, 2010. Likewise, they failed to respond to Deepwater Wind’s First Set of Data Requests on February 8, 2010. Rather, the Delias withdrew their intervention in this Docket on February 8, 2010. At no time did the Delias or William V. Short, III respond to any of the Data Requests issued by Deepwater Wind or National Grid.

Nevertheless, Deepwater Wind understands that the testimony submitted by William V. Short, III and the Delias will remain in the record as “public comment.” Deepwater Wind opposes the treatment of this pre-filed testimony as public comment.

III. ARGUMENT

In reviewing the Commission’s Rules, there appears to be no mechanism by which pre-filed written testimony can be converted into public comment and remain a part of the record. In addition, the failure of the Delias, and their expert, to respond to any of the Data Requests issued requires that their testimony be stricken from the record.

² See Exhibit 1

³ See Exhibit 2

⁴ See Exhibit 3

Finally, without proper authentication, the written testimony of Mr. Short and the Delias cannot be transcribed into the record.

Pursuant to Commission Rule 1.18(c)(4), the failure of a party to comply with Data Requests “shall be grounds for striking any testimony related to such request.” As set forth above, three sets of Data Requests were issued to the Delias by Deepwater Wind and National Grid. Many of these requests were specifically addressed to Mr. Short and sought information regarding his opinions, conclusions and findings.⁵ The Delias and Mr. Short did not respond to any of the Data Requests issued in this Docket. As such, their testimony in this matter must be stricken from the record.

In addition, the admission of written testimony is dependent on proper authentication. Pursuant to Rule 1.20(e)(1) “Written testimony, when properly authenticated by the witness under oath may be transcribed into the record or admitted as an exhibit.” The Delias have withdrawn as parties in this Docket. As a result, they cannot testify as parties during the evidentiary hearing, and their written testimony cannot be authenticated. Therefore, it cannot be transcribed into the record or admitted as an exhibit.

The same holds true for Mr. Short’s testimony. According to Rule 1.21(b), the “written testimony of an expert witness may be received as provided in Rule 1.20, where properly supported by the oral testimony of its author on direct examination subject to cross-examination and motions to strike.” As the Delias have withdrawn as parties in this Docket, Mr. Short cannot testify as an expert witness during the evidentiary hearing. Therefore, his written testimony cannot be authenticated and transcribed into the record or admitted as an exhibit.

⁵ See Exhibits 1, 2 and 3

V. CONCLUSION

For the reasons set forth herein, Deepwater Wind Block Island, LLC hereby requests that the Rhode Island Public Utilities Commission grant the relief sought herein.

DEEPWATER WIND BLOCK ISLAND, LLC
By its attorney,

/s/

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CERTIFICATION

I hereby certify that on February 26, 2010, 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.

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/s/

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EXHIBIT 1

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

IN RE: REVIEW OF PROPOSED :
TOWN OF NEW SHOREHAM :
PROJECT PURSUANT TO : DOCKET NO. 4111
R.I. GEN. LAWS § 39-26.1-7 :

NATIONAL GRID'S¹ FIRST SET OF DATA REQUESTS TO
MAGGIE AND MICHAEL DELIA ("DELIA")
(Issued January 26, 2010)

National Grid – Delia 1-1:

Please provide copies of all workpapers that Mr. Short used in preparation of his testimony, including copies of any spreadsheets or other documents reflecting any calculations that he made for purposes of drawing any of the conclusions stated in his pre-filed testimony.

National Grid – Delia 1-2

Please provide copies of the last twelve months of electric service bills that the Delias received from Block Island Power Company.

National Grid – Delia 1-3

If, hypothetically speaking, the Commission disapproved the Power Purchase Agreement, but a proposal was made for an undersea cable to be constructed between Block Island and the mainland, would the Delias support or oppose such a transmission project, assuming it resulted in lower annual total electric costs to the customers of Block Island Power? Please explain why or why not.

National Grid – Delia 1-4

Referring to the testimony of Mr. Short on page 5 of 18, in which Mr. Short describes a 300 MW or more project in the last paragraph that could be constructed at an alternate site off Block Island, if this alternative project were built, as contemplated by Mr. Short, would the Delias support or oppose such a project? Please explain why or why not.

¹ Submitted on behalf of The Narragansett Electric Company d/b/a National Grid.

National Grid – Delia 1-5

Referring to page 5 of 18 of the testimony of Mr. Short, please provide the basis for the conclusion that on a per MWh basis the revenue requirements for the referenced 300 MW project would be “more in line” with those of the proposed Bluewater Wind farm off the Delaware beaches. Please explain all assumptions.

National Grid – Delia 1-6

Has Mr. Short forecasted REC prices in New England for any period over the next 20 years? If yes, please provide a copy of any such forecast(s).

National Grid – Delia 1- 7

Has Mr. Short forecasted energy prices in New England of any period over the next 20 years? If yes, please provide a copy of any such forecast(s).

National Grid – Delia 1- 8

Has Mr. Short forecasted capacity prices in New England of any period over the next 20 years? If yes, please provide a copy of any such forecast(s).

National Grid – Delia 1-9

Please identify all forecasts of energy, capacity, or RECs that Mr. Short relied upon for drawing any of the conclusions in his testimony. Please provide copies of any that are not otherwise provided in response to data requests 1-6, 1-7, and 1-8 above.

National Grid – Delia 1-10

Does Mr. Short believe that it is reasonable state policy to encourage the financing and construction of renewable off-shore wind generation sources? Please explain the reasons for Mr. Short’s belief, whether the answer to the question is yes, no, or otherwise neutral.

National Grid – Delia 1-11

Referring to page 17 of 18 of the testimony of Mr. Short and the statement “Since the Project is estimated to cost at a minimum two to three times more than other generating resources, it means that other renewable projects (if the ratepayer is not to over pay for this renewable energy) have to accept less,” please identify all renewable resources, if

any, that Mr. Short expects to be priced at two or three times less than the Deepwater project in this case. Please explain the basis of his belief that such renewable resources will be available for long term contracts that will meet the statutory standards set forth in Chapter 26.1 of Title 39 in Rhode Island.

National Grid – Delia 1-12

Referring to page 18 of 18 of the testimony of Mr. Short and the statement “In summary, if this contract is approved by the Commission, it appears that Rhode Island will only enjoys [sic] the benefits of 78 MW of economical renewable power and not the 90 MW mandated by the statute,” please define what bundled price constitutes “economical renewable power.” Please explain the basis for the opinion that such price is “economical.”

National Grid – Delia 1-13

Referring to the testimony of Mr. Short, what is the highest bundled price (on a per kWh basis) that Mr. Short would deem commercially reasonable for an off shore wind project interconnected to Rhode Island, assuming a commercial operation date of January 1, 2013? Please explain why this price would meet the commercial reasonable standard, as articulated and understood by Mr. Short.

EXHIBIT 2

STATE OF RHODE ISLAND PUBLIC UTILITIES COMMISSION
DOCKET No. 4111
Deepwater Wind Block Island, LLC
Data Requests to
Maggie Delia And Michael Delia
Set 1

1. On page 5 and 6 of Mr. Short's testimony, he provides testimony on the projected MWh costs of the Bluewater Wind Farm in Delaware. In reference to this testimony, please provide the following:

- a. All workpapers and analysis to show calculation of Bluewater's price.
- b. All workpapers and analysis that support Mr. Short's claim that Bluewater's price has an initial projected cost per MWh between 17% and 25% less than the Block Island Wind Farm Project.
- c. All workpapers and analysis that support Mr. Short's claim that after twenty years, the Bluewater Wind Project will cost between 32% and 38% less than the Block Island Wind Farm Project.'

2. Is the Bluewater Wind Farm in Delaware below market in all years? What is the level of subsidy provided by year?

3. On page 5 of his testimony, Mr. Short states that "If Project was built to a commercial or utility scale (300 MW or more), it could be built at an alternate site – for example far to the east of Block Island, just to the east side of the shipping channel to Newport." In reference to this testimony, please provide the following:

- a. What foundation technology does Mr. Short propose using at the alternate site?
- b. An estimate of water depths at the alternate site proposed by Mr. Short.
- c. Any available subsea studies of the soil conditions at the alternate site proposed by Mr. Short.
- d. Explain how the foundation technology proposed by Mr. Short is suitable for the alternate site proposed by him given its depth and soil conditions
- e. Describe the other projects in the US or elsewhere that use the proposed technology in the water depths at the alternate site proposed by Mr. Short.

4. On page 10 of his testimony, Mr. Short, states that "It is my opinion that, when Narragansett goes to sell the RECs from the Project in the spot REC market, it will find the REC price is nowhere near the prices shown on page 1 of 2 to National Grid's responses to the Division's first set of data requests." Please provide the following regarding this testimony:

- a. All workpapers, documents and analysis relied on by Mr. Short in support of his opinion.
- b. All forecasts of REC demand, supply and prices relied on by Mr. Short in support of his opinion.

5. Is it Mr. Short's position that the rules that govern Class I REC eligibility and compliance are the same in all NE states? Please provide a comparison of a similarities and differences.

STATE OF RHODE ISLAND PUBLIC UTILITIES COMMISSION

DOCKET No. 4111

Deepwater Wind Block Island, LLC

Data Requests to

Maggie Delia And Michael Delia

Set 1

6. In footnote 13 of his testimony, Mr. Short indicates that he sold for “his generator clients Maine Class I RECs for \$23/REC while he purchased for my load clients CT Class I REC for \$24/REC”. Please provide the following:

- a. Any and all documents that evidence, document, memorialize or describe these transactions including the contracts.
- b. Please identify the compliance year for these RECs.

7. On page 8 of his testimony, Mr. Short states: “If all of this existing supply is converted to New renewable resources for one or more of the New England RPS programs, the RPS requirements for New renewable resources for nearly all of the NE states would be satisfied until the end of this decade.” Please identify in what states, other than Maine, the SAPPI conversion is eligible for Class I RECs.

8. On page 8 of his testimony, Mr. Short states “many existing renewable resources have qualified for one or more of the various “New” New England RPS programs as New resources...” Please provide the specifics of which New England units have qualified as “New” Class I REC and in which markets.

9. On page 8 of his testimony, Mr. Short states: “This trend of the qualification of existing biomass plants as New renewable resources has not abated. In the past two years, behind-the-meter biomass plants located at paper mills has qualified for New treatment.” Please provide the following regarding this testimony:

- a. Any and all documents and information that support this testimony
- b. Whether these plants are certified for, or would/could qualify for non-Maine Class I RPS

10. On page 8 and 9 of his testimony, Mr. Short states that “Since 2007, hydroelectric projects larger than 5 MW have been able to qualify for several of the New England state RPS programs. Although only three hydroelectric facilities have qualified to date, many are working on projects to expand their production or retrofit their facilities to qualify as New renewable resources.”

Regarding this testimony, please provide the following:

- a. The details of all existing hydro where pre-existing generation capacity has been able to qualify as New renewable energy resources.
- b. What is the remaining potential for further qualifications of existing facilities as New renewable energy resources?
- c. The identity of all hydroelectric projects that have qualified for the Rhode Island RPS program.

STATE OF RHODE ISLAND PUBLIC UTILITIES COMMISSION

DOCKET No. 4111

Deepwater Wind Block Island, LLC

Data Requests to

Maggie Delia And Michael Delia

Set 1

11. On page 9 of his testimony, Mr. Short states: "Once their contracts in New York expire, the owners of these wind farms will obviously seek the higher prices, as many of their New York competitors already do, and export their energy and RECs to New England." Regarding this testimony, please provide the following:

- a. Any and all information on the existing transmission ties between New York and New England and the historic use and loading of these ties to bring renewable energy and associated RECs into New England.
- b. The historic price differentials between windy zones (A-E) and ISO NE border.
- c. Evidence that NY would consider its renewable energy goals met if wind all sold out of state?

12. On page 9 of his testimony, Mr. Short states: "Hydro Quebec has executed 1,400 MW of 10-year contracts with wind farm developers. Hydro Quebec's goal is to develop a total of 3,500 MW of wind farms. The earliest expiration date of these contracts is 2013. With no RPS requirement in Quebec or, for that matter, all of Canada the closest market for these facilities REC is the New England states RPS program." Regarding this testimony, please provide evidence that Hydro Quebec would consider its renewable energy goals met if all wind was sold out of province.

13. On page 10 of his testimony, Mr. Short states: "In many jurisdictions, such as Texas, the cost is already less than \$2/REC. Over the longterm, I foresee the price for New REC approaching that of the balance of America and not the other way around." Please provide all evidence, documentation and data to support this testimony.

14. On page 10 of his testimony, Mr. Short states: "It is my opinion that, when Narragansett goes to sell the RECs from the Project in the spot REC Market, it will find that the REC price is nowhere near the prices shown on page 1 of 2 to National Grid's responses to the Division's first set of data requests." Please provide all evidence, documentation and data to support this opinion.

15. On page 10 of his testimony, Mr. Short mentions that there was "a complete absence of the mention of new nuclear plants being constructed in New England during the term of the Project's contract." Mr. Short's testimony goes on to state that "an additional three plants could be constructed in New England." Regarding this testimony, please provide the following:

- a) What is the earliest date that new nuclear plants at Millstone, Seabrook and Pilgrim could be in operation?
- b) What is the factual basis for the date set forth in subsection "a"?
- c) What is the latest date that new nuclear plants at Millstone, Seabrook and Pilgrim could be in operation?
- d) What is the factual basis for the date set forth in subsection "c"?
- e) When do you expect new plants to be announced?
- f) What is the factual basis for the date set forth in subsection "e"?

STATE OF RHODE ISLAND PUBLIC UTILITIES COMMISSION

DOCKET No. 4111

Deepwater Wind Block Island, LLC

Data Requests to

Maggie Delia And Michael Delia

Set 1

- g) What is the basis for asserting that nuclear power plants could be built on a merchant basis?
- h) Please provide evidence of any nuclear plant built on a merchant basis in the US?
- i) Are you recommending that the 2-unit, 2,300 MW New England Power Company nuclear plant site in Charlestown, RI from the mid-1970's be revisited?
- j) When do the nuclear expansion prohibitions in CT, ME and VT expire?
- k) Would new nuclear power plants likely cause the retirement of older baseload fossil units?
- l) What would be the net impact on LMPs?

16. On page 11 of his testimony, and in referring to nuclear power plants, Mr. Short states that "Assuming that the minimal additional transmission is built and public opposition can be overcome, one nuclear facility each could be considered at Seabrook, Millstone and Pilgrim." Regarding this testimony, please provide the following:

- a. Evidence that new additional generation at the 3 sites could be sited with minimal transmission upgrades
- b. Evidence that new nuclear plants can be built in New England without public opposition.

17. On page 12 of his testimony, Mr. Short states: "Since spot energy prices over time are consistently less than less than (sic) longer term energy prices, the above market calculations of Narragansett are understated." Regarding this testimony, please provide the following:

- a. Data for ISO New England covering the calendar year 2003 through 2008 that supports this testimony.
- b. In what proportion of this time span have forward prices exceeded spot prices?

18. On page 12 of his testimony, Mr. Short states: "We observed over time a \$15 to \$20 per MWh difference in the spot price versus fixed, long-term prices for terms from six months to two years. This pricing discrepancy still persists between the short-term and longer-term power markets." Regarding this testimony, please provide any and all evidence that supports, documents, or memorializes that the \$15-20/MWH price discrepancy has persisted since 2004 in the majority of other wholesale market contracts.

19. On page 14 of his testimony, Mr. Short states: "Even then, when wind operates, it will not necessarily be backing down fossil-fired resources but rather generation used to provide regulation for the regional grid such as pumped storage or hydro units with automatic generation control." Regarding this testimony, please state identify the percent of the MWhs of automatic generation control in 2008 in NE were provided by hydro or pumped storage?

20. Regarding Jay Apt's Carnegie Mellon Study referenced on page 15 of Mr. Short's testimony, please state why Mr. Short believes that an isolated system is a more appropriate model than a model of the ISO-NE system?

STATE OF RHODE ISLAND PUBLIC UTILITIES COMMISSION

DOCKET No. 4111

Deepwater Wind Block Island, LLC

Data Requests to

Maggie Delia And Michael Delia

Set 1

21. Regarding Peter Lang's conclusions cited on page 15 of Mr. Short's testimony, does Mr. Short consider Peter Lang's positions based on the Australian market to be more relevant for NE than studies conducted by ISO-NE?

22. On page 17 and 18 of his testimony, Mr. Short states "if you assume that there are several renewable projects in Rhode Island, which could provide combined generating capacity of 90 MW that could be constructed for the avoided cost cited in the direct testimony of Madison Milhous, and there is the Project, something will not be built." Regarding this testimony, please provide the following:

- a. The identity of the several renewable projects.
- b. The factual basis relied on by Mr. Short that these projects exist.
- c. The generating capacity of each of these projects.
- d. The cost of each of these projects.
- e. The type of renewable energy resource used and assumed capacity factor for each of these projects.

23. For each state in NE-ISO and New York, please describe the installed MWH capacity of

- a. Onshore wind
- b. Solar
- c. Geothermal
- d. Biomass

24. On page 17 and 18 of his testimony, Mr. Short states "if you assume that there are several renewable projects in Rhode Island, which could provide combined generating capacity of 90 MW that could be constructed for the avoided cost cited in the direct testimony of Madison Milhous, and there is the Project, something will not be built." Regarding this testimony, please provide all recent studies relied upon by Mr. Short that demonstrate the availability of 90 average MW of non-offshore wind generation in Rhode Island and the associated costs expressed on a comparable basis.

25. Please provide all studies performed by ISO-NE to integrate wind in the NE wholesale market that predict a negative net effect on carbon emissions.

STATE OF RHODE ISLAND PUBLIC UTILITIES COMMISSION
DOCKET No. 4111
Deepwater Wind Block Island, LLC
Data Requests to
Maggie Delia And Michael Delia
Set 1

CERTIFICATION

I hereby certify that on January 29, 2010, 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.

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STATE OF RHODE ISLAND PUBLIC UTILITIES COMMISSION

DOCKET No. 4111

Deepwater Wind Block Island, LLC

Data Requests to

Maggie Delia And Michael Delia

Set 1

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STATE OF RHODE ISLAND PUBLIC UTILITIES COMMISSION
DOCKET No. 4111
Deepwater Wind Block Island, LLC
Data Requests to
Maggie Delia And Michael Delia
Set 1

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

EXHIBIT 3

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1. On page 3 of Mr. Short's direct testimony, he states that he "represents the owners or developers of wind, biomass, solar and hydro-electric projects," and that he qualifies, manages and sells for "these clients" all of their REC production. In reference to this testimony, please provide the following:

- a. The name and address of each of his clients who are owners or developers of wind, biomass, solar and hydro-electric projects for which he qualifies, manages and sells REC production.

2. On page 3 of Mr. Short's direct testimony, he states that he represents "load serving entities in Connecticut, Massachusetts, Maine, New Hampshire and Rhode Island" and that he regularly manages and purchases all the REC requirements for "these clients." In reference to this testimony, please provide the following:

- a. The name and address of each of his clients who are load serving entities for which he purchases all their REC requirements.

3. On page 4 of his testimony, Mr. Short states that the Block Island Wind Farm Project will only minimally enhance environmental quality as opposed to other renewable energy projects." Regarding this testimony, please state the following:

- a. The identity of the other projects referred to in Mr. Short's testimony.
- b. The factual basis relied on by Mr. Short that these projects exist.
- c. The type of renewable energy in each of these projects.
- d. The generating capacity of each of these projects.
- e. The cost of each of these projects.
- f. The bundled energy price for each of these projects (expressed in price per kilowatt hour) for each year of each project(s) operation.

4. Regarding electricity generation on Block Island:

- a. Does Mr. Short acknowledge that electricity on Block Island is currently produced using diesel fueled generators?
- b. If the answer to subsection "a" is yes, does Mr. Short contend that this is "best practices" for the production of clean energy?
- c. If the answer to subsection "a" is yes, how is the fuel delivered to BI and what are the annual emissions produced on BI with regard to particulates, nitrogen oxides, sulfur oxides and carbon dioxide?

5. On page 6 of his testimony, Michael Delia states that "There are other projects available that would satisfy the statute." Regarding this testimony, please state the following

- a. The statute referred to by Mr. Delia in his testimony
- b. The identity of the other projects.
- c. The factual basis relied on by Mr. Delia that these projects exist.

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- d. The type of renewable energy in each of these projects.
 - e. The generating capacity of each of these projects.
 - f. The cost of each of these projects.
 - g. The bundled energy price for each of these projects (expressed in price per kilowatt hour) for each year of each project(s) operation.
6. On page 6 of his testimony, Michael Delia refers to an expert “Jay Apt” and footnote 9 refers to the “Testimony of Dr. Jay Apt.” Please provide a copy of the testimony referenced by Mr. Delia.
7. Please identify the state in which both Maggie and Michael Delia are registered to vote.
8. Please state whether Michael and Maggie Delia have attended any of the Rhode Island Coastal Resources Management Council’s meetings regarding the Ocean Special Area Management Plan. If so, please identify all meetings attended.
9. Please provide copies of all written comments that Maggie and Michael Delia have submitted to the Rhode Island Coastal Resources Management Council regarding the Ocean Special Area Management Plan
10. On page 1 of his testimony, Michael Delia indicates that he and his wife have been property owners on Block Island for the last twenty years. Regarding this testimony, please identify by street address and lot and plat number any all property owned by Maggie Delia and/or Michael Delia in the last twenty years without limitation whether as a sole or joint owner, beneficiary of a trust, mortgagee, shareholder of a corporation, member of a limited liability company, partner in partnership or through an interest in any other form of business entity.
11. In the past 5 years, please state the number of days Maggie Delia and Michael Delia have spent on Block Island.
12. In the past 5 years, please state the number of days Maggie Delia and Michael Delia have spent on mainland Rhode Island.

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13. Please produce any and all documents of any and all correspondence from Maggie Delia and/or Michael Delia to any resident of Block Island regarding the proposed wind farms provided for in R.I.G.L. § 39-26.1-1, et. seq., The Long Term Contracting Standard For Renewable Energy Act, including, but not limited to, any correspondence relating to the Public Hearings in this Docket on January 5, 2010.¹

14. Please produce any and all documents, with the exception of written communications with their attorney, authored by Maggie Delia and/or Michael Delia regarding the proposed wind farms provided for in R.I.G.L. § 39-26.1-1, et. seq., The Long Term Contracting Standard For Renewable Energy Act.

¹ The term "Document", when used herein in this Data Request shall mean the original and any copy of every kind of written, printed, recorded, graphic, or electronically stored information, including, but not limited to, correspondence, electronic mail messages ("e-mail"), other written communications, memoranda and any other similar matter, in the respondent's possession, custody or control or that of the respondent's counsel, or any other agent, representative, employee or anyone else acting on respondent's behalf and which is stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form.

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CERTIFICATION

I hereby certify that on February 5, 2010, 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.

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