

STATE OF RHODE ISLAND PUBLIC UTILITIES COMMISSION
DOCKET No. 4185
Deepwater Wind Block Island, LLC
Response To
Toray Plastics (America), Inc.'s and Polytop Corporation's Data Requests
SET 1

Toray 1-1: Please separately provide the annual impact (showing the monthly cost) and life of the contract impact of the amended PPA (plus the transmission line from Block Island to the mainland) for Toray Plastics (America), Inc. (Toray) and Polytop Corporation (Polytop), to include all meters associated with Toray and Polytop.

Response: Deepwater Wind objects to this Data Request based on relevance and because it is overly broad and calls for speculation.

Without waiving this objection, Deepwater Wind does not have the information necessary to answer this question. Deepwater Wind also refers Toray and Polytop to the Commission's Notice of Filing, Intervention Deadline, Preliminary Procedural Schedule, Administrative Notice, and Standards for Filings, dated June 24, 2010, which states in pertinent part "If approved, various costs under the contract will be recovered from ratepayers of National Grid and Block Island Power Company in accordance with future Commission decisions under R.I. Gen. Laws § 39-26.1 et seq. and R.I. Gen. Laws § 39-3-11."

Prepared by: William Moore and Attorney Joseph A. Keough, Jr. (as to objection)

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Toray 1-2: a. Do you concede that the first year impact on distribution rates to Toray will be approximately \$287,000 and that over the 20-year term of the contract the impact on Toray's distribution rates will be approximately \$7.4 million? If not, please explain why you do not concede this impact and your understanding of what the impact will be on an annual basis and over the life of the contract.

b. Do you concede that the first year impact on distribution rates to Polytop will be approximately \$42,000 and that over the 20-year term of the contract the impact on Toray and Polytop's distribution rates will be approximately \$880,000? If not, please explain why you do not concede this impact and your understanding of what the impact will be on an annual basis and over the life of the contract.

Response: a. Deepwater Wind objects to this Data Request based on relevance and because it is overly broad and calls for speculation.

Without waiving this objection, Deepwater Wind does not have the information necessary to answer this question. Further, the amounts paid under the New PPA are wholesale prices. Toray's distribution rates are a function of National Grid's tariffs and ratemaking proceedings before the Commission. Deepwater Wind refers Toray and Polytop to the Commission's Notice of Filing, Intervention Deadline, Preliminary Procedural Schedule, Administrative Notice, and Standards for Filings, dated June 24, 2010, which states in pertinent part "If approved, various costs under the contract will be recovered from ratepayers of National Grid and Block Island Power Company in accordance with future Commission decisions under R.I. Gen. Laws § 39-26.1 et seq. and R.I. Gen. Laws § 39-3-11."

b. Deepwater Wind objects to this Data Request based on relevance and because it is overly broad and calls for speculation.

Without waiving this objection, see Response to 1-2(a).

Prepared by: William Moore and Attorney Joseph A. Keough, Jr. (as to objection)

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Toray 1-3: Do you concede that for the additional dollars which would be paid by Toray and Polytop if the PPA is approved that the Toray and Polytop will receive the exact same distribution services from National Grid that they are currently receiving and that the payment of the additional sums through distribution rates will result in no additional distribution service benefits of any kind to Toray and Polytop or other similarly situated companies? If you do not so concede, please explain why.

Response: Deepwater Wind objects to this Data Request based on relevance and because it is overly broad and calls for speculation.

Without waiving this objection, see Response to 1-2(a).

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Toray 1-4: Do you concede that the impact on Toray and Polytop and other similarly situated companies will not be reflected in the energy charge for electricity used by Toray and Polytop or other similarly situated companies, but will be charged to Toray and Polytop and all other similarly situated companies through a uniform fully reconciling annual factor in distribution rates subject to review and approval of the Commission as provided by R.I.G.L. § 39-26.1-5(f)? If you do not so concede, please explain why.

Response: Deepwater Wind objects to this Data Request based on relevance and because it is overly broad and calls for speculation.

Without waiving this objection, see Response to 1-2(a).

Prepared by: William Moore and Attorney Joseph A. Keough, Jr. (as to objection)

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Toray 1-5: Do you concede that National Grid will be entitled to financial remunerations and incentives in the form of annual compensation equal to 2.75% of the actual annual payments made under the PPA as provided in R.I.G.L. § 36-26.1-4? If you do not so concede, please explain why.

Response: Yes.

Prepared by: William Moore

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Toray 1-6: Do you concede that Deepwater Wind will have the opportunity to earn a profit on this project? If you do not so concede, please explain why. What is your best estimate of that profit over the life of the PPA?

Response: Yes. Deepwater Wind projects that it will earn a 10.5% unlevered return. Please see the testimony of William Moore at page 10, lines 1-10.

Prepared by: William Moore

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Toray 1-7: Do you concede that Toray and Polytop and other similar situated companies will be paying more for distribution services from National Grid, but will not be financially benefiting from the PPA? If you do not so concede, please explain why.

Response: Deepwater Wind objects to this Data Request based on relevance and because it is overly broad and calls for speculation.

Without waiving this objection, Deepwater Wind refers to National Grid's Response to Toray Plastics' and Polytop Corporation's Data Request 1-7.

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Toray 1-8: Please explain your understanding of the rationale behind Deepwater Wind retaining half of the benefit if more wind than anticipated by the parties to the PPA is available pursuant to the wind out performance adjustment credit. Please explain why (if you so contend) all of the benefit from the excess wind should not benefit the ratepayers 100% in the same manner that all of the cost savings are required to benefit the ratepayers 100%.

Response: The Wind Outperformance Adjustment Credit was the reasonable result of negotiation with National Grid. It incents Deepwater Wind to operate the project as efficiently as possible and provides ratepayer benefits. This provision was in the Docket 4111 PPA. The provision requiring 100% of the actual construction cost savings to be shared with the ratepayer is specified by statute.

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Toray 1-9: Please explain why, if you so contend, you feel the PPA is commercially reasonable when it imposes substantial additional annual and 20-year distribution costs on Toray and Polytop and similarly situated companies who receive no financial or other benefits from these payments.

Response: Deepwater Wind objects to this Data Request based on relevance and because it is overly broad and calls for speculation.

Without waiving this objection, R.I.G.L. § 39-26.1-7(a) sets forth a finding by the Rhode Island General Assembly that the project is in the public interest.

Prepared by: William Moore and Attorney Joseph A. Keough, Jr. (as to objections)

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Toray 1-10: Please explain why, if you so contend, that the requirements of R.I.G.L. § 39-26.1-7(e), which states that “all realized savings [shall be] allocated to the benefit of ratepayers” and “any realized savings shall reduce such price” do not require that 100% of the savings generated by wind resources in excess of that anticipated in the PPA are not required to accrue 100% to the benefit of ratepayers. Please explain why, if you so contend, the wind out performance adjustment credit, which apportions only 50% of the benefit to the ratepayers, complies with the law.

Response: Deepwater Wind objects to this Data Request as to form and because it calls for a legal conclusion.

Without waiving this objection, Deepwater Wind refers to National Grid's Response to Toray Plastics' and Polytop Corporation's Data Request 1-10.

Prepared by: William Moore and Attorney Joseph A. Keough, Jr. (as to objections)

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SET 1

Toray 1-11: Please explain how you believe that the PPA will facilitate new and existing business expansion for Toray and Polytop and other similarly situated businesses.

Response: Deepwater Wind objects to this Data Request based on relevance and because it is overly broad and calls for speculation.

Without waiving this objection, in accordance with the amended Long-Term Contracting Standard for Renewable Energy, the Rhode Island Economic Development Corporation will be providing an advisory opinion on the findings of economic benefit.

Prepared by: William Moore and Attorney Joseph A. Keough, Jr. (as to objections)

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SET 1

Toray 1-12: Do you concede that the impact of substantial distribution electricity price increases to Toray and Polytop and other similarly situated businesses is likely to discourage new and existing business expansion for Toray and Polytop and other similarly situated businesses? If not, please explain why.

Response: Deepwater Wind objects to this Data Request based on relevance and because it is overly broad, calls for speculation and assumes facts not in evidence.

Without waiving these objections, no. See responses to 1-1, 1-2 and 1-9.

Prepared by: William Moore and Attorney Joseph A. Keough, Jr. (as to objection)

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SET 1

Toray 1-13: Please explain how you feel that the PPA, with its financial impact on Toray and other similarly situated businesses located at the Quonset Business Park, will encourage further development of those businesses or will discourage further development of those businesses and explain your reasoning.

Response: Deepwater Wind objects to this Data Request as to form, based on relevance and because it is overly broad, calls for speculation and assumes facts not in evidence.

Without waiving this objection, see response to 1-11.

Prepared by: William Moore and Attorney Joseph A. Keough, Jr. (as to objection)

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SET 1

Toray 1-14: Please explain how many new full time, permanent jobs will be created by the PPA related solely to the Town of New Shoreham project.

Response: In accordance with the amended Long-Term Contracting Standard for Renewable Energy, the Rhode Island Economic Development Corporation will providing an advisory opinion on the findings of economic benefit.

Prepared by: William Moore

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DOCKET No. 4185
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Response To
Toray Plastics (America), Inc.'s and Polytop Corporation's Data Requests
SET 1

Toray 1-15: Please provide any information you have regarding the federal grants totaling more than \$22 million awarded to the state to support improvements to the port facilities in Quonset Point. In particular, please provide any and all grant applications as well as any and all grant awards and identify what portion, if any, of those grants are earmarked for port improvements related solely to the Town of New Shoreham project.

Response: Deepwater Wind objects to this Data Request as to form and because it is overly broad.

Without waiving this objection, Deepwater Wind was not the applicant in connection with the referenced grant.

Prepared by: William Moore and Attorney Joseph A. Keough, Jr. (as to objection)

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SET 1

Toray 1-16: Please provide any information you have regarding federal grants totaling more than \$3.7 million awarded to the state for federal work force training and new energy related jobs. In particular, please provide any and all grant applications as well as any and all grant awards and identify what portion, if any, of those grants are earmarked solely for training related to the Town of New Shoreham project.

Response: Deepwater Wind objects to this Data Request as to form and because it is overly broad.

Without waiving this objection, Deepwater Wind was not the applicant in connection with the referenced grant.

Prepared by: William Moore and Attorney Joseph A. Keough, Jr. (as to objection)

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SET 1

Toray 1-17: Please provide any information you have, including any and all supporting documentation, that identifies any interest shown by any of the world's largest manufacturing companies regarding locating factories in Rhode Island for wind turbine assembly or submarine cable manufacturer or related business activities.

Response: Please see response to Commission Data Request 1-13.

Prepared by: William Moore

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SET 1

Toray 1-18: Please explain how the Town of New Shoreham project will create new direct jobs.

Response: In accordance with the amended Long-Term Contracting Standard for Renewable Energy, the Rhode Island Economic Development Corporation will providing an advisory opinion on the findings of economic benefit.

Prepared by: William Moore

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Toray 1-19: Please explain how the Town of New Shoreham project will have a multiplier effect on the local economy.

Response: See response to 1-18.

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Toray 1-20: Please explain and provide any documentation for Deepwater Wind's claim in its letter of July 1, 2010 to the RI Public Utilities Commission that approximately 105,000 mwh of electricity produced by the Block Island wind farm will allegedly displace an equivalent amount of electric energy from both (a) the inefficient diesels now supplying Block Island, and (b) the least efficient and costly to operate conventional generating units operating on the margin in the regional generating system. Please provide supporting backup for these claims to the extent it exists.

Response: Please see response to Commission Data Request 1-14.

Prepared by: William Moore

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SET 1

Toray 1-21: Please provide any information, including documentation you have, that indicates that there will be indirect economic benefits in the form of wholesale electric price suppression effects as a result of the Town of New Shoreham project.

Response: Please see response to Commission Data Request 1-14.

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SET 1

Toray 1-22: Please quantify and provide any supporting information if any exists if you claim that the Town of New Shoreham project will create direct economic benefits by reducing the emission of particulates, NO_x, SO₂, CO₂.

Response: Deepwater Wind objects to this Data Request as to form, based on relevance and because it calls for speculation and assumes facts not in evidence.

Without waiving this objection, in accordance with the amended Long-Term Contracting Standard for Renewable Energy, the Rhode Island Development of Environmental Management will be providing an advisory opinion on the environmental benefits of the New PPA.

Prepared by: William Moore and Attorney Joseph A. Keough, Jr. (as to objection)

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Toray 1-23: Have you polled or otherwise surveyed or studied commercial and industrial users of electricity in Rhode Island to determine what the whether the impact of the distribution rate increases will have a positive or a negative effect on facilitating new and existing business expansion and/or provide other economic development benefits? If so, please provide the results of any such studies. If not, please explain why no such studies have been performed.

Response: No. See response to 1-9 and 1-18.

Prepared by: William Moore

CERTIFICATION

I hereby certify that on July 20, 2010, a copy of the within was sent to all parties set forth on the attached Service List by electronic mail and copies were sent to Luly Massaro, Commission Clerk, by electronic mail and hand delivery.

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