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February 4, 2010

HAND-DELIVERED

Ms. Luly E. 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,

Please find enclosed for filing an original and nine (9) copies of the Rhode Island Building and Construction Trades Council Responses to the Commission's First Set of Data Requests.

An electronic copy is also being served upon the Commission and the Service List this date.

If you have any questions regarding the foregoing, please contact the undersigned at the below Cranston address.

Very truly yours,

Richard A. Sinapi, Esq.

RAS/ras

cc: Client (email only)
Docket 411 service list (email only)

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

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

**RHODE ISLAND BUILDING AND CONSTRUCTION TRADES COUNCIL RESPONSES
TO THE COMMISSION'S FIRST SET OF DATA REQUESTS**

1-1. Mr. Sabitoni states that "...this project is in turn crucial to the creation of jobs and the livelihood of those workers" who are members of the RIBCTC. Additionally, at recent hearings, several people commented that the Commission should approve the subject Project because of the high unemployment rate in Rhode Island. In this context, please respond to the following:

a. What is Mr. Sabitoni's understanding of the term "local labor"?

Response: "Local labor" refers to skilled workers in and around Rhode Island. Where this state requires the particular trade to be licensed or certified, "local labor" means those skilled workers in and around Rhode Island duly licensed and/or certified under applicable state law.

b. What commitments does Mr. Sabitoni understand Deepwater Wind has made to use local labor?

Response: Prior to the passage of R.I.G.L. § 39-26.1-1, *et seq*, the "Long-Term Contracting Standard for Renewable Energy Act," Deepwater met with the RIBCTC and made a commitment to utilize the members of our Council to manufacture its wind turbines to the extent they are manufactured locally; and regardless, to utilize our members for their construction, erection, maintenance, and operation.

Deepwater's commitment to use local labor and the members of our Council is also memorialized in paragraph E., Section VII of the Joint Development Agreement signed with the State of Rhode Island, which requires the company to "negotiate in good faith a labor agreement for local labor used by DWW [Deepwater] in the construction and operation of the Project." In addition, on October 20, 2009, Deepwater sent to me, in my capacity as president of the RIBCTC, a Letter of Intent (Attachment 1) "to reaffirm Deepwater Wind's commitment to use the union members that your council represents to conduct the Rhode Island elements of this project."

It is my understanding, therefore, that Deepwater will use the members of the RIBCTC to:

1. Manufacture the turbines, to the extent these jobs are physically located within our state;
 2. Construct the turbines, which includes the off-loading, erecting, assembling, welding, and installation of the turbines in the water; and,
 3. Maintain and operate the turbines.
- c. How does Mr. Sabitoni define commitment? In other words, is it something more than the ability of local labor to bid on contracts?

Response: I understand this commitment to mean that, regardless what contractor or company is responsible for the manufacturing, construction, maintenance, or operation of this project, to the extent these jobs are located in and around the Rhode Island area, Deepwater will either directly hire or require the contractor or company they utilize to directly or indirectly hire our members to fulfill any and all skilled trade positions created directly, or to the extent possible, indirectly by this project. The RIBCTC considers Deepwater's commitment to be legally binding. Remember also, with respect to the licensed trades described below, such as Electricians and Operating Engineers, the workers must be licensed by this state. Moreover, while an out of state contractor could conceivably bring with it to this state some key, trained personnel, it is neither cost efficient nor practical to transport and pay room and board for the numerous skilled workers that would be required to complete the proposed project. Accordingly, this is why commercial construction contractors, particularly the larger ones, are signatory to one or more collective bargaining agreements. It provides them access to a nearly inexhaustible local pool of both skilled and licensed labor, particularly when performing work out of the contractor's home state. Finally, as the Commission is well aware, organized labor has demonstrated time and again in this state that it has both the will and means to ensure business owners honor their promises and commitments to hire union labor.

1-2. With regard to the job creation from the Block Island Project (8 wind turbines):

- a. What are the titles of the jobs Mr. Sabitoni believes will be created by the Block Island project?

Answer: Duly licensed Electricians, duly licensed Operating Engineers, Carpenters, Laborers, and Iron workers.

- b. What skill sets does Mr. Sabitoni believe are required to meet the requirements of the above job titles?

i. **Licensed Electricians:** The duties of electricians include installing and connecting cables, wires, conduits, apparatus, and any other equipment carrying or using or generating electricity or power to any and all electrical collection/distribution systems. *See also* R.I.G.L. §5-6-2 (describing work for which electrician's license is required).

Anyone on this project doing any of the foregoing work will be required to be an indentured apprentice in an apprenticeship program registered with the State of Rhode

Island Apprenticeship Council (working under the supervision of a licensed electrician) or be issued a license issued by the State of Rhode Island Board of Examiners of Electricians of the Division of Professional Regulation of the Department of Labor and Training.¹ Besides being licensed, electricians also need to be in good physical condition with the ability to ascend and descend to high heights in confined areas, they need proper O.S.H.A. safety training, as well as certification in coronary pulmonary resuscitation.

ii. **Licensed Operating Engineers:** The operating engineers will operate and maintain any and all construction machinery needed to complete all land site improvements required by this project as well as the actual construction of the turbine structures and their associated components at sea. This includes the operation of any and all land based equipment as well as the operation of any and all cranes, boats, and/or pile driving equipment at sea that is necessary to complete trenching, dredging, installation of cable, foundation excavation, and erection and installation of the wind turbine towers and associated components and any other construction associated with completing this project both on land and at sea. *See also* R.I.G.L. §28-26-5 (describing work for which hoisting engineer's license is required).

Anyone on this project doing any of the foregoing work will be required to be an indentured apprentice in an apprenticeship program registered with the State of Rhode Island Apprenticeship Council (working under the supervision of a licensed operating engineer) or be duly licensed by the Division of Professional Regulation of the Department of Labor and Training. Besides being licensed, insurance companies and/or contractors may require additional certification, such as being a certified crane operator (CCO), which Local 57 will provide. Operating Engineers also need to be in good physical condition, they need proper O.S.H.A. safety training, as well as certification in coronary pulmonary resuscitation.

iii. **Carpenters:** Carpenters will, among other things, move and tend all barges necessary to move wind turbine components; complete all under water diving necessary to support installation off shore jackets (foundations), setting of any templates necessary to guide foundations to sea floor, any pile driving, if necessary, during installation of jackets (foundations); additional work includes but is not limited to erecting of concrete forms as needed and stripping and dismantling of form work.

The skill sets needed to complete the foregoing tasks in a very dangerous work environment require that the worker either be an indentured apprentice in a Carpenters' apprenticeship program registered with the State of Rhode Island Apprenticeship Council or be an active and appropriately trained Carpenter journeyman. They also need to be in good physical condition with the ability to ascend and descend under water; they need proper O.S.H.A. safety training, as well as certification in coronary pulmonary resuscitation.

¹ In order to become a licensed electrician in our state, one must first complete a four-year apprenticeship program in a duly authorized apprenticeship program approved by the State of Rhode Island Apprenticeship Council and thereafter pass an examination given by the State Board of Examiners for Electricians.

iv. **Laborers:** Laborers will complete any site improvements not performed by machinery; place, clean and strip concrete forms and complete any and all concrete pours on land and at sea; perform any concrete finishing work; perform all drilling work involved in the installation and securing of jackets (foundations) to the ocean floor, if necessary; and perform horizontal drilling necessary to bring utilities on and off land at various sites. Laborers will also perform all excavating, trenching, backfilling, land clearing, patching, paving, *etc.* necessary to bring utilities to transfer stations, as well as stripping and cleaning and general clean up work.

The skill sets needed to complete the foregoing tasks in a very dangerous work environment require that the worker either be an indentured apprentice in a Laborers' apprenticeship program registered with the State of Rhode Island Apprenticeship Council or be an active and appropriately trained Laborer journeyman. They also need to be in good physical condition with the ability to ascend and descend to high heights quickly and sometimes in confined areas; they need proper O.S.H.A. safety training, as well as certification in coronary pulmonary resuscitation.

v. **Iron workers:** Iron workers will be off loading turbine components; erecting and assembling tubular mast, rotors and blades, turbines, and all material that comprises the steel support jackets; completing rebar assembly; placing reinforcing steel; setting tower structures on bases and assembling them at sea; placing and welding anchor bolts as well as completing any other welding needed in setting the tower structures. At any permanent manufacturing facility, the Ironworkers would install all the re-enforcing steel in the concrete foundations, walls and slabs. Erect all the structural steel, install all the miscellaneous metals and metal siding for the buildings. They would also assemble all the overhead cranes with the operating engineers.

The skill sets needed to complete the foregoing tasks in a very dangerous work environment require that the worker either be an indentured apprentice in an Iron worker's apprenticeship program registered with the State of Rhode Island Apprenticeship Council or be an active and appropriately trained Iron worker journeyman. Many of these workers will also need to be certified welders; and they also need to be in good physical condition with the ability to ascend and descend to high heights quickly and sometimes in confined areas; they need proper O.S.H.A. safety training, as well as certification in coronary pulmonary resuscitation.

c. Does Mr. Sabitoni believe that the current Rhode Island workforce has the skill sets described above?

Response: The members of the RIBCTC have ample members with the above skill sets to complete this project. However, as further explained in my answer to the next question (d.), each of the above craftsmen and women will have to undergo supplemental training so that they can be educated on the unique aspects of this project.

The skill sets needed to complete the foregoing tasks in a very dangerous work require these workers to participate and complete state approved apprentice training programs. They also need to be in good physical condition with the ability to ascend and

descend to high heights quickly and sometimes in confined areas; they need proper O.S.H.A. safety training, as well as certification in coronary pulmonary resuscitation.

d. If not, how will these skills be acquired by the current Rhode Island workforce?

Response: Through a partnership with Building Futures (a community based non-profit entity) and 28 other local organizations, the RIBCTC recently received a \$3.7 million Energy Training Partnership Grant from the U.S. Department of Labor, to prepare a diverse workforce in the energy efficient construction and renewable power industries. This program will provide apprentices and journey-level workers that will be deployed on the project with the appropriate supplemental training needed to safely and productively complete its many unique aspects. The 28 partner organizations that comprise the partnership include employers, community based organizations, colleges, and state and local government. Attachment 2 contains a more detailed description of the program and a complete list of the partner organizations.

Additionally, one of the individual unions of the RIBCTC, the International Brotherhood of Electrical Workers Local 99 plans to erect a sixty feet (60') wind turbine training tower that will simulate a real tower. IBEW will use this tower to train its members to work on this project. The approximate cost of this unique training tool is \$110,000.00 with an estimated completion date of late summer 2010.

**RIPUC DOCKET NO. 4111
ATTACHMENT 1 TO RIBCTC
RESPONSE TO COMMISSION DATA
REQUEST 1-1**

Letter dated October 20, 2009 from Paul Rich, Chief Development Officer, DeepwaterWind Rhode Island, to Michael Sabitoni, President, Rhode Island Building and Construction Trades Council



October 20, 2009

Mr. Michael Sabitoni, President
Rhode Island Building and Construction Trades Council
410 South Main Street
Providence, RI 02903

Dear Mr. Sabitoni:

As you know, to date we've greatly enjoyed your support and advocacy for our proposed offshore wind projects in Rhode Island.

Moving forward, I am writing to reaffirm Deepwater Wind's commitment to use the union members that your council represents to conduct the Rhode Island elements of this project. As per our Joint Development Agreement with the State of Rhode Island, Section VIII, paragraph E: ***DWW shall cause its vendors to negotiate in good faith a labor agreement for local labor used by DWW in the construction and operation of the Project.***

We fully intend to honor this commitment by working with you and the members of your council to negotiate at the appropriate time an agreement that will help ensure your members' participation in this momentous opportunity for Rhode Island.

In closing, we reiterate the value of our strong relationship with organized labor in Rhode Island and the Rhode Island Building and Construction and Trades Council, and look forward to its continued growth.

Please feel free to contact me if you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Rich", enclosed within a large, loopy oval scribble.

Paul Rich
Chief Development Officer

Copy to:

William Moore, Chief Executive Officer
Deepwater Wind

George Nee, Secretary-Treasurer
Rhode Island AFL-CIO

Greg Mancini, Executive Director
Build RI

**RIPUC DOCKET NO. 4111
ATTACHMENT 2 TO RIBCTC
RESPONSE TO COMMISSION DATA
REQUEST 1-2**

The Building Futures Energy Training Partnership Proposal to the U.S. Department of Labor—
Project Summary and List of Partners

THE BUILDING FUTURES ENERGY TRAINING PARTNERSHIP
Proposal to the U.S. Department of Labor

Project Summary and List of Partners

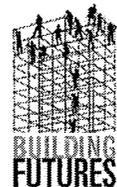
The Providence Plan – a nonprofit organization working to improve the social and economic well-being of residents in Providence and Rhode Island – has received \$3,720,000 to support the *Building Futures Energy Training Partnership*. The purpose of our project is to train and place entry-level and dislocated workers for careers in the energy-efficient construction and renewable power industries.

Since 2006, The Providence Plan (ProvPlan) has been the organizational home of *Building Futures* – a state-designated industry partnership with a mission to help the construction industry meet its present and future labor needs, while creating career opportunities for low-income residents through registered apprenticeships. Through the vehicle of Building Futures, we have led an engaged coalition of industry employers, labor organizations, professional associations, state agencies, and community groups. We have created a pre-apprenticeship model certified by the Rhode Island Apprenticeship Council, streamlined access to construction careers for urban residents, and implemented policy shifts that increase entry-level positions on worksites. During its start-up phase, Building Futures has prepared dozens of residents for building trades jobs and placed them in registered apprenticeships.

Rhode Island will be the target area for the *Building Futures Energy Training Partnership*, with our entry-level workforce strategies focused on the state's poorest urban communities. In July 2009, Rhode Island had the 2nd highest unemployment rate in the country (12.7%) – an outcome largely attributed to the decline of a once-vibrant manufacturing sector that has created a gap of middle-class jobs. A core strategy to reverse this economic decline is to grow the state's green economy.

Through our *Energy Training Partnership* initiative, Building Futures will target two green industries poised for growth: 1) *Energy-efficient building construction and retrofit* and 2) *Renewable electric power*. In terms of energy-efficient buildings, Rhode Island's construction sector will rebound over the next two years as developers move ahead with an ambitious slate of green building and the state invests \$341 million from the American Recovery and Reinvestment Act in green construction, retrofit projects, and sustainable housing developments. Policy and business leaders in Rhode Island have identified renewable electric power as a high-priority economic opportunity in the coming years. The state has partnered with *Deepwater Wind* to construct the country's first off-shore wind farm and turbine manufacturing facility (onshore). Collectively, these projects represent major investments in the state's green energy infrastructure, but only if we have the skilled workforce to meet demand.

To prepare for growth, Building Futures and its partners have developed a project with three objectives: 1) Deliver a pre-apprenticeship model that puts 100 unemployed young, urban residents on a successful pathway into green construction careers; 2) Work with labor organizations to integrate certified green-training modules into existing apprenticeship curricula to ensure that 650 registered apprentices receive green training; and 3) Upgrade the technical skills of 850 dislocated journeymen so the industry can respond to green construction and renewable energy projects. With a track record of delivering high-quality sectoral training and proven methods for recruitment, training, placement, and retention, Building Futures and its partners will serve 1,600 residents over two years.



Through our prior collaboration with all sectors of the construction industry, Building Futures has leveraged several partnerships that will play a major role in project activities. Chief among our partners are six local labor organizations – the Laborers, Electricians, Carpenters, Ironworkers, Plumbers, and Painters. Building Futures will deliver a certified pre-apprenticeship model to our participants, while labor organizations will leverage their proven registered apprenticeship system to cultivate a green-ready workforce and support journey-level upgrades. Employer partners will work with Building Futures to align training with emerging sector needs, support placements from our model, and implement procedures in which green-certified craftsmen are given priority dispatch on energy-related jobs. The state’s workforce investment boards and community-based organizations will recruit participants, support multiple pathways, and promote policies that grow the green economy.

The *Building Futures Energy Training Partnership* will be coordinated by highly qualified staff – with decades of workforce development experience and a strong commitment to participant tracking and performance management. Having successfully operated more than 20 federal grants since 2004 – including DOL and ARRA grants – ProvPlan has a demonstrated track record of grants management and federal funds stewardship.

Partner Organizations Identified in Project Letter of Commitment

Lead Applicant

The Providence Plan/Building Futures

Labor Partners

Rhode Island Building Trades Council
Laborers Intl. Union of North America, Local 271
Intl. Brotherhood of Electrical Workers, Local 99
United Brotherhood of Carpenters, Local 94
Ironworkers Union, Local 37
United Assn of Plumbers & Pipefitters, Local 51
Intl. Union of Painters & Allied Trades, Local 195

Employers

Gilbane Building Company
Dimeo Construction Company
Deepwater Wind
ECI Green

Industry Organizations

Build RI
Rhode Island Associated General Contractors

Federal, State, and City Government

U.S. Dept. of Labor - Office of Apprenticeship
Rhode Island Department of Education
Rhode Island Department of Labor & Training
Rhode Island Economic Development Corporation
City of Providence

Workforce Training and Education Agencies

Governor’s Workforce Board of Rhode Island
Workforce Partnership of Greater Rhode Island
Workforce Solutions of Providence/Cranston
Providence Public School District
Rhode Island State Apprenticeship Council
Community College of Rhode Island

Community Organizations

YouthBuild Providence
Rhode Island Family Life Center
Rhode Island Local Initiatives Support Corporation

