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January 25, 2010

BY HAND DELIVERY AND EMAIL

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

Re: RIPUC Docket No. 4111

Dear Luly:

Enclosed please find for filing in this matter an original and nine (9) copies of the responses of the Town of New Shoreham to the data requests of Maggie and Michael Delia.

Copies of this filing are being emailed to the Commission and the service list today.

Please date stamp the enclosed duplicate copy of this cover letter for my file.

Do not hesitate to contact me if you have any questions concerning this filing. Thank you for your assistance.

Sincerely yours,

Alan D. Mandl, Bar No. 6590

Enclosures cc: Service List

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS PUBLIC UTILITIES COMMISSION

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

RESPONSES OF THE TOWN OF NEW SHOREHAM TO DATA REQUESTS OF MAGGIE DELIA AND MICHAEL DELIA

REQUEST 1-1 Members of the Town of New Shoreham Town Council have stated

publicly that Rhode Island state law precludes any turbines beyond the eight (8) currently planned under the Docket 4111 PPA from being situated in state waters around Block Island. Please cite any Rhode Island statute prohibiting additional wind turbine installations around Block

Island.

RESPONSE: The Town Council's statements were made in regard to the Town of

> New Shoreham Project, as specified under R.I.G.L. §39-26.1-7, which limited the number of turbines. . The Town objects to this question, as it relates to the siting of additional wind turbines "around Block Island,"

because it calls for a legal conclusion.

RESPONDENT: Richard La Capra

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

RESPONSES OF THE TOWN OF NEW SHOREHAM TO DATA REQUESTS OF MAGGIE DELIA AND MICHAEL DELIA

REQUEST 1-2

Please provide all contracts, agreements, payments or other forms of compensation or support provided to the Town of New Shoreham by any entity for any and all services rendered on behalf of the Town including but not limited to legal, professional consulting, engineering, and research in regard to the PPA being considered in Docket 4111.

RESPONSE:

The Town is being reimbursed by Deepwater Wind for legal and consulting expenses incurred in connection with its participation in Docket No. 4111. The Town is receiving no other source of compensation for its work in evaluating the project. Deepwater Wind offered assistance to the Town at a Town Council meeting and specifically stated that the reimbursement did not constitute any involvement in or control of our legal or expert team and that has held true. DWW reimburses the Town after the Town pays the bills. There is no formal contract between the Town and Deepwater Wind and as such the Town is unaware of the permanence of this reimbursement.

RESPONDENT: Richard La Capra

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

IN RE: REVIEW OF PROPOSED TOWN OF NEW SHOREHAM

PROJECT PURSUANT TO

R.I. GEN. LAWS §39-26.1-7

DOCKET NO. 4111

RESPONSES OF THE TOWN OF NEW SHOREHAM TO DATA REQUESTS OF MAGGIE DELIA AND MICHAEL DELIA

REQUEST 1-3

The Town of New Shoreham issued a special temporary use permit to Deepwater Wind for an avian radar unit on the property of the Southeast Lighthouse bypassing public notice and hearing, in order to expedite the issuance of the use permit for the radar which is not a permitted usage on the island. The Town issued the permit citing an emergency of health and safety. Please cite the specific emergent conditions and the legal basis for the same.

RESPONSE:

The Town objects to this request on the ground that the information requested is irrelevant to the issues under consideration in this proceeding and not calculated to lead to the discovery of any relevant information.

RESPONDENT: Counsel to the Town of New Shoreham

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

RESPONSES OF THE TOWN OF NEW SHOREHAM TO DATA REQUESTS OF MAGGIE DELIA AND MICHAEL DELIA

REQUEST 1-4

In the recent Public Utilities Commission public hearing held on Block Island, the 1st Warden of New Shoreham delivered a statement, part of which is as follows..." As presented by the experts, the cable sizing, routing, design and cost are either preliminary or not yet determined. Consequently, we request that the Commission defer any specific review or approval of the cable project until the PPA has been acted upon and the specifications for the cable are firmly established." Please cite the provision(s) in the current PPA, JDA or R.I.G.L.§39-26-1 which promulgates that the transmission cable is a separate project from the energy portion of Docket 4111.

RESPONSE:

The statement made by the 1st Warden does not claim that the PPA and transmission cable are separate projects. The Town of New Shoreham Project statute requires the PUC to rule on all aspects of the project, but does not state the PUC must rule on all aspects at exactly the same time. The contracting parties, National Grid and Deepwater Wind apparently understand this to be the case as well, since they (1) filed a completed PPA for the Commission's review, but did not file a completed undersea cable plan; and (2) made the effectiveness of the PPA subject to receipt of regulatory approvals regarding the transmission cable.

RESPONDENT: Richard La Capra

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS PUBLIC UTILITIES COMMISSION

)
IN RE: REVIEW OF PROPOSED)
TOWN OF NEW SHOREHAM)
PROJECT PURSUANT TO)
R.I. GEN. LAWS §39-26.1-7)
	_)

DOCKET NO. 4111

RESPONSES OF THE TOWN OF NEW SHOREHAM TO DATA REQUESTS OF MAGGIE DELIA AND MICHAEL DELIA

REQUEST 1-5

The results of a poll of the community on this topic done by Dr. Pavlides of Roger Williams University, on behalf of the Town were not released until after R.I.G.L. §39-26-1 was signed into law. At risk of harming the Island's delicate view sheds, and quintessential character, under what authority and/or community consensus did the [C]ouncil act to accept and support legislation mandating an inshore wind farm, when the same benefit to the Island, namely a cable to the mainland, was required by the JDA from a wind farm placed well offshore and likely over the horizon?

RESPONSE:

The Rhode Island General Assembly, not the Town, determined the final form of the Town of New Shoreham Project legislation, which provides for the smaller offshore wind farm and construction of a cable to the mainland. The Town was not a party to the JDA and states that the JDA speaks for itself. The Town's support of the Town of New Shoreham Project is not unconditional. As the 1st Warden stated "When we learned of the legislation seeking to expand the supply of renewable energy in Rhode Island by building a small wind farm just off the coast of Block Island, we were interested in assessing the opportunities for, and risks to the island." The Town has, in many fora, asserted that there are many aspects of this project which need to be fully evaluated to insure that it will be an overall benefit to the Town.

RESPONDENT: Richard La Capra