

February 28, 2020

Pamela G. Monroe, Administrator
New Hampshire Site Evaluation Committee
21 South Fruit Street, Suite 10
Concord, NH 03301

Re: Antrim Wind Energy Turbine Lighting

Dear Ms. Monroe:

The undersigned are writing to report what we believe is an ongoing violation at the Antrim Wind Energy Facility (Facility) situated in Antrim, New Hampshire. Specifically, the Facility is operating with nighttime red lights blinking throughout the nighttime hours. This letter documents what we have witnessed repeatedly since the project was placed in commercial service on December 24, 2019.

BACKGROUND

1. Antrim Wind Energy LLC (AWE) agreed to utilize an Aircraft Detection Lighting System (ADLS) as part of the operating Facility; (*SEC Decision and Order, March 17, 2017 at 154*)
2. The Subcommittee found that turbine lighting at the facility will not have an unreasonable adverse effect on health and safety provided the Facility is equipped with the ADLS; (*SEC Decision and Order, March 17, 2017 at 156*)
3. The Subcommittee required the ADLS be installed prior to the Facility going into operation; (*SEC Decision and Order, March 17, 2017 at 156*)
4. The Subcommittee also required AWE to file with the Administrator of the Committee, the FAA determination of no hazard pertaining to ADLS upon its receipt; (*SEC Decision and Order, March 17, 2017 at 156*)
5. In a September 11, 2019 email to Administrator Monroe, TransAlta specialist Jean-Francois Latour asserts that the Town of Antrim will be informed when the ADLS is installed and fully commissioned. Mr. Latour also affirms that the Facility's Commercial Operation Date (COD) would be delayed until the ADLS is installed and commissioned "*to be in compliance with our certificate.*" (Email attached)
6. In a December 29, 2019 letter to the Antrim Selectboard, AWE states that the COD was December 24, 2019. (Letter attached)

Several videos have been taken by residents living in the vicinity of the Facility since December 24, 2019. These videos show red blinking lights operating continuously through the night on at least four turbines and on the met tower.¹ These lights should only be blinking during the time when aircraft are in the vicinity of the Facility. Screen shots of the videos are attached to this letter. If you wish to see the videos, we will be happy to provide them to the Subcommittee. Due to their size, emailing the videos may be problematic.

¹ Attached please see the FAA 'Marking & Lighting Recommendation' for the met tower issued December 2019.

As you are aware, this is not the first time residents of Antrim have been compelled to inform you of a lighting problem at the Facility. In September, several of the undersigned sent a letter to you raising concerns that the turbines were not lit for most of the construction period from June to September 2019. It is inexcusable that we are forced to write again.

The Subcommittee was very clear in its deliberations and in the permit issued for the Facility that, without the ADLS in place the Facility would produce an unreasonable adverse effect on health and safety.

As SEC administrator tasked with permit compliance, you bear responsibility for confirming compliance with the permit. If you were aware that the ADLS was not operating after the COD date you would have been required to refer the issue to the Subcommittee for further action.² It is our position that the conditions specified in the permit also serve as a contract between the SEC and the residents of Antrim, and any failure of the state to assure enforcement will be interpreted as a breach of that contract.

If AWE cannot meet its permit obligation, the project must suspend operations until a hearing of the Subcommittee can be scheduled.

Please contact Richard Block by return email or by phone at 603-588-2552 as soon as you have had an opportunity to investigate this situation.

Sincerely,

Richard Block

Mary Allen

Annie Law

Brenda Schaefer

Robert Cleland

Mark Schaefer

Barbara Berwick

Nathan Schaefer

Bruce Berwick

JR Westen

Ken Henninger

Peter Moore

Jill Fish

Geoffrey Jones

Janice Longgood

Sy Montgomery

Shelley Nelkens

cc: Michael Iacopino, Counsel for the Site Evaluation Committee
Justin C. Richardson, Counsel for the Town of Antrim
Antrim Board of Selectmen

² During deliberations under Docket 2015-02, the Subcommittee made clear AWE was to return to the Subcommittee if it could not meet the ADLS condition. (TR 12/7/16 PM at 88)

Monroe, Pamela

From: Jean-Francois Latour <JeanFrancois_Latour@transalta.com>
Sent: Wednesday, September 11, 2019 3:05 PM
To: Monroe, Pamela
Cc: Jack Kenworthy; Jeff Nelson
Subject: Antrim Wind – 09-09-19 Selectmen meeting summary

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Dear Ms. Pamela Monroe,

Apologies for the delayed response as I was travelling and just got back in the office.

TransAlta attended the Antrim Selectman meeting as well Monday night, including the construction manager Jeff Nelson and myself representing the operations. Ms. Shelley Nelkens raised a concern that she believed some of the aviation lights appeared to not be working. TransAlta committed to check the lights Monday evening and did so. It came to our attention that four (4) of the nine (9) temporary lights were not working. The construction team filed a NOTAM's (Notice to Airman) with the Federal Aviation Authority to notify them of an "outage of 30 minutes or greater." We will have this NOTAM in place until the issue is fixed with the four (4) temporary lights. The actions that have been undertaken are in compliance with the FAA requirements and industry practices as recommended by an aerial obstruction consultant.

I want to emphasize that TransAlta is committed to the safe operation of all of its facilities and, in parallel with our internal Environment, Health & Safety audits, welcomes any concerns submitted by local residents to ensure our sites are operating safely everyday.

Our contractor has planned to be on site Monday, September 16, to inspect and replace these (4) lights as needed to ensure proper functioning going forward. The temporary construction lights will remain in place until the commissioning of the permanent lights and associated Aircraft Detection Lightning System later this year. TransAlta plans to advise the Antrim township when the complete and permanent lightning system, including the ADLS, will be installed and fully commissioned. We want to make sure that the local residents are aware once we reach that milestone that the ADLS lights would only be turned on when there is an aircraft in the vicinity.

During the Monday meeting, we also provided an update to the Selectman that **we are delaying our COD until the ADLS can be installed and commissioned to be in compliance with our certificate.** As well, we provided them a heads up of the NHSEC's request for Antrim Wind to file a motion with respect to our tax equity structure.

Please do not hesitate to contact us if you have any additional questions.

Jeff L.

Jean-François Latour, B. Sc., ASA | Specialist, environment | Wind & Solar Operations

TRANSALTA CORPORATION

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TransAlta Corporation

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110 - 12th Avenue SW

Calgary, Alberta

T2P 2M1

Antrim Wind Energy LLC
c/o TransAlta Holdings U.S. Inc.
110-12th Avenue SW
PO Box 1900, Station "M"
Calgary, AB T2P 2M1 Canada

December 29, 2019

Chairman, Antrim Board of Selectman
66 Main Street
PO Box 517
Antrim, NH 03440

Re: Written Notice under Section 2 of the Payment in Lieu of Taxes Agreement dated June 27, 2013, and as amended thereafter (collectively, the "PILOT Agreement")

Dear Chairman,

All defined terms in this letter not defined in this letter shall have the meaning ascribed to them in the PILOT Agreement.

In accordance with Section 2 of the PILOT, AWE hereby provides written notice that the Commercial Operation Date occurred on December 24, 2019 at 12:00am Eastern Standard Time.

The Facility's actual Nameplate Capacity is 28.8MW.

The tax lot information for the Switchyard Lot is Tax Map 212, Lot 27-001.

If the preceding is acceptable, AWE proposes to provide the Town with a proposed letter amendment to incorporate the foregoing by January 15, 2020. Please do not hesitate to reach out to TransAlta's Operations Supervisor for AWE Julie Turgeon at julie_turgeon@transalta.com or at +1(514) 587-2994 in the interim should you have any questions or concerns.

Thank you for your continued support.

Antrim Wind Energy LLC

jeff_nelson@transalta.com
ransalta.com

Digitally signed by
jeff_nelson@transalta.com
DN:
cn=jeff_nelson@transalta.com
Date: 2019.12.29 15:23:49
-07'00'

Name

MANAGER, PROJECT ENGINEERING



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2019-WTE-5541-OE
Prior Study No.
2016-WTE-6118-OE

Issued Date: 12/02/2019

Jeff Nelson
Transalta Corporation
110-12th Ave SW
Calgary, T2P 2M1

**** MARKING & LIGHTING RECOMMENDATION ****

The Federal Aviation Administration has completed an evaluation of your request concerning:

Structure:	Lighting Study for Met Tower R2 ADLS Monopole
Location:	Antrim, NH
Latitude:	43-03-31.59N NAD 83
Longitude:	72-01-01.69W
Heights:	1682 feet site elevation (SE) 98 feet above ground level (AGL) 1780 feet above mean sea level (AMSL)

As a condition to this Determination, the structure is marked/lighted with * No marking / lighting required.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

So that aeronautical charts and records can be updated, it is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed when the new system is installed and operational.

Your request for consideration to utilize an Aircraft Detection Lighting System to operate the recommended lighting is approved provided that the equipment meets established technical standards.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed

and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This evaluation concerns the effect of the marking/lighting changes on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (404) 305-6645, or Lan.norris@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2019-WTE-5541-OE.

Signature Control No: 407374838-424170598

(MAL -WT)

Lan Norris
Specialist

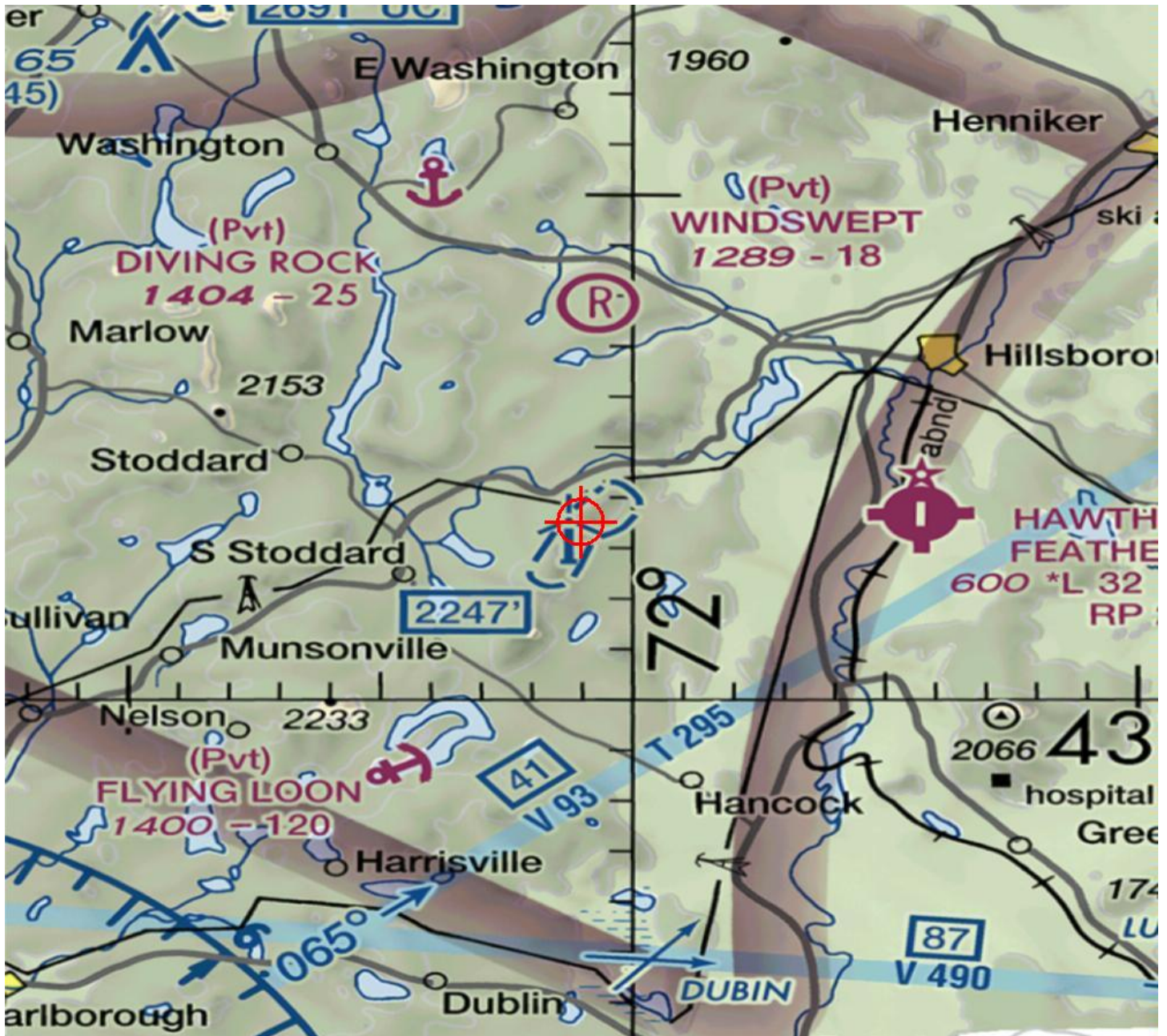
Attachment(s)
Additional Information
Map(s)

cc: FCC

Additional information for ASN 2019-WTE-5541-OE

Frequencies: 9200.0 MHz - 9500.0 MHz / 292.0 kW

Sectional Map for ASN 2019-WTE-5541-OE






Antrim Wind Turbines

Date 2/15/2020


Time: 5:46pm



Antrim Wind Turbines

Date: 2/15/2020

Time: 7:07pm



Antrim Wind Turbines
Date: 2/16/2020
Time: near 7:30pm
Comment: Lights were
on all night on
2/15/2020 until 5:30am
and on again on 2/16.