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STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

November 2, 2010 - 10:00 a.m.
Public Utilities Commission
21 South Fruit Street
Suite 10
Concord, New Hampshire

DAY 2

MORNING SESSION ONLY

RE: SEC DOCKET NO. 2010-01
Application of Groton Wind, LLC,
for a Certificate of Site and
Facility for a 48 Megawatt Wind
Energy Facility in Groton,
Grafton County, New Hampshire.
(Hearing on the merits)

PRESENT:

Chairman Thomas B. Getz
(Presiding)

SITE EVALUATION SUBCOMMITTEE:
N.H. Public Utilities Comm.

Robert Scott, Director	Air Resources Division - DES
Brook Dupee, Bureau Chief	Dept. of Health & Human Serv.
Richard Boisvert	N.H. Div. of Historical Res.
Stephen Perry, Chief	Inland Fisheries - N.H. F&G
Charles Hood, Administrator	Dept. of Transportation
Donald Kent, Administrator	Dept. of Resources & Econ. Dev.
Eric Steltzer	Office of Energy & Planning
Michael Harrington, Engineer	Public Utilities Commission

* * *

Counsel for the Committee: Michael Iacopino, Esq.

COURT REPORTER: STEVEN E. PATNAUDE, LCR No. 52

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ALSO PRESENT:

Counsel for the Applicant: (Groton Wind, LLC)	Susan S. Geiger, Esq. Douglas L. Patch, Esq. (Orr & Reno)
Counsel for the Public:	Peter Roth, Esq. (Sr. Asst. Atty. General)
Reptg. the Buttolph Group:	Cheryl Lewis, Intervenor
Reptg. the Mazur Group:	Dr. Lawrence Mazur, Intervenor

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1 P R O C E E D I N G

2 CHAIRMAN GETZ: Okay. Good morning,
3 everyone. We'll reopen the hearings in Site Evaluation
4 Committee Docket 2010-01 concerning the Application of
5 Groton Wind. I'll note for the record that the nine
6 members of the Subcommittee are present for the hearing
7 today. And, we'll turn to appearances from the parties,
8 beginning with the Applicant.

9 MS. GEIGER: Yes. Good morning, Mr.
10 Chairman and members of the Subcommittee. I'm Susan
11 Geiger, from the law firm of Orr & Reno, and I, along with
12 my colleague, Douglas Patch, represent the Applicant,
13 Groton Wind, LLC.

14 CHAIRMAN GETZ: Good morning.
15 Appearance, Dr. Mazur. Just make -- identify yourself for
16 the record.

17 DR. MAZUR: Oh. Good morning, Committee
18 members. My name is Dr. Mazur. I'm a resident and
19 voluntary intervenor in the Town of Rumney regarding this
20 project proposal.

21 CHAIRMAN GETZ: Good morning.

22 MS. LEWIS: Good morning. My name is
23 Cheryl Lewis, and I'm also an intervenor from the Town of
24 Rumney, representing the Buttolph Group.

1 CHAIRMAN GETZ: Good morning.

2 MR. ROTH: Good morning, Mr. Chairman.
3 Peter Roth for Counsel for the Public.

4 CHAIRMAN GETZ: Okay. Good morning. Is
5 there anything we need to address before we continue with
6 the examination of the Applicant's witnesses?

7 MS. GEIGER: Yes, Mr. Chairman. The
8 only thing that I would raise as a procedural matter is
9 that the Applicant yesterday filed a Motion for a
10 Protective Order regarding some confidential information
11 that was inadvertently included with an appendix filed
12 with the Supplemental Application. And, I've obtained the
13 assent of Public Counsel and Ms. Lewis to the motion.
14 And, I believe it's a perfunctory matter, but I wanted to
15 raise it and hopefully obtain a ruling.

16 CHAIRMAN GETZ: And, this is -- I have a
17 copy of a filing dated November 1, and I think it refers
18 to Figure 3 to Appendix 50. Is that the information?

19 MS. GEIGER: That's it.

20 CHAIRMAN GETZ: With respect to location
21 of an archeological site?

22 MS. GEIGER: Correct.

23 CHAIRMAN GETZ: Would anyone like to
24 speak to this motion?

1 MR. IACOPINO: I would just point out,
2 Mr. Chairman, I believe that is statutorily required to be
3 -- to remain confidential under the Division of Historic
4 Resources statute.

5 CHAIRMAN GETZ: Okay. I've reviewed the
6 motion, there appears to be no opposition to it, and the
7 Motion for Confidentiality is granted.

8 MS. GEIGER: Thank you.

9 CHAIRMAN GETZ: So, you may proceed.

10 MS. GEIGER: Thank you, Mr. Chairman.

11 (Whereupon Trevor Mihalik was duly sworn
12 and cautioned by the Court Reporter.)

13 TREVOR MIHALIK, SWORN

14 DIRECT EXAMINATION

15 BY MS. GEIGER:

16 Q. Could you please state your name and spell your last
17 name for the record.

18 A. Sure. My name is Trevor Mihalik, M-i-h-a-l-i-k.

19 Q. And, Mr. Mihalik, by whom are you employed and in what
20 capacity are you employed?

21 A. I'm employed by Iberdrola Renewables, Inc., as the
22 Senior Financial Officer of the Company in the U.S.
23 operations.

24 Q. And, do your responsibilities include?

1 A. Currently, I am responsible for all aspects of
2 financial reporting, accounting, tax, IT, risk, and mid
3 and back office.

4 Q. And, Mr. Mihalik, are you the same Trevor Mihalik who
5 submitted supplemental prefiled testimony with the
6 Applicant's Supplement to Application?

7 A. I am.

8 Q. And, what was the purpose of that supplemental prefiled
9 testimony?

10 A. The purpose of that supplemental prefiled testimony was
11 to substantiate the Testimony of Pablo Canales and to
12 testify on behalf of the financial wherewithal of
13 Iberdrola Renewables being able to operate and
14 construct the Groton Wind Farm.

15 Q. And, did Mr. Canales file prefiled direct testimony
16 with the Application?

17 A. He did.

18 Q. And, do you have any corrections or updates to either
19 Mr. Canales' prefiled testimony or your own
20 supplemental prefiled testimony?

21 A. I do not.

22 Q. And, if I were to ask you the same questions today
23 under oath that were asked in Mr. Canales' prefiled
24 testimony and your supplemental prefiled testimony,

1 would the answers be the same?

2 A. They would.

3 MS. GEIGER: The witness is available
4 for cross-examination.

5 CHAIRMAN GETZ: Okay. Thank you,
6 Dr. Mazur, questions for the witness?

7 DR. MAZUR: Okay. Good morning,
8 Mr. Mihalik. I think I just have two questions for you.

9 CROSS-EXAMINATION

10 BY DR. MAZUR:

11 Q. If there were no government subsidies for this project,
12 how profitable would you anticipate the Groton Wind
13 Project to be, if there were no government subsidies?

14 A. Without government subsidies, this project, along with
15 all wind projects, would not be profitable.

16 Q. Okay. Thank you. And, Question Number 2: Over the
17 past few months I've been hearing from a number of
18 friends in the Hebron community, which is on Newfound
19 Lake, that a possible, in their opinion, make-or-break
20 aspect of this proposal will be whether Iberdrola would
21 be able to post bonds for the decommissioning of the
22 Project upon the completion of the lifespan of the
23 turbines. Will Iberdrola be posting decommissioning
24 bonds for deconstruction?

1 A. Right now, you know, that's all still under evaluation
2 on how we're going to do that. Some projects we do,
3 some projects we don't.

4 Q. Would you consider the posting or non-posting of such
5 bonds to be a make-or-break issue, as I've heard, you
6 know, in the community that it might be?

7 A. No, it would not be. It needs to be what type of bonds
8 or what type of decommissioning financial assurances
9 are provided. But it would not be a make-or-break to
10 this project.

11 Q. Okay. Could you please share with us here in the room,
12 how will the decision be made whether or not to require
13 such bond posting for the decommissioning?

14 A. Those decisions are really left up to the developer of
15 the Project. And, you know, I think, you know, that's
16 more something that Edward would be able to address.

17 Q. Is it in the purview of the Site Evaluation Committee
18 itself to decide?

19 A. I'm not sure on that, to be quite honest.

20 DR. MAZUR: Okay. I think that's all
21 the questions I have for you.

22 CHAIRMAN GETZ: Thank you. Ms. Lewis.

23 MS. LEWIS: Good morning, Mr. Mihalik.

24 WITNESS MIHALIK: Good morning.

1 MS. LEWIS: I just have a few questions
2 myself also.

3 BY MS. LEWIS:

4 Q. In a follow-up to Dr. Mazur's question regarding the
5 tax -- the government subsidies, given that elections
6 will be taking place today, and we may be seeing a
7 major change in the political aspect of this entire
8 country, what could potentially happen if some of these
9 changes wind up creating a whole change in the overall
10 philosophy of these subsidies?

11 A. I guess I'm a little unclear on your question. As it
12 specifically relates to this project or --

13 Q. This project, as well as all of them. If you're
14 stating that the wind industry can not survive without
15 these government subsidies, then, basically, you're
16 surviving on the whim of the political environment
17 within this country. And, if that changes, that means
18 you could be out of business. And, so, I'm asking what
19 have you done to plan for this?

20 A. Sure.

21 Q. And, also, you know, what does it do to the risk of
22 this project, in particular, given that this could
23 happen, you know, within the next year or two?

24 A. Sure. I think that there's a couple of pieces to your

1 question there. One is, with this election cycle, not
2 knowing how it's going to come out, we feel very
3 confident that the wind industry will be a sustainable
4 industry going forward, under whichever party has
5 control of Congress and whichever party has a President
6 in the White House. We have had substantial wind
7 growth during the Bush Administration, just like we
8 have had substantial wind growth during the Obama
9 Administration, and through, you know, a
10 democratic-controlled Congress.

11 We do not view the viability of our
12 company based on what the political parties are in
13 office, because we have a substantial amount of
14 producing assets that have multiple year lives going
15 forward. Really, the effect of the subsidies may speak
16 to how much wind growth there is in the future, but
17 what we have as operating assets in the ground at the
18 current time are substantial and, under the way that we
19 have built the Company, are profitable going forward
20 under the structures we have in place.

21 Q. Okay. My next question is more of a hypothetical
22 question. Based on the fact that there's clear
23 controversy and disagreement about health concerns
24 related to turbines, and, in fact, there's some ongoing

1 studies right now as we speak, these studies could
2 literally be released tomorrow or within the next year
3 or two. If, by chance, they come back as clearly
4 showing that there's a direct relation between wind
5 turbines and health impacts, I wondered if your company
6 has made any financial plans in dealing with this,
7 knowing that these studies are ongoing right now? And,
8 that there's certainly a risk out there, as far as
9 lawsuits, as well as a class action suit, once these
10 studies may be released.

11 MS. GEIGER: Excuse me, Mr. Chairman.

12 I'm going to withhold objecting at this point. But I
13 would just ask if Ms. Lewis could clarify and be a little
14 bit more specific about the precise studies that she's
15 talking about, if you could please identify them for the
16 witness.

17 MS. LEWIS: Absolutely.

18 BY MS. LEWIS:

19 Q. Michael Nissenbaum is currently in the process of being
20 peer reviewed for one of his studies. In addition, I
21 think there's many studies right now that are ongoing.
22 I think Alec Salt just came out with one regarding
23 infrasound, and he has recommended that further studies
24 be done to get more of a clear correlation between his

1 study and the potential of the infrasound impact from
2 wind turbines on the health of human beings.

3 So, I think there's definitely study --
4 medical studies being done right now. And, when they
5 come out, I don't think anybody knows right now, but
6 there's certainly a large potential for them to be
7 coming out and to possibly show that there is a direct
8 correlation.

9 And, therefore, I just wanted to know
10 what the financial plan is for if and when these
11 studies come out?

12 A. We don't specifically try to have contingency plans for
13 any and all possible outcomes out there. However, the
14 financial strength of the U.S. operations, coupled with
15 the financial strength of Iberdrola Renovables, as the
16 parent company, we feel we have adequate financial
17 assurance to handle these types of uncertainties that
18 are potentially in any business. And, so, you know, we
19 have a very robust risk analytics process within the
20 Company, to evaluate the risks and assess whether or
21 not there is any need for any specific type of
22 financial obligations that would go with that.

23 Q. And, you make that statement based on the fact that
24 you've just testified that your company would not be

1 profitable if there wasn't governmental subsidies
2 involved as well?

3 A. Well, I would say, not that we're "not profitable" but
4 the wind business does rely on government subsidies,
5 whether it be ITCs or the PTCs, to build a wind
6 project. Once a wind project is built, it is a
7 profitable business. And, it generates, you know, free
8 cash flow off of those assets that are in the ground.

9 Q. Okay. Thank you. One more question. This concerns
10 your overall corporate policy in risk assessment. I
11 wondered if you could explain why Iberdrola requires
12 its participating landowners to sign off on gag orders
13 related to noise impacts or health concerns, but,
14 basically, they're not allowed to speak in any way to
15 complain about any noise or health issues or that type
16 of thing?

17 I guess, given the fact that the Company
18 itself has openly denied that there's noise impacts or
19 health risks, why would you feel a need, in your risk
20 assessment, you know, studies, why would there be a
21 need for these gag orders?

22 A. I guess I would say, you know, any negotiation we have
23 with a counterparty, whether it be a landowner or a
24 turbine manufacturer, we have confidential information

1 within those contracts, and we request that the
2 counterparties keep those negotiations with Iberdrola
3 confidential. And, so, it really isn't a "gag order",
4 as opposed to a matter of confidentiality and adhering
5 to the confidentiality within contracts.

6 Q. Just to follow up on that, and I guess I'm not
7 specifically stating that they would release
8 information regarding payments they're receiving or
9 that type of thing, but that they specifically state
10 that they cannot have any complaint or release any
11 information publicly regarding something totally
12 separate from any particular corporate proprietary
13 information. This is specifically how the turbine has
14 impacted them. So, in that fact, it's not really that
15 there's a proprietary piece of information that they
16 would be releasing, but, rather, the information that,
17 you know, the noise is intolerable or they're having
18 some health impacts from it.

19 And, so, my question is specific to
20 that, not the overall rest of the contract, that I
21 certainly could understand why that part of it would be
22 proprietary.

23 A. Sure.

24 MS. GEIGER: Mr. Chairman, I'm going to

1 object to this question. If Ms. Lewis has an agreement or
2 other language that she wants to show Mr. Mihalik to talk
3 about, that would be fine. But she's basically putting
4 information in the record and testifying about something
5 that may or may not be true. And, so, if she has an
6 agreement that she wants Mr. Mihalik to look at to explain
7 the Company's position on, I'd ask her to produce it.

8 But, otherwise, she's just offering into
9 the evidence or into the record her own opinion or her own
10 surmisal about what may or may not be in company
11 agreements with participating landowners or other parties.

12 MR. ROTH: Mr. Chairman, if I can speak
13 on this for a moment. We asked -- excuse me, Counsel for
14 the Public requested copies of the leases, and they were
15 not produced by the Applicant, and instead we got an
16 objection that they're confidential. I would suggest that
17 Ms. Lewis probably doesn't have access to those documents
18 for the same reason, and that the only person with access
19 to the documents is, of course, the Applicant.

20 CHAIRMAN GETZ: Well, I think there's
21 another way to proceed. I think, in the absence of the
22 documents, I think a question from Ms. Lewis, to the
23 extent that "does the Company have leases with", and I
24 presume what you're talking about is landholders, "that

1 requires them to, I guess, not speak about particular
2 complaints they may have with respect to health or other
3 effects --

4 MS. LEWIS: Noise and health.

5 CHAIRMAN GETZ: -- from the turbines?"

6 MS. LEWIS: Uh-huh.

7 CHAIRMAN GETZ: So, I think, if you can
8 answer that question. Does the Company routinely have
9 those kinds of provisions in its contracts with people
10 that it leases land from?

11 WITNESS MIHALIK: Specifically, I guess
12 I would say, I haven't trolled over every agreement that
13 we have. But we tend to, out of a matter of prudence,
14 protect the Company as best we can through confidentiality
15 on all aspects, and not try to delineate between financial
16 or other -- other matters.

17 CHAIRMAN GETZ: Well, are you aware that
18 there are contracts that may preclude landholders from
19 speaking publicly about health or safety or other related
20 issues that may arise with respect or caused by the
21 turbines?

22 WITNESS MIHALIK: I'm not specifically
23 aware of that, Mr. Chairman.

24 CHAIRMAN GETZ: Do you have a follow-up?

1 BY MS. LEWIS:

2 Q. I guess my only other question would be, have you
3 specifically gathered any information, as far as your
4 overall risk assessment, to noise or health levels in
5 regards to your participating landowners?

6 A. I have not myself, no.

7 Q. Has anyone in your company?

8 A. I'm not -- I don't know on that.

9 MS. LEWIS: Okay. Thank you. That's
10 all I have.

11 CHAIRMAN GETZ: Thank you. Mr. Roth.

12 MR. ROTH: Mr. Chairman, excuse me, on
13 that point, it strikes me, and this isn't an issue that I
14 had really thought about until this moment, but it strikes
15 me that an agreement with a landowner that precludes the
16 landowner from speaking about or perhaps even reporting
17 public safety or public health issues might be somehow
18 against public policy. And, that it would perhaps be in
19 the public interest for the Applicant to produce at least
20 one exemplar in confidence to the Committee of one of the
21 lease, so it can evaluate whether a term like that exists
22 and is consistent with public policy, in terms of
23 reporting public health and safety problems that might be
24 ongoing with the installation of turbines.

1 CHAIRMAN GETZ: I think, at this
2 juncture, because at this -- it seems that the information
3 is, and I don't think where it comes from, how solid it
4 is, that Ms. Lewis has heard about or talked to somebody
5 about something that may or may not exist. So, I guess I
6 would suggest that Counsel for the Committee work with the
7 parties to see if we can follow up on this, if there is
8 something to this or not. And, if there is something to
9 it, we will determine how we proceed, and examining
10 whether it's something applicable to this project or it's
11 something that we need to address.

12 MR. ROTH: Yes. Personally, I don't
13 need to be involved in that, and I would have utmost
14 confidence in the Committee to evaluate that with its
15 counsel and with the Applicant, and, you know, to make it
16 simpler and less complicated in terms of the
17 confidentiality.

18 CHAIRMAN GETZ: Okay.

19 MR. ROTH: My questions, good morning,
20 Mr. Mihalik.

21 WITNESS MIHALIK: Good morning.

22 MR. ROTH: Thank you for coming out.

23 BY MR. ROTH:

24 Q. I was looking through the information provided by the

1 Applicant and attested to by Mr. Canales. And, I note
2 that we have in the record a balance sheet, unaudited,
3 showing Iberdrola Renovables' third quarter performance
4 in euros, as well as 2008. And, I'm wondering if you
5 can commit to provide to the Committee the following
6 information to support Mr. Canales' and your testimony.
7 And, that is up-to-date audited financial information
8 for Iberdrola Renovables, so that would include year
9 end '09, and second and third quarter '10, if you have
10 third quarter yet. And, I also note that the Applicant
11 did not provide any financial data for Iberdrola
12 Renewables, the American subsidiary. And, I would like
13 to see you produce the same information for Iberdrola
14 Renewables, and likewise for Groton Wind, LLC?

15 A. Again, we -- the information from IRI, which is
16 Iberdrola Renewables, Inc., the American subsidiary, as
17 a wholly owned subsidiary of Renovables, needs to be --
18 we need to be careful with that, because that's
19 confidential information, that is part of a publicly
20 traded entity in Spain. We certainly can provide the
21 audited financial statements for 12/31/09 for Iberdrola
22 Renovables. There's not audited financial statements
23 yet for any period in 2010, because it's only an annual
24 audit for Renovables. And, so, we would only

1 anticipate having audited financial statements after
2 December 31, 2010.

3 There is publicly available information
4 for Iberdrola Renovables for the quarters, but it's not
5 audited.

6 Q. Okay.

7 A. And, we can make that available.

8 Q. Okay. So, if I understand what you're saying, is that
9 the Iberdrola Renewables, U.S., --

10 A. Uh-huh.

11 Q. -- is confidential. And, I guess I would ask that it
12 be produced confidentially then. Because the dilemma
13 we have is that Iberdrola Renovables is a Spanish
14 corporation, and I don't, in terms of it's being
15 accountable in the United States, I can't really speak
16 to that, and I have concerns about it. And, then,
17 Groton Wind, I suppose it's a very simple balance
18 sheet, you know, income statement, which I take it
19 you're not objecting to producing at least on some
20 basis, whether audited or not.

21 I guess the ultimate question here is,
22 is Renovables going to essentially be bound by things
23 like the decommissioning guarantee that is being sought
24 by the community and be bound by the terms and

1 conditions of the Certificate that may be issued by
2 this Committee? And, if that's the case, if Renovables
3 is going to be bound, and we don't have to look to
4 Renewables, then perhaps my concerns about Renewables
5 are obviated. Can you speak to that?

6 A. Sure. The obligation of the decommissioning is still
7 under negotiation. So, I'm not sure if that's going to
8 be IRI, which is Iberdrola Renewables, Inc., the U.S.
9 subsidiary, or Renovables. The U.S. subsidiary, which,
10 you know, we are willing to provide under
11 confidentiality for the audited financial statements
12 for 12/31/09, certainly has the wherewithal to fund the
13 decommissioning. You know, I can speak generally to
14 those numbers, because that is publicly available
15 information. But, generally, the U.S. entity does not
16 have really any substantial debt, in public debt, and
17 has over \$9 billion of assets. So, it's funded through
18 equity advances from Iberdrola Renovables and is a very
19 viable entity.

20 Likewise, Iberdrola Renovables is the
21 sixth largest publicly traded entity on the Spanish
22 Exchange, and is 80 percent owned by Iberdrola, which I
23 think is the second largest publicly traded entity on
24 the Spanish Exchange. So, from a decommissioning

1 standpoint, it really would not be an issue to get
2 financial comfort with regards to the decommissioning
3 obligations of the Groton Wind Farm.

4 Q. I think everybody is comfortable that Iberdrola, SA, or
5 Renovables, and, based on your testimony, even, you
6 know, Renewables, U.S., you have -- has plenty of money
7 to do the Project and stand behind what's being done
8 and what's being committed to. And, I think the
9 greater question is, will there be legal protections
10 and instruments to make sure that if, for some reasons,
11 the project fails, that there's -- that money will
12 actually be around to stand to be accountable. And,
13 so, that's why I asked will Renovables or even, you
14 know, Renewables, U.S., be guaranteeing and standing
15 committed to the terms and conditions of the
16 Certificate?

17 A. And, there again, you know, that's all in the various
18 stages of negotiation right now. But I will offer
19 that, you know, Iberdrola Renewables, Inc., is
20 obligated and committed to all aspects of construction,
21 operation, and decommissioning of its assets.

22 Q. So, if the Committee were to include a provision that,
23 in its order, saying that "Renewables, U.S., is bound
24 by the terms and conditions of the order", that would

1 be acceptable to you?

2 A. I would defer that to the development team who actually
3 worked on that as they evaluate various projects and
4 what is being asked of various projects.

5 Q. Okay. How much will this project cost?

6 A. This project, as stated by Mr. Canales' testimony, was
7 approximately \$117 million to construct. That changes
8 over time, it can go up, it can go down, depending on
9 various aspects. But it's I would say approximately,
10 you know, \$120 million to construct.

11 Q. And, of that, how much of that is the turbines?

12 A. Specifically, I don't know. I can't speak to the exact
13 dollar amount of that, but, you know, --

14 Q. How much does one turbine cost?

15 A. Generally, specifically, you know, I would say not
16 specific to this project, but that ranges in the
17 industry anywhere from a million and a half to
18 two million and a half dollars per megawatt.

19 Q. Okay.

20 CHAIRMAN GETZ: Would Mr. Devlin have
21 more specific information on that? Well, --

22 MR. ROTH: Or are you just being
23 careful?

24 WITNESS MIHALIK: I'm being careful.

1 That's proprietary information, with regards to what we
2 procure turbines at and what our construction costs are,
3 and various other things. But, you know, I just want to
4 be somewhat cautious in releasing public -- or, releasing
5 out confidential information to the public.

6 MR. ROTH: Understood.

7 BY MR. ROTH:

8 Q. Now, Mr. Cherian testified yesterday that the Project
9 hopes to obtain or become eligible for the ITC. And, I
10 asked him how much and how he planned or how the
11 Project planned to get into the ITC, and he essentially
12 deferred to you to answer those questions.

13 A. Uh-huh.

14 Q. And, so, the questions are, do you expect to procure or
15 garner ITC from the federal government for this
16 Project?

17 A. We do. We are anticipating to qualify this project for
18 the ITC grant.

19 Q. And, how much ITC are you hoping to get? Understanding
20 that it's up to the government to decide, but how much
21 are you looking for?

22 A. Well, generally, and we have received a fair amount of
23 ITC grant monies related to wind projects. And, so,
24 generally, what you can say is the ITC grant provides

1 30 percent cash up front related to the construction
2 costs or the qualifying construction costs. And, the
3 "qualifying construction costs" under the Section 1603
4 is approximately 95 percent of what total construction
5 costs are. So, for Groton, you could say, if it's
6 approximately, and again I don't know specifically on
7 what our estimated to completion costs are right now,
8 but, generally, it's about, let's say, \$120 million;
9 95 percent of that 120 million would then be subject to
10 a 30 percent ITC grant under the federal Stimulus.

11 Q. So, in lawyer math, \$30 million?

12 A. A little north of \$30 million, yes.

13 Q. Okay. So, as I understand it, you have to have
14 construction activity commenced before the end of this
15 year. How are you expecting to accomplish that?

16 A. There's two ways to do that. You can do physical work
17 of a significant nature and start construction, which
18 means you have to have 5 percent costs incurred, which
19 would also include turbine costs. Or, you could start
20 construction, and that falls under the guise of the
21 qualifying under continuous construction. And, you can
22 -- "continuous construction" means you start in 2010
23 and you just have to complete construction by the end
24 of 2012 for the project to qualify. And, you can take

1 weather breaks, if there are weather windows in there
2 that you can't construct. It's our anticipation right
3 now that we would qualify the Project under the
4 5 percent or the physical work of a significant nature.

5 Q. And, you said that includes the turbine costs. Would
6 you offer, essentially, your turbine procurement as
7 that cost incurrence?

8 A. We've been working with the Treasury on this fairly
9 extensively. And, to qualify, you have to, if you do
10 it through a turbine, it just has to be 5 percent of
11 the turbine costs. So, you could procure just one
12 turbine and then qualify it.

13 Q. And, is that what you're trying to do with Treasury?

14 A. We're looking at a whole litany of costs that we're
15 going to be incurring. Whether it's, you know, access
16 roads or foundations or turbine procurement.

17 Q. If, for whatever reason, the Certificate in this case
18 did not come out before the end of the year, would
19 that, under current legislation, make it impossible for
20 you to obtain the ITC in this, for this Project?

21 A. No, it wouldn't. The ITC, the application that you
22 submit for "physical work of a significant nature" is
23 due to the Treasury in 2011, I think it's October 2011.
24 So, you have to substantiate that you incurred those

1 A. That's correct.

2 Q. And, Renewables, U.S., either has its own sources or
3 get it from Renovables, is that how it works?

4 A. That's correct.

5 Q. Okay. So, when it comes time to start incurring the
6 costs, the 5 percent, paying all these consultants and
7 lawyers and stuff, that money comes directly from
8 Renewables or does it flow through in sort of cash flow
9 through Groton Wind?

10 A. I'm sorry. Could you be more specific on that.

11 Q. When the Project pays its expenses, --

12 A. Right.

13 Q. -- for the construction and development, does it pay --
14 does Groton Wind write checks or does Renewables write
15 checks?

16 A. Renewables will write the check.

17 Q. Okay. And, so, it's going to write checks for building
18 this project from basically start to finish?

19 A. That's right.

20 Q. And, there's no contingency of a project finance nature
21 for this Project?

22 A. There is not.

23 MR. ROTH: Thank you. That's all I
24 have.

1 WITNESS MIHALIK: Sure.

2 CHAIRMAN GETZ: Thank you. Questions
3 from the panel? Mr. Scott.

4 DIR. SCOTT: Good morning.

5 WITNESS MIHALIK: Good morning.

6 BY DIR. SCOTT:

7 Q. I think you've already covered this, I just want to
8 clarify. Going back to Mr. Canales, Page 4 of his
9 prefiled testimony, you and the Public Counsel have
10 already talked about how well the parent company is
11 capitalized. I just wanted to ask, because I
12 understand we'll be getting documents to see, in your
13 view, has there been any significant change, as far as
14 the financial position of either IBR or its parent?

15 A. No. The only significant change is that the Company's
16 assets have gone from approximately 21 billion euros to
17 about 23 and a half billion euros year over year. And,
18 that's publicly available information.

19 DIR. SCOTT: Thank you.

20 CHAIRMAN GETZ: And, let me just
21 address, as an administrative matter, we will reserve
22 Exhibit 37, Applicant 37, for the updated financials. Oh,
23 I'm sorry, 38 --

24 MR. IACOPINO: Exhibit 40; 38 and 39 are

1 the exhibits presented by Hope Luhman yesterday afternoon,
2 Project Area Form and the replacement. So, the next
3 exhibit would be Exhibit 40.

4 CHAIRMAN GETZ: Okay. Exhibit 40 will
5 be reserved.

6 MS. GEIGER: For the financials.

7 CHAIRMAN GETZ: Yes.

8 (Applicant Exhibit 40 reserved)

9 CHAIRMAN GETZ: Any questions?

10 MS. GEIGER: And, also, since it's been
11 a little since we've discussed this topic, we would like
12 some clarity, maybe we could get it off line from Public
13 Counsel, we would like to exactly what that record request
14 is supposed to entail.

15 CHAIRMAN GETZ: I think he agreed to
16 most of the reservations expressed by Mr. Mihalik. But I
17 think that's a good idea, to make sure that there's a
18 meeting of the minds on what's going to be submitted.

19 MS. GEIGER: Okay.

20 CHAIRMAN GETZ: Mr. Steltzer.

21 MR. STELTZER: Yes.

22 BY MR. STELTZER:

23 Q. Just some questions regarding the tax credits that are
24 available. There's been a lot of discussions about the

1 30 percent grant that's offered, and that was part of
2 the American Recovery & Reinvestment Act of last year.
3 Is it my understanding that there's a second component
4 of that Tax Credit as well, which is the accelerated
5 depreciation?

6 A. That's right. The way the ARRA is working with the
7 grant is you can elect to either take the PTCs or you
8 can elect to take the 30 percent cash grant. Coupled
9 with that, you still are available or still that's
10 available to the entities are the MACRS depreciation or
11 the accelerated tax depreciation associated with the
12 assets, as well as the bonus depreciation that has been
13 available for I think a year now.

14 Q. Did I understand you correctly that you can only get
15 either the accelerated depreciation or the Production
16 Tax Credit then?

17 A. No. You have both available. So, it's the MACRS and
18 the PTCs or the MACRS and the tax grant.

19 Q. Okay. Now, the Investment Tax Credit has been around,
20 you know, and it's constantly being decided whether it
21 should be extended or not, likewise with the Production
22 Tax Credit. And, is it your understanding that the
23 Investment -- when will the Investment Tax Credit end
24 in its current state, without these additional

1 components that the Stimulus created underneath the
2 ITC?

3 A. The additional components created under the ITC really
4 are a derivation of the PTC, which is set to expire in
5 2012. And, so, you really have, through 2012, some
6 level of certainty with construction in the wind
7 business in the U.S.

8 Q. Okay. Great. Yesterday there was some testimony on
9 the negotiations with the Town of Groton on the
10 decommissioning component of it. Are you familiar with
11 that then?

12 A. I am not.

13 MR. STELTZER: Okay. All right. Thank
14 you.

15 WITNESS MIHALIK: Sure.

16 CHAIRMAN GETZ: Mr. Harrington.

17 MR. HARRINGTON: Yes.

18 BY MR. HARRINGTON:

19 Q. Just trying to get some of this straight on this -- on
20 the various federal subsidy you're talking about. Now,
21 you said the ITC was worth about 30 percent of 95
22 percent of the value, which was listed -- you said 120
23 was a ballpark figure, so that's about \$34 million.
24 Now, you mentioned something called "MACRS"?

1 A. Uh-huh.

2 Q. Okay. I'm not familiar with that term. What's a
3 "MACRS"?

4 A. I'm sorry. "MACRS" is the "Modified Accumulated Cost
5 Recovery System", which is the tax language for
6 allowing certain entities to depreciate their assets
7 faster for tax than you do for book. So, we depreciate
8 our assets over a 20-year life for book purposes. Over
9 tax, a large part of the tax depreciation happens in
10 the first five years of the asset's life.

11 Q. All right. Thank you. And, how much is that worth to
12 this project, approximately? I mean, just start with
13 this, is that an option that you're going to be
14 pursuing?

15 A. Well, because we have so many projects, and we are such
16 a large developer of projects in the United States, we
17 don't have taxable in the U.S., because we're building
18 at, you know, let's call it \$2 billion of CAPEX a year,
19 and you get to depreciate that 2 billion for tax over
20 five years. So, every year that we're developing, you
21 know, a thousand megawatts, we have, you know, a fairly
22 sizable chunk. And, once you do it for five years, you
23 have approximately \$2 billion of taxable depreciation
24 that eats up all of your taxable income. So, the MACRS

1 really don't have a lot of value for us right now,
2 unless we find some other mechanism to monetize those
3 assets.

4 Q. Okay. So, if I understand this correctly then,
5 Iberdrola, either Renewables or their parent company in
6 Spain, pays no U.S. Income Tax. But, on this project
7 alone, you are going to get a gift from the American
8 taxpayers of over \$34 million in cash?

9 A. I would respectfully say that it's not a gift. It's an
10 incentive to ensure that 70 cents on the dollar is
11 invested from Spain in the U.S., which also
12 substantiates, you know, the policy of renewable energy
13 in the U.S. and provides jobs. And, then, after a
14 certain period of time, because the asset does generate
15 earnings, after we depreciate it for the first five
16 years, it will generate taxable income for the next 15
17 years that we will be paying taxes on.

18 Q. But, for the first five years, you pay no taxes, and
19 whatever you want to call it, you're getting
20 \$34 million in cash from the taxpayers of the United
21 States, which goes to increase the profits of a Spanish
22 company?

23 A. Well, and again, I would say it's really not going to
24 increase the profits of a Spanish company, because the

1 Spanish are then reinvesting that cash back in the
2 United States.

3 Q. Well, that's your plan, right? To build more
4 windmills, so you can get more Stimulus money?
5 Eventually, that turns into profits for the Spanish
6 companies, correct?

7 A. I would say, yes, any time you have assets that are
8 generating --

9 Q. I mean, the goal of this is to make money for
10 Iberdrola, the Spanish -- the two Iberdrolas that are
11 traded on the Spanish Stock Exchange?

12 A. That's correct.

13 Q. Okay. So, that's where the money is going. Okay. So,
14 is there any other tax things, besides the one you just
15 mentioned that you're receiving?

16 A. No.

17 Q. Okay. Tax benefits? Okay. This is just an
18 informational question. I thought I read something
19 fairly recently that there's some deal with Iberdrola
20 and the Spanish government, where the Spanish
21 government owes them a lot money or something for
22 selling renewable energy below cost or something. Can
23 you say anything on that?

24 A. Generally, renewable energy, in comparison to, say, gas

1 power or gas-fired energy is more expensive, especially
2 in the capital cost. So, whether it's in the U.S.
3 under the PTCs or the ITC or the MACRS, or in Europe
4 under different governmental subsidies, renewable
5 energy tends to be subsidized by governments. And, in
6 Spain, it is subsidized by the feed-in tariff that the
7 Spanish government pays to Iberdrola for the power
8 produced.

9 Q. Well, I guess my understanding is they haven't been
10 paying that, is that the case? I thought there was,
11 you know, billions of euros owed to Iberdrola by the
12 Spanish government?

13 A. There is a certain amount related to back feed-in
14 tariffs that are due to Iberdrola from the Spanish
15 government at this time.

16 Q. And, does that have -- is that significant enough to
17 have an impact on the financial stability of Iberdrola,
18 if they don't receive that money from the Spanish
19 government?

20 A. I'm not sure how to answer. I guess I can't answer
21 that. I can't speak to the financial stability of the
22 parent company right now with regards to that
23 receivable. I just don't have detailed enough
24 information about that right now.

1 Q. Maybe we can follow up on that later. Getting back to
2 the tax thing again then, the Production Tax Credit you
3 do not use if you take the option for the Investment
4 Tax Credit, is that correct?

5 A. That's correct.

6 Q. Okay. So, you won't be getting the whatever cents a
7 kilowatt-hour for production?

8 A. That's right.

9 Q. But you will be getting, as it says in Page 5 of the
10 testimony, Renewable Energy Credits, in the form of
11 green RECs, I'm assuming that means?

12 A. That's right.

13 Q. Okay. And, what are you assuming there for a revenue
14 source? How much per megawatt-hour?

15 A. Those are -- I guess we need to say it really, from
16 wind farm to wind farm, that's fairly specific to each
17 entity or each wind farm and where it produces its
18 power and whether those RECs have a market. We
19 predominantly sell our RECs as bundled power, along
20 with the power and the RECs together.

21 Q. Well, in this case, you're talking about selling into
22 the New England market, I would assume. And, so,
23 you're planning on selling the power and the RECs as a
24 package then?

1 A. I believe that's correct.

2 Q. And, do you have a Purchase Power Agreement at this
3 time with anybody?

4 A. I think that's still under negotiation at this time.

5 Q. So, that means you don't have one yet?

6 A. That's right.

7 Q. Yes. And, that you don't have any target for the value
8 of RECs. I think the question was brought up earlier
9 to the effect, "what if the Renewable Portfolio
10 Standards go away?" That would obviously mean that
11 there's no more RECs from that source. What does that
12 do to the financials of this project? Let's assume
13 that there is no Renewable Portfolio Standards a year
14 from now.

15 A. I would look at the Renewable Portfolio Standard more
16 as the need to have a renewable, as opposed to the fact
17 that they're actually generating RECs, because we sell
18 bundled, you know, RECs and power generally. So, if
19 the RPS were to go away and no state were to require or
20 would have an RPS, then there would, you know,
21 theoretically be no need for renewable power. And, so,
22 you'd go to your cheapest alternative, which
23 potentially would be coal or something to that effect.

24 Q. So, I guess you're saying, without the RPS, your plant

1 would shut down?

2 A. I'm not saying that at all.

3 Q. Okay. That's what I thought I heard. So, maybe you
4 can clarify that please.

5 A. I'm saying, without an RPS, you may not have
6 construction longer term, because RPS is really what's
7 requiring states to source their power from renewable
8 sources. RPS really is not associated with the RECs,
9 per se.

10 Q. Okay. But, for your -- this Project specifically, the
11 Groton Project, if there were no market for renewable
12 RECs, would the Project continue to operate?

13 A. If the Project was built, it would continue to operate,
14 yes.

15 MR. HARRINGTON: Okay. That's the
16 question I was trying to get the answer to. Thank you.
17 That's all I have at this time.

18 CHAIRMAN GETZ: Other questions?

19 Dr. Kent.

20 BY DR. KENT:

21 Q. I think I want to discuss this in a little simpler
22 fashion. If you were handed a constructed wind
23 facility, you would then be profitable each year in
24 operation and maintenance?

1 A. That's correct.

2 Q. Correct. So, the issue is capital costs, and how many
3 year it would take to pay down those costs and then
4 make a profit?

5 A. That's correct.

6 Q. Do you have a sense of how long, can you give me an
7 idea how many years it would take to run and operate a
8 farm to pay off those costs, construction costs, and
9 then started to make money?

10 A. I don't have that information specifically.

11 Q. You plan your pro formas 20 years -- 20 years, am I
12 correct, you imagine in your pro formas you're going 20
13 years of operation?

14 A. That's right.

15 Q. If you had to pay the entire cost of construction,
16 would you make your money back in 20 years?

17 A. With the grants or the subsidies?

18 Q. No, without. If you had to pay all of the costs, if
19 you had to assume all of the costs of construction,
20 would 20 years be enough to get you a return on
21 investment?

22 A. No, it would not.

23 Q. Do you know -- so, it's beyond 20 years?

24 A. Yes.

1 Q. You're not clear on how many more years it would be
2 beyond?

3 A. That's right.

4 Q. So, you're operating in a system that subsidizes in a
5 fashion that makes it profitable to build a wind farm.
6 A simple statement, right?

7 A. Uh-huh.

8 Q. And, the way the system works is, the subsidizer has an
9 interest that goes beyond your project, whether it's
10 policy or something else, and is willing to make that
11 trade-off?

12 A. That's correct. Now, one thing, just as a point of
13 clarity is, depending on how -- what price you sell
14 your power is really what your payoff is. And, right
15 now, with the current power prices the way they are and
16 the RECs, you know, the previous statements you made
17 are correct. But, if power prices were to
18 substantially increase, and advance faster than the
19 construction costs, it would potentially be a shorter
20 payback period.

21 DR. KENT: Understood. Thank you.

22 WITNESS MIHALIK: Sure.

23 CHAIRMAN GETZ: Other questions?

24 Mr. Steltzer.

1 BY MR. STELTZER:

2 Q. Do you have any familiarity, experience or knowledge of
3 the subsidies that are available to the fossil fuel
4 industries?

5 A. Very limited.

6 MR. STELTZER: Okay. Thank you.

7 CHAIRMAN GETZ: Mr. Scott.

8 BY DIR. SCOTT:

9 Q. Again, going back to the federal subsidy, just to
10 clarify in my mind. So, if there's no more federal
11 action, so Congress doesn't change a thing, is it still
12 your position that building this facility would be
13 financially viable, assuming you meet the same schedule
14 you're talking about?

15 A. Could you clarify that? Under the existing PTC or ITC?

16 Q. Correct. So, you're assuming certain subsidies at the
17 federal level, --

18 A. That's right.

19 Q. -- tax, etcetera. So, if the Project moves ahead with
20 the schedule that has been proposed to us, and Congress
21 does not take action to extend any kind of subsidy,
22 this Project will still qualify for enough things that
23 it's viable for you?

24 A. That's correct.

1 DIR. SCOTT: Thank you.

2 WITNESS MIHALIK: That's correct.

3 CHAIRMAN GETZ: Mr. Harrington.

4 BY MR. HARRINGTON:

5 Q. Yes. I just wanted to get straight on this, the end of
6 the year thing, to make sure I understand this. What
7 you were saying is that you could either start
8 construction, which was by the end year, and that would
9 qualify you for the ITC. Or, if permission wasn't
10 granted or you couldn't do it in time, there seems to
11 be some things that, the interconnection agreement and
12 some of this historical records searching that is still
13 ongoing, in lieu of that, you could spend 5 percent.
14 Is that 5 percent of that 120 million or 5 percent of
15 what?

16 A. It's 5 percent of the 120 million.

17 Q. And, you could just -- that would be a sign, a
18 cancelable purchase order for turbines or whatever?

19 A. There's fairly specific guidance being issued by the
20 Treasury on what qualifies. But, generally, you have
21 to specifically identify, you know, the asset or the
22 turbine and have it go to that project.

23 Q. And, your plan now is to take that avenue and to spend
24 the 5 percent of the 120 million sometime this year in

1 order to secure your qualification for the ITC?

2 A. It is.

3 MR. HARRINGTON: Thank you.

4 CHAIRMAN GETZ: Mr. Iacopino.

5 MR. IACOPINO: Thank you.

6 BY MR. IACOPINO:

7 Q. Mr. Mihalik, I just want to understand the corporate
8 structure a little bit better. There is Iberdrola,
9 S.A., which is the parent Spanish company, is that
10 correct?

11 A. That's correct.

12 Q. And, then, there's the entity that Counsel for the
13 Public asked you about, Iberdrola Renovables, and
14 that's a subsidiary of the parent Spanish company, is
15 that correct?

16 A. There's IRI or IRHI, Iberdrola Renewables Holdings,
17 Inc., which is the U.S. subsidiary, that that is the
18 holding company that holds IRI.

19 Q. Okay. Let's try to use the names and not the acronyms
20 right now, okay? We have Iberdrola, S.A., correct?

21 A. That's correct.

22 Q. Okay. And, then, is Iberdrola Renovables the entity
23 for which there is a balance sheet contained in the
24 Application at -- in Exhibit 1, that is a subsidiary of

1 Iberdrola, S.A., correct?

2 A. That's an 80 percent owned subsidiary of Iberdrola,
3 S.A., and 20 percent owned by the public.

4 Q. And, the next company down under that, pertaining to
5 this Project, is Iberdrola Renewables or --

6 A. Iberdrola Renewables Holdings, Inc.

7 Q. And, what kind of company is that?

8 A. That's a U.S. LLC.

9 Q. Is it an LLC or a corporation?

10 A. Or, not an -- excuse me, a C corp., yes.

11 Q. And, you know it is a C corp. And, in what -- is it a
12 Delaware corporation or some other state?

13 A. I believe it's Oregon.

14 Q. Okay. And, is that a publicly held entity in any
15 aspect?

16 A. It is not.

17 Q. Is it required to file any SEC, Securities & Exchange
18 Commission's filings with the federal government?

19 A. It is not.

20 Q. Okay. And, then we have Iberdrola Renewables as part
21 of Iberdrola Renewables Holdings, Inc., is that
22 correct?

23 A. That's right. IRI. Iberdrola Renewables, Inc.

24 Q. Okay. And, the same, that's a wholly owned subsidiary,

1 with no requirement to file any Securities & Exchange
2 Commission's documents, correct?

3 A. That's correct.

4 Q. And, will Groton Wind, LLC, be wholly owned by IRI?

5 A. That's correct.

6 Q. Okay. There's no other layer of any company between
7 IRI and Groton Wind?

8 A. That's correct.

9 MR. IACOPINO: Okay. Thank you.

10 CHAIRMAN GETZ: Redirect?

11 MS. GEIGER: Yes. Mr. Chairman, may I
12 have a moment to confer with the witness?

13 CHAIRMAN GETZ: Yes.

14 (Ms. Geiger conferring with Witness
15 Mihalik.)

16 MS. GEIGER: Thank you, Mr. Chairman. I
17 do have a question or two for Mr. Mihalik on redirect.

18 REDIRECT EXAMINATION

19 BY MS. GEIGER:

20 Q. Mr. Mihalik, are you aware if there are other -- if
21 there are subsidies that are provided to other sectors
22 of the energy industry? In other words, are you aware
23 of any government subsidies that are provided to
24 participants in the energy industry, other than the

1 wind sector?

2 A. There are subsidies that are provided in similar
3 fashion to the ITC and the grants for biomass, solar,
4 you know, other projects of that nature.

5 Q. So that the tax credits and the grant and the
6 accelerated depreciation that you talked about that are
7 available to your company, is it my understanding that
8 those things are also available to other developers,
9 other energy developers in the United States?

10 A. Absolutely. As well as the MACRS are also provided to
11 not just the energy industry, but tax depreciation
12 MACRS is provided generally to most entities that have
13 capital to spend in the United States.

14 Q. And, you're saying that the MACRS is not just limited
15 to the energy industry, is that correct?

16 A. That's right.

17 MS. GEIGER: I think that's it. Thank
18 you.

19 CHAIRMAN GETZ: Okay.

20 MR. ROTH: Could I ask a follow-up
21 question?

22 CHAIRMAN GETZ: To that specific
23 redirect?

24 MR. ROTH: I believe so, yes.

1 RE CROSS-EXAMINATION

2 BY MR. ROTH:

3 Q. Can you identify how much in ITC Iberdrola Renewables
4 has garnered so far?

5 MS. GEIGER: Excuse me, Mr. Chairman.

6 I'm going to object to that question. I don't think it's
7 relevant to this particular project. I think, clearly, to
8 the extent Mr. Roth might have a question about the ITC as
9 it relates to Groton Wind, but I don't think it's relevant
10 with respect to other holdings that Iberdrola has.

11 CHAIRMAN GETZ: Do you have a response?

12 MR. ROTH: We've been talking about, you
13 know, Iberdrola Renewables as standing behind the Project
14 or not, and we still don't have a clear answer to that
15 really. And, a lot of questions about what is the -- sort
16 of the net effect on the financial viability of the whole
17 enterprise of the renewable -- or, the ITC credits.
18 Groton Wind itself doesn't appear to have any assets other
19 than this project. So, to the extent that the Applicant
20 relies upon the credit of Iberdrola Renewables, I think
21 it's a relevant issue.22 CHAIRMAN GETZ: Well, I think it may be
23 relevant prospectively. I'm not sure -- I think your
24 question was historical in nature, about how many credits,

1 how much has been received in the past. I think we have
2 the information on the balance sheet. I guess, to the
3 extent that you ask how much -- to what extent one of the
4 parents is going to or needs to rely on some form of the
5 Investment Tax Credit or Production Tax Credit in the
6 future goes to the issue of financial capability. So,
7 I'll allow that part of the question.

8 MR. ROTH: It seems to me we won't
9 really, maybe he can answer that, but the key to
10 understanding what they may rely upon in the future seems
11 to me to be answered by what they have done so in the
12 past.

13 CHAIRMAN GETZ: Which I guess I'm not
14 sure that we need to quantify that, because we have their
15 overall balance sheet. But I would just pose the question
16 this way as "how much does the companies or any of the
17 parent's financial viability going forward rely on the
18 Production or Investment Tax Credits, and will that affect
19 the viability of Groton Wind?"

20 WITNESS MIHALIK: I would answer it this
21 way, Mr. Chairman. There's nothing going forward that the
22 viability of IRI, IRHI, or Iberdrola Renovables would need
23 from the government subsidies to continue as a viable
24 entity. The government subsidies only assist in

1 constructing new wind farms and increasing our growth of
2 the size of our portfolio of wind farms. From the
3 perspective of operating as a viable, profitable entity,
4 we do not rely on those, on the ITC grants, for our
5 financial stability. It's only used to construct new wind
6 farms. Because once a wind farm is in the ground, and I
7 think that was the question I got from Dr. Kent, is that,
8 once it's in the ground, it's a viable operating asset and
9 it's profitable. And, there's no way that Renovables or
10 Iberdrola Renewables is, you know, their continued
11 financial viability is dependent on the grant. It's only
12 to construct new wind farms.

13 CHAIRMAN GETZ: And, obviously, it
14 follows from that, the wind farms that you have
15 constructed to date have relied on Investment Tax Credits
16 or other subsidies in order to be built?

17 WITNESS MIHALIK: That's correct, sir.

18 CHAIRMAN GETZ: Did you have anything
19 further?

20 MR. ROTH: No, sir.

21 CHAIRMAN GETZ: Dr. Mazur, something, it
22 has to be responsive to this issue?

23 DR. MAZUR: A question in regard to
24 financial viability, not this specific issue.

1 CHAIRMAN GETZ: Well, then, it's beyond
2 the scope of recross. There was a redirect question,
3 recross is permissible with respect to questions raised on
4 redirect. And, the only question raised on redirect goes
5 to governmental subsidies in the form of Investment Tax
6 Credits or other subsidies.

7 DR. MAZUR: My question would have been
8 in regard to a potential other third party investor or
9 controller in the parent Iberdrola company.

10 CHAIRMAN GETZ: Well, I'm not -- do you
11 have -- Ms. Geiger?

12 DR. MAZUR: Can I go off the record to
13 --

14 CHAIRMAN GETZ: No.

15 MS. GEIGER: I'm not quite sure I
16 understand the question, I apologize.

17 DR. MAZUR: May I ask the question and
18 then you can rule whether -- okay. I apologize for what
19 might be perceived as a slight xenophobic aspect to this
20 question. And, I only raise it with the encouragement of
21 my fellow intervenor, Ms. Lewis. My wife, Christine,
22 who's not here, but is also an intervenor, she came across
23 an article about three years ago about the King of Spain,
24 I think King Carlos, going off to the Emirates on behalf

1 of Iberdrola for some sort of signing ceremony with the
2 investment firm of I think Abu Dubai [Dhabi?]. And, since
3 this question --

4 MS. GEIGER: Mr. Chairman, I'm going to
5 object to this statement. It's not a question. And, so,
6 if Mr. --

7 DR. MAZUR: I was just getting to the
8 question.

9 CHAIRMAN GETZ: Well, let him finish the
10 question and then we'll see where this is going.

11 DR. MAZUR: Thank you. So, my question
12 is that, do any of the Emirates, Dubai or Abu Dubai
13 [Dhabi?], which have their own real estate financial
14 problems in the last few years, are they in any way
15 involved with either the corporate structure or are they
16 serious investors in the parent company? And, were they
17 to have problems in Emirates fiscally, might this have a
18 ripple effect on the Iberdrola corporate structure? That
19 was my question.

20 CHAIRMAN GETZ: I'll permit the
21 question. It goes ultimately to the financial viability
22 of the parent.

23 BY THE WITNESS:

24 A. I'm not aware of any investment by, you know, the UAE

1 or the Royal family or anything to that effect, within
2 Iberdrola, Iberdrola Renovables, I'm not aware of it.

3 DR. MAZUR: Thank you for answering my
4 question.

5 CHAIRMAN GETZ: Ms. Geiger, anything
6 further?

7 MS. GEIGER: No.

8 MR. IACOPINO: I have one question.

9 BY MR. IACOPINO:

10 Q. We've talked a lot about wind, and I do understand that
11 wind generation is a large part of Iberdrola
12 Renewables' business. But does Iberdrola Renewables,
13 IRI, in the U.S., do they actually -- are they involved
14 in other types of either power generation or other --
15 do they have other economic interests, other than wind
16 generation?

17 A. We do.

18 Q. And, could you just explain for the record please what
19 that is.

20 A. We are also the -- I think it's the third or fourth
21 largest independent natural gas storage operator in the
22 United States. And, we also have a combined cycle
23 cogeneration facility on the California/Oregon border.
24 We have gas trading operations and power trading

1 operations. And, then, we also have a small solar
2 development group.

3 Q. Is wind power the largest revenue generator out of
4 those sectors for IRI?

5 A. It is.

6 MR. IACOPINO: Thank you.

7 CHAIRMAN GETZ: Ms. Geiger, anything
8 further?

9 MS. GEIGER: No. Thank you.

10 CHAIRMAN GETZ: Okay. Then, the witness
11 is excused. Thank you.

12 WITNESS MIHALIK: Thank you.

13 CHAIRMAN GETZ: Okay. Let's take just a
14 quick five minute recess.

15 MS. GEIGER: Thank you.

16 (Whereupon a recess was taken at 11:11
17 a.m. and the hearing reconvened at 11:19
18 a.m.)

19 CHAIRMAN GETZ: Okay. We're back on the
20 record, and turn to the direct examination of Mr. Devlin.

21 MS. GEIGER: Thank you, Mr. Chairman.

22 (Whereupon Kevin E. Devlin was duly
23 sworn and cautioned by the Court
24 Reporter.)

1 KEVIN E. DEVLIN, SWORN

2 DIRECT EXAMINATION

3 BY MS. GEIGER:

4 Q. Could you please state your name and spell your last
5 name for the record.

6 A. My name is Kevin Devlin, D-e-v-l-i-n.

7 Q. And, Mr. Devlin, by whom are you employed and in what
8 capacity?

9 A. I work for Iberdrola Renewables, Inc., in the U.S.
10 And, my job title is "Vice President of Commercial
11 Operations".

12 Q. And, what do your responsibilities include?

13 A. I'm responsible for the management and operation of all
14 operational wind farms in the U.S.

15 Q. And, are you the same Kevin Devlin who submitted
16 prefiled direct testimony in this docket?

17 A. I am.

18 Q. And, do you have any corrections or updates to that
19 prefiled direct testimony?

20 A. The only update I had was on Page 15, in regard to the
21 FAA Notice of Hazard. Just to confirm that we have
22 received information from the FAA to confirm that we
23 are not a hazard to aviation.

24 Q. And, with that update, Mr. Devlin, if I were to ask you

1 all of the questions that are contained in your
2 prefiled direct testimony under oath today, would your
3 answers be the same?

4 A. They would.

5 MS. GEIGER: Mr. Chairman, the witness
6 is available for cross-examination.

7 CHAIRMAN GETZ: Okay. Thank you.

8 Dr. Mazur.

9 DR. MAZUR: Good morning, Mr. Devlin.

10 WITNESS DEVLIN: Good morning.

11 CROSS-EXAMINATION

12 BY DR. MAZUR:

13 Q. Do you perceive the possible risk with the turbines of
14 fire danger and spewing of toxic petroleum fumes into
15 the atmosphere, endangering the human population
16 abutting a wind project, such as Groton?

17 A. There are undoubtedly, with any large piece of
18 equipment, there are operational issues that need to be
19 contended with. Buy, my experience, with operating
20 we're now up to 5,000 megawatts in wind in the U.S., is
21 that fires in wind turbines are not a common occurrence
22 at all. And, when they do occur, there will be some
23 combustion, obviously, but that will be very contained.

24 Q. Regarding the Groton Wind Project, were there to be

1 fires and combustion of the petroleum lubricants within
2 the turbines, as I understand it, do you anticipate any
3 plans to evacuate the human population, such has in the
4 Baker River Valley or along the Route 25 corridor,
5 including Plymouth and even the inhabitants of Groton?

6 A. Well, I think we're talking, first of all, about a very
7 unlikely scenario. Secondly, it's not clear that the
8 lubricants in the machine would actually catch fire, if
9 the machine was to catch fire, because it's actually
10 contained within the gearbox. And, then, thirdly, I
11 think the actual fire itself is a relatively small
12 fire. And, I wouldn't think it would be required to
13 evacuate people from the populous as a result of that.

14 Q. Have studies actually been done starting fires on test
15 models of turbines to see whether the lubricants
16 vaporized and became a propellant in the atmosphere?

17 A. I'm not, I'm not aware of any such studies. They may
18 have been done, but I'm not aware of them.

19 Q. Why would such studies not be done for the sake of
20 trying to go one extra step to exclude the risk of harm
21 to the human population? Why would they not be done?

22 A. They may have been done. But all I'm saying is I'm not
23 aware of the contents of those studies.

24 DR. MAZUR: I have health issues, but I

1 think I'll reserve them for Mr. O'Neal.

2 WITNESS DEVLIN: Okay.

3 DR. MAZUR: And, those are my questions.

4 Thank you.

5 CHAIRMAN GETZ: Thank you. Ms. Lewis.

6 MS. LEWIS: Thank you.

7 BY MS. LEWIS:

8 Q. Mr. Devlin, I wonder if you could tell me what the
9 turbine blades are actually made of?

10 A. They're typically made of glass fiber composite.

11 Q. Okay. Would that be --

12 A. Which is a mixture of epoxy resin and glass fiber.
13 Sometimes there's carbon fiber in the blades as well.

14 Q. Okay. Is that, in layman's terms, basically
15 fiberglass?

16 A. Yes.

17 Q. Okay. Could you explain a little bit, in a situation
18 where a fire did happen, and a blade did catch on fire,
19 --

20 A. Uh-huh.

21 Q. -- what would happen to those blades, being fiberglass,
22 catching on fire?

23 A. In my experience, the fiberglass does burn to some
24 extent. And, normally, what would happen is the --

1 what was remaining of the blade would remain attached
2 to the tower or else fall to the ground below the
3 tower.

4 Q. Have you heard of any health situations that have
5 occurred when those blades are on fire?

6 A. I have not.

7 Q. Have you -- could you tell me how many turbine fires
8 have occurred in your experience with your various
9 plants?

10 A. In my experience, we had one turbine fire in the last
11 three years, since I started this position.

12 Q. Could you go into detail a little more about that
13 particular fire?

14 A. It occurred in Pennsylvania, and the turbine caught
15 fire because of an electrical fault. And, the turbine
16 basically burned out, and the fire was contained at the
17 base of the turbine. There was no collateral damage to
18 any of the woodland or anything around. Basically, the
19 turbine burned itself out. And, we replaced the
20 turbine.

21 Q. Did the blade catch on fire?

22 A. Yes.

23 MS. LEWIS: Okay. That's all the
24 questions I have. Thank you.

1 CHAIRMAN GETZ: Thank you. Mr. Roth.

2 MR. ROTH: Thank you. Good morning.

3 WITNESS DEVLIN: Good morning.

4 BY MR. ROTH:

5 Q. One of the things that the community and the state look
6 forward to from these projects is employment, and I
7 want to ask you a few questions about employment. And,
8 can you specify how many local contractors will be
9 employed to construct the Project?

10 A. I can't be specific on that, because I'm not
11 responsible for construction. My role is to operate
12 the plant after it's commissioned. So, I can't answer
13 that specifically.

14 Q. Okay. Nor how many non-local contractors?

15 A. Again, no.

16 Q. Do you have a sense, in terms of proportion? You know,
17 what percentage are local versus what percentage are
18 non-local?

19 A. I don't. It really would be a question better answered
20 by our construction team.

21 Q. Okay. Now, once the Project is constructed, how many
22 local permanent employees will there be?

23 A. In respect of our own employees, I think we said in the
24 submission that there would probably be three permanent

1 employees on the site. That would probably rise to six
2 after the warranty period. So, for the first two years
3 of operation, we cooperate the site between Iberdrola
4 and the turbine manufacturer. And, then, typically our
5 plan after that is to operate the site ourselves with
6 our own employees. So, there's a change in terms of
7 the number of employees on my side. I would estimate
8 that the total number of employees at the site would be
9 probably between -- probably less than ten, maybe nine
10 or ten people in total, including our own staff and
11 contractors. And, I would expect most of those people
12 to be from the local community.

13 Q. Okay. So, you will employ local community people after
14 the warranty period and during the warranty period?

15 A. Yes. I mean, the people will either be people hired
16 from the local community or will live in the local
17 community. Obviously, we want to staff the site with
18 people who are experienced and who have the right
19 qualifications. Provided we can find those people in
20 the local community, we will hire them from here.

21 Q. Okay. And, how long is the warranty period?

22 A. Two years.

23 Q. Two years. Will any of your employees be shared with
24 Lempster, with the Lempster Project?

1 A. We haven't -- we haven't fully worked that out yet. It
2 really depends on driving time. It is common, at
3 times, to share employees during periods of high work.
4 But we would always staff a site with the right number
5 of employees to actually fully maintain that site.
6 Sometimes we have combined plant manager positions,
7 where the plants are quite close together. In this
8 case, I think we'd need to really review, you know, how
9 far the plants are apart and whether that driving is a
10 problem or not.

11 Q. So, it's possible that you could actually have sort of
12 a double-duty team that would --

13 A. Well, if it was double-duty, it would probably be only
14 one person who is doing double-duty. We would have to
15 staff the site with the levels I submitted in my
16 testimony.

17 Q. And, do you have a sense of how many jobs will be
18 created supporting the Project in the Portland office?

19 A. In the Portland office, I think this Project probably
20 -- that's hard to say. I think it's not going to be --
21 it might be one job. But, you know, we are -- we are a
22 pretty large operator of wind turbines. So, adding an
23 additional 48 megawatts doesn't necessarily add an
24 additional position.

1 Q. Okay. Thank you. Now, I understand that there is a
2 computerized system for Portland to communicate with
3 the Project electronically. And, we have a famously
4 fickle Internet system in certain rural parts of our
5 state. If the system were to go down, in an ice storm
6 or just poor connection, how would the Project be
7 controlled, if not from Portland?

8 A. Well, there's a number of options. First of all, we
9 typically put redundant backup into the communications
10 system. So, for example, we will use fiber as the
11 primary, fiber optic cable as the primary communication
12 source. But, usually, we back that up with satellite
13 as well. And, then, if the satellite communication was
14 to fail as well, then what we would normally do is
15 require the site staff to attend the site and actually
16 operate it manned. So, for example, over the weekends,
17 we would probably operate a shift service, where there
18 were basically permanent employees on site.

19 Q. Okay. Will local personnel have the authority, under
20 any circumstance, to shut down a turbine or all of the
21 turbines?

22 A. Absolutely.

23 Q. And, is that authority only in the event that the
24 redundant electronic systems connecting to Portland

1 fail or is that -- can they go in and say "Portland
2 doesn't know what they're doing, this turbine is on
3 fire, I'm shutting it down"?

4 A. The on-site responsibility for health and safety and
5 operational integrity is with the plant manager. So,
6 he has complete authority to shut turbines down if he
7 is worried about health and safety.

8 Q. Okay. Now, there was testimony provided by the fire
9 chief for the Town of Plymouth, I think. Have you seen
10 that testimony?

11 A. I have seen part of it.

12 Q. Okay. And, you understand that he has asked for a fire
13 truck and an ATV machine and some pumps and stuff. Do
14 you agree that a fire department will need that
15 equipment to put out a forest fire in the woods on the
16 mountainside?

17 A. Based on my experience, I don't think it's required.

18 Q. I'm not talking about with respect to this project.
19 But, if there were a fire in the woods, wouldn't a fire
20 department need a brush fighting fire truck and other
21 equipment, such as described by the fire chief?

22 A. If there was a fire in the woods, the fire department
23 would need to attend to it with whatever equipment they
24 need. I guess my point is, I don't think they

1 necessarily need incremental equipment for this
2 project.

3 Q. Okay. I understand your point. Now, there was also a
4 letter submitted by the Fire Marshal dated
5 October 17th, 2010. Have you seen that letter?

6 A. I have not.

7 Q. Okay. I'm going to show you Buttolph Exhibit Number 8.
8 I'll give you a moment to read it.

9 (Atty. Roth handing document to the
10 witness.)

11 (Short pause.)

12 CHAIRMAN GETZ: Mr. Roth.

13 MR. ROTH: I think he's still reading.

14 WITNESS DEVLIN: Go ahead.

15 BY MR. ROTH:

16 Q. Okay. Now, you see there in Paragraph Number 1, that
17 starts on Page 1 and continues on Page 2.

18 A. Uh-huh.

19 Q. The Fire Marshal wants a condition that says that the
20 Project will be "constructed in accordance with the...
21 International Building Code, 2009; the Fire Code, 2009;
22 the Life Safety Code, 2009; and the Recommended
23 Practice for Fire Protection for...generating plants."
24 Do you believe that the Project, either in construction

1 or as constructed, will comply with these codes?

2 A. I'm not familiar precisely with these codes. What I
3 can say is that it's always our policy that we always
4 construct our projects in accordance with relevant
5 codes and specifications.

6 Q. Okay. So, you're the operation and maintenance guy and
7 you're not familiar with the Fire Code?

8 A. I have people who are familiar with the Fire Code, but
9 I am personally not familiar with the Fire Code.

10 Q. Okay. Is there somebody you can have to -- who could
11 tell us whether the Project, as completed, will comply
12 with the International Building Code, the Fire Code,
13 the Life Safety Code?

14 A. I'm sure we can have a technical expert provide
15 testimony on that, yes.

16 Q. Okay.

17 CHAIRMAN GETZ: Well, let me just
18 clarify. Do we need testimony on this or we just need --
19 there could be a representation by counsel that the
20 Applicant will abide by these conditions?

21 MR. ROTH: That would be satisfactory.

22 MS. GEIGER: Mr. Chairman, I can't
23 provide that information or that representation today. My
24 understanding is, from the Applicant, is that they are

1 actually looking into the information presented in the
2 Fire Marshal's letter, to determine whether, in fact,
3 these cited code provisions do, in fact, apply. My
4 understanding is a representative from Iberdrola met with
5 the fire Marshal's office on Friday to discuss this letter
6 and is in the process of working -- in the process of
7 working with the Fire Marshal's office to determine
8 exactly what the Fire Marshal will and will not require.

9 I think the best I can do at this point
10 is to say to the Committee and Public Counsel is that
11 we'll get back to you on the status of the Applicant's
12 conversations with the Fire Marshal's office, to determine
13 exactly what it is that the Fire Marshal is looking for,
14 in terms of specific codes and specific conduct from the
15 Applicant.

16 CHAIRMAN GETZ: Well, let's put it this
17 way. I think, before the week is out, you know, we need
18 to know, we have a proposal of certain conditions by the
19 Fire Marshal, either that the Company's position, whether
20 it would agree with these conditions, or if the Fire
21 Marshal has adopted a different position, and there's
22 agreement among the parties, then we would need to know
23 that as an alternative.

24 MR. ROTH: That would be fine.

1 MR. IACOPINO: Mr. Chairman, I just
2 point out for the Board, too. As I understand the Fire
3 Marshal's jurisdiction with regard to this particular
4 project is different than in other cases that we've had.
5 Apparently, Groton does not have a building code or
6 building inspector. And, therefore, the State Fire
7 Marshal, by statute, steps in as the local authority for
8 compliance with building codes, and they apply the
9 building code that is statutorily mandated. So, that's
10 just a little legal filler in there for you. That's where
11 the Fire Marshal comes in on two layers with regard to
12 this particular project.

13 CHAIRMAN GETZ: Okay. Thank you.

14 MS. GEIGER: And, I think, just to round
15 out the record a little bit, and for the Committee's
16 benefit, Public Counsel's benefit as well, it's my
17 understanding that, while there are references to the
18 Building Code contained in the letter, it's not clear that
19 a wind turbine would exactly be the type of building that
20 the code was intended to address. And, so, I think that's
21 why the conversations are ongoing between the Applicant's
22 representatives and the State Fire Marshal's, to see if
23 they can reach agreement on exactly what will satisfy the
24 Fire Marshal, in terms of which provisions of the code do

1 apply to the wind facilities.

2 CHAIRMAN GETZ: Okay. Thank you.

3 Mr. Roth.

4 MR. ROTH: Thank you.

5 BY MR. ROTH:

6 Q. On the second page, Number 4, it references -- it says
7 "In addition to code required fire protection systems,
8 monitored fire suppression systems shall be installed
9 in each nacelle and generator housing." Do you know
10 whether the turbines will have monitored fire
11 suppression systems in each nacelle and generator
12 housing?

13 A. What I know is that each of the machines will have fire
14 detection systems. It's not been the practice in the
15 wind industry as of yet to install automatic fire
16 suppression systems in wind turbines.

17 Q. Okay. Thank you. Now, my last question is, in your
18 testimony you indicate that the process -- or, the
19 Project will undergo "rigorous commissioning". Are you
20 familiar with the Altona turbine collapse in New York?

21 A. I believe so, yes.

22 Q. Okay. Are you aware that the New York Public Utilities
23 Commission issued an order and a report based upon the
24 root cause analysis of that turbine collapse?

1 A. I have not seen that piece of information.

2 Q. Are you aware of the root -- are you familiar with the
3 root cause analysis of the Altona collapse?

4 A. I am not.

5 Q. Okay. Can you give some detail about what "rigorous
6 commissioning" is in your mind?

7 A. Okay. Every machine has to, first of all, undergo a
8 complete checklist, to check that all the operational
9 systems are working as intended. So, that involves
10 both mechanical and electrical tracks on the machine.
11 And, then, typically, it performs a performance test,
12 where it has to run for a period of time without any
13 faults being detected on the machine. And, that task
14 can be anywhere between 72 and 120 hours.

15 The other thing we do is that, as part
16 of the check, although the commissioning is typically
17 performed by the manufacturer, in this case probably
18 Gamesa, our own technicians also double-check
19 everything that's been done by the turbine supplier.
20 And, we typically bring in experienced technicians from
21 other sites who have experience with that turbine, so
22 that they can basically go through and identify any
23 typical faults that we might have seen on other
24 machines that they can be rectified after construction.

1 Q. And, is all of this stuff done essentially before the
2 Applicant takes control or ownership, or I'm not sure
3 what the terminology is, delivery of the turbines for
4 operational purposes?

5 A. Well, there will typically be a contingent payment
6 under the supply agreement that will be released, once
7 the buyer is happy with the condition of the turbine.

8 Q. And, that they operate as they're intended to?

9 A. Correct.

10 MR. ROTH: That's all the questions I
11 have. Thank you very much.

12 WITNESS DEVLIN: Thank you.

13 CHAIRMAN GETZ: Thank you. Questions
14 from the Subcommittee? Mr. Scott.

15 DIR. SCOTT: Good morning.

16 BY DIR. SCOTT:

17 Q. Does Iberdrola have any experience with the
18 decommissioning of any wind farms?

19 A. We, not -- certainly not in the U.S. Our oldest wind
20 farm in the U.S. was commissioned in 1999. So, it has
21 still quite a lot of operational life.

22 Q. And, what is the projected operational life for?

23 A. Well, the initial design criteria are typically 25 to
24 30 years. But, you know, at this point in time, our

1 intention would be to operate the machines as long as
2 possible.

3 Q. And, along the same lines, is it common practice, and
4 again maybe there's not enough experience yet to,
5 rather than decommission, to upgrade the turbines, that
6 type of thing?

7 A. That has been practiced, for example, in California, in
8 the San Gorgonio Pass. There are some old machines
9 there that are being repowered to larger machines that
10 are more efficient. So, that practice is ongoing right
11 now. And, obviously, the site may have to be
12 re-engineered to accept a larger or a different
13 turbine. But, yes, that is a practice that has
14 happened in the past.

15 Q. Another topic, site security, you mentioned that there
16 will be three to six employees up in the local area.
17 My understanding from your prefiled testimony is that
18 the turbines themselves will be -- somehow there will
19 be some signage. You'll have gates and fences also or
20 how will they be controlled?

21 A. Well, the machine itself has a locked door on it, and
22 it's very, very difficult to gain access to a turbine
23 once it's been locked. I mean, basically, it's an
24 impenetrable building, once it's been commissioned.

1 Typically, the O&M building and the substation would be
2 alarmed, and it would be fenced as well.

3 Q. And, are there -- so, again, are there signage for not
4 entering the turbine itself, but the field around the
5 turbine?

6 A. We don't normally put signage around the turbine. We
7 would normally put signage on the turbine, saying,
8 obviously, "no unauthorized access". And, we'd,
9 obviously, put a lot of signage around the substation.

10 Q. Well, in past experience, I think, frankly, with the
11 Lempster Wind Farm, we've had testimony about ice
12 throws and concerns about, again, close in to the
13 turbines some dangers, if you will, or at least
14 concerns. So, how do you address that?

15 A. Well, you know, under normal operations, it's not
16 dangerous to stand underneath a wind turbine. We have
17 farmers in the Midwest, for example, who farm and
18 harvest right underneath the machines. The only and
19 specific issue we have is when there's ice on the
20 blades and the machine is stopped. During the short
21 period of time when the machine is restarting, there
22 can be ice throw. And, in that period of time, we
23 would put precautionary notices around the turbines to
24 stay back. It is only a short period of time, and it

1 doesn't happen every year. It just happens at certain
2 times of the year with certain climatic conditions.

3 DIR. SCOTT: Thank you.

4 CHAIRMAN GETZ: Mr. Harrington.

5 MR. HARRINGTON: Yes, a few questions.

6 BY MR. HARRINGTON:

7 Q. Going back to something you just mentioned on the
8 turbine being locked. One of the issues I think that
9 came up, I think it was Lempster, was that there was an
10 outside ladder on the tower going up. Do these have
11 those?

12 A. No.

13 Q. So, there is no access, unless you get inside the tower
14 itself?

15 A. Absolutely not, no. It's completely sheer on the
16 outside.

17 Q. Okay. Getting back to the idea of fire here, because
18 that seems to be an issue that's comes up a couple of
19 times now. There was that fire, I think it was in
20 Pennsylvania or something, where there was some minor
21 damage, I mean that was outside of the turbine, that
22 was pretty well damaged. Is there a particular
23 strategy for fighting these fires, given that, you
24 know, well, for example, the oil itself in the gearbox

1 is up some 100 and something feet off the ground. And,
2 I mean, do you just basically send people there and let
3 it burn itself out?

4 A. Yes. I mean, the key thing is that, because the
5 machines are separated from each other, there's no real
6 risk of the fire spreading to the rest of the site.
7 So, our view on this is, obviously, health and safety
8 first. We don't want any firefighters risking their
9 lives fighting a fire in high elevations. So, if the
10 turbine, the nacelle at the top was to catch fire,
11 really, the job of the fire department and our own
12 staff is to make sure that the fire doesn't spread, by
13 material falling to the ground and then either setting
14 the ground on fire or falling on other things. So, we
15 basically clear the area and let the machines
16 extinguish itself.

17 Q. Okay. And, then, it sounds like what you're saying is
18 that, as far as additional firefighting equipment, you
19 don't feel there's any necessary, because the towns
20 would already have, I mean, there's, obviously, forest
21 fires could be caused by something else other than a
22 wind turbine fire, so --

23 A. Yes. I mean, we have, obviously, a lot of operational
24 sites across the U.S., over 41 sites. And, where we

1 have got into cooperation with the fire departments,
2 it's typically around rescue equipment. And, what I
3 mean by that is things like stretchers or relatively
4 low dollar equipment that maybe would help. But, in
5 terms of actual machines, I don't think it actually
6 creates the need for additional appliances in fire
7 departments.

8 Q. Okay. There was one -- a previous issue that came up,
9 again, I think it was the Lempster hearing, there was a
10 blade failure at one facility. And, I think they were
11 made at a factory, I believe, I'm stretching my memory
12 here, but I believe it was in Pennsylvania. When you
13 buy these blades, because, I mean, the huge size of
14 them and the stresses being put on, especially at the
15 tips, toward the tips of the blade, what's the type of
16 non-destructive testing or evaluation that's done to
17 make sure that the blades don't have any inherent flaws
18 or cracks, etcetera?

19 A. Okay. Most of the testing is done in the factory,
20 because, obviously, it's the best environment to do it.
21 I know, in the case of the Gamesa machines, probably
22 the most invasive testing they do is using an infrared
23 camera to basically look down the blade and check for
24 any imperfections. The other aspects are in terms of

1 more proactive quality control, in terms of, you know,
2 how the actual resin is being mixed and how the blade
3 is being laid. And, then, the final line of defense is
4 that we, as a company, always has somebody in the
5 Gamesa factory actually personally inspecting the
6 blades as well for quality of finish, for want of a
7 better word. And, I think all those different systems,
8 if you like, generally mean we get a good product at
9 the end.

10 Q. And, I realize in your statement that you made that
11 your oldest turbine is only about ten years old. Is
12 there anything, as we look down the road on these,
13 where there would be some type of, maybe after ten
14 years or whatever, some type of inspection of the
15 blades to look for flaws, because you don't want to
16 find out about it when it's spinning?

17 A. No. I mean, we have a checklist we do every year. I
18 mean, the first line of defense is, obviously, a visual
19 inspection. We actually typically use spotting scopes
20 at each site, and actually require the plant staff to
21 actually do a visual inspection from the ground of the
22 blade. You can typically see any delamination or
23 anything like that quite easily visually. If there was
24 anything we were concerned about, we would then

1 probably use ultrasonic inspection on the blade itself.
2 And, that would require putting somebody up on a lift,
3 obviously, to run down the blade.

4 Q. And, maybe my daughter can I get a job there. She's
5 doing that stuff actually. She's going to school for
6 it now. The other thing, there was -- there's always
7 the mention of the ice throw. And, just to make sure I
8 have this correct. The first defense, I guess, against
9 the ice throw would be vibration monitoring equipment
10 on the turbine itself?

11 A. Well, actually, what happens with ice is, when the ice
12 builds up on the blade, the turbine shuts down
13 automatically, because the ice actually kills the
14 aerodynamics of the blade. So, the machine stops.
15 And, you know that you're in an ice situation, because,
16 obviously, the combination of the temperature and not
17 power output from the machine. The critical period in
18 ice throw is actually not when the ice is there, but
19 it's actually during the thaw period, when the ice can
20 get liberated from the blade.

21 Q. But, if there was a large amount of ice towards the tip
22 of the blade, it would tend to imbalance the machine
23 and --

24 A. The machine will stop, because the aerodynamics get

1 killed. It actually slows the machine down as the ice
2 builds up.

3 Q. Oh. There was, again, a question that came up in the
4 Lempster hearings. There was a couple of options on
5 the turbines; one being a colder weather option and the
6 other one. Does this have the cold weather turbine in
7 it?

8 A. I believe this turbine will have cold weather, yes.

9 Q. So, it will have preheated oil, etcetera?

10 A. The key differences are, first of all, metallurgical.
11 That the steel is a different type of steel, that
12 doesn't embrittle at low temperatures. And, then,
13 secondly, it will have additional heating inside the
14 machine to basically keep the oil at a reasonable
15 temperature.

16 MR. HARRINGTON: All right. That's all
17 I have. Thank you.

18 CHAIRMAN GETZ: Dr. Kent.

19 DR. KENT: Thank you.

20 BY DR. KENT:

21 Q. I just wanted to clarify. We heard from Mr. Mihalik
22 that the financial planning horizon is 20 years. But,
23 that aside, your goal is to extend the life of these
24 machines as long as possible?

1 A. Absolutely.

2 Q. Okay. Are you familiar with the role of the State
3 Forest Management Bureau in firefighting, forest
4 firefighting?

5 A. Not particularly, no.

6 Q. Are you familiar that the state has a compact with
7 other states to fight fires?

8 A. My only understanding on this Project is the
9 arrangement that exists between the Project and Rumney
10 Fire Department and the fact that they're a first
11 responder.

12 DR. KENT: Thank you.

13 CHAIRMAN GETZ: Other questions?

14 Mr. Hood.

15 BY MR. HOOD:

16 Q. Mr. Devlin, you said that, if you do upgrades to some
17 of your facilities, what type of analysis goes into
18 those, like environmental analysis, goes into those
19 upgrades before they're undertaken? Is it similar to
20 what's going on for this, for your initial facilities?

21 A. Yes. I mean, in cases where sites in the past have
22 been repowered, it really has required a full
23 permitting process all over again. Because, typically,
24 the machine may be of different dimensions, a different

1 power rating. So, it's basically the same process all
2 over again.

3 Q. So, you would look at any -- kind of compare any
4 impacts that you thought were going to happen with your
5 facility -- you would look at the impacts that were
6 proposed to be with your facility, when it first went
7 in, to kind of compare them to what you found over the
8 years before upgrade, and then you would see what would
9 happen if the facilities were made bigger, access had
10 to be something different?

11 A. Absolutely. Yes.

12 MS. GEIGER: Excuse me. Mr. Hood, are
13 you asking about the process in New Hampshire or are you
14 asking the witness about what he has experienced in other
15 jurisdictions?

16 MR. HOOD: I guess, in general, what
17 he's experienced in other places. But I guess it gets
18 back to, if this facility is approved, and then 20 years
19 down the road or 15, you wanted to come back and make some
20 improvements. Just wanted to make sure that there would
21 be some kind of analysis gone into again. That this
22 wouldn't get in for the smaller size now, and then, all of
23 a sudden, ten years down the road, go back and say "well,
24 we want to make it much bigger", without some kind of

1 analysis done.

2 BY THE WITNESS:

3 A. I think we would expect to be subject to the same
4 process as we're going through now, if we wanted to
5 change the physical dimensions of the site or change
6 the technology.

7 MR. HOOD: Thank you.

8 CHAIRMAN GETZ: Mr. Dupee.

9 MR. DUPEE: Thank you, Mr. Chairman.

10 BY MR. DUPEE:

11 Q. I have two questions. We already heard a little bit
12 about fire suppression. You mentioned earlier in your
13 testimony that the state of the wind industry is not to
14 have automatic fire suppression. Could you tell this
15 group a little bit why that might, whether you think
16 that's a good plan or not?

17 A. I think for two reasons. First of all, the design of
18 wind turbines is such that, because they're individual
19 units, the risk of the fire spreading beyond that
20 particular unit is relatively small. Typically, when
21 you put automatic fire suppression into machines such
22 as this, actually you can increase the risk of hazard
23 to the employees, because there's always risk of an
24 accidental discharge of the fire suppression while

1 people are inside the machine. So, on the balance of
2 risks, it's been the view of the industry so far not to
3 install that equipment.

4 Q. Thank you. Another question. Now, I'm going back to
5 decommissioning. We heard earlier about the financial
6 strength of the organizations. So, would you review
7 for me one time just the hierarchy of legal entities,
8 beginning with Groton Wind and working your way back
9 up?

10 A. I will try. It's Groton Wind, LLC, which is a wholly
11 owned subsidiary of Iberdrola Renewables, which is
12 under a holding company IRHI, Iberdrola Renewables
13 Holdings, Inc., which is a U.S. subsidiary of Iberdrola
14 Renovables, which is a listed company on the Spanish
15 Stock Exchange.

16 Q. Thank you. And, just to make sure that we heard
17 earlier in testimony that some of these entities didn't
18 necessarily have financial capacity of their own. So,
19 is it the intention here of the Applicant that there
20 will be an irrevocable commitment on the part of the
21 financially responsible entity to decommission the
22 facility when it's reached the end of its useful life?

23 A. I'm not in a position to answer that question. I've
24 not been involved in those discussions.

1 CHAIRMAN GETZ: Mr. Scott.

2 BY DIR. SCOTT:

3 Q. Going a little bit further afield, for at least the
4 windmills we've -- this Committee has looked at,
5 there's always been concerns with bird and bat kills.
6 And, I know your staff, obviously, is looking at the
7 maintenance and operation of the turbines themselves.
8 But is there a protocol you typically use or plan to
9 use, so, if an employee is on site and finds a dead
10 bird and bat around the turbine, they have to do
11 something with that?

12 A. Yes. There's two protocols. I'm not sure exactly the
13 situation with this site. But, typically, we have an
14 Avian Monitoring Agreement that we apply for several
15 years after commissioning. And, that usually employs
16 environmental consultants to actually do specific
17 sample sizes to assess the avian impact. After that
18 period has completed, our intention is that we're going
19 to use our own technicians to basically continue that
20 survey process. And, we are actually equipping them
21 with technology, which is effectively hand-held cameras
22 and GPSs, where they can basically photograph and
23 record the carcass and basically record the GPS
24 coordinates of where they were actually located. And,

1 that's a process we're actually -- we're just putting
2 in force right now.

3 Q. So, it's a fair statement to say, if a dead bird or
4 dead bat is found on the premises, it would be recorded
5 somehow?

6 A. It would be recorded electronically with its
7 coordinates, and a photograph.

8 CHAIRMAN GETZ: Dr. Kent.

9 BY DR. KENT:

10 Q. Is Iberdrola proactive in seeking siting and turbine
11 design mechanisms for minimizing bird and bat
12 fatalities?

13 A. We are. We have a number of initiatives ongoing in the
14 U.S. I can basically cite two of those. One is a site
15 in Texas that we operate, where we actually installed a
16 radar system, which was specifically to track the
17 migration of certain species along the Gulf Coast.
18 Under certain extreme conditions, we could actually
19 shut parts of the site down to minimize any avian
20 impact.

21 And, then, at a site in Pennsylvania,
22 called "Casselman", we actually conducted a bat study.
23 And, this was in collaboration with a number of bat
24 protection groups, to see if there was any impacts on

1 basically changing the current speed of the machine
2 during certain periods of time. And, those results are
3 currently being assessed right now.

4 Q. The latter you said was "Pennsylvania" you said?

5 A. Yes.

6 Q. Could you tell me, is there a number of groups that
7 you're working with or is there a lead group?

8 A. You'll have to forgive me, I don't have it at the top
9 of my head. But I'm sure we can provide it in writing,
10 if that is of interest.

11 Q. Thank you. Yes. If I told you a group, would you
12 recognize it? Bat Conservation International, does
13 that sound familiar?

14 A. That sounds familiar. I'd rather give you it in
15 writing, if that's okay.

16 Q. That's would be fine. Thank you.

17 CHAIRMAN GETZ: Let's reserve Exhibit 41
18 for that information.

19 (Applicant Exhibit 41 reserved)

20 BY DR. KENT:

21 Q. Do you have -- excuse me. The Texas study as well, did
22 you work -- you worked with an outside group or groups
23 in Texas as well?

24 A. The Texas is not a study, it's actually an operational

1 site where we have an operational radar system. So,
2 that is a -- that was a solution that was agreed with
3 Fish & Wildlife, U.S. Federal Fish & Wildlife.

4 Q. Is there a summary of that program, that project
5 somewhere?

6 A. Again, I think we could get you something in writing on
7 that. It's certainly in the public domain.

8 CHAIRMAN GETZ: Well, let's include that
9 with Exhibit 41.

10 DR. KENT: Thank you.

11 CHAIRMAN GETZ: Mr. Harrington.

12 MR. HARRINGTON: Yes. There was one
13 last issue that I forgot to ask you about.

14 BY MR. HARRINGTON:

15 Q. One of the previous failures of, you know, and it
16 wasn't on one of your company's machines, but it was on
17 another wind farm in the United States, it was due to a
18 brake failure. They simply, you know, hit the button
19 or switch or whatever it was and the brakes didn't
20 brake and the turbine overspun, and that's when it
21 ended up breaking apart. Do you have some type of a
22 failsafe device, so that, you know, there's no question
23 about it, you brake the turbine when you want to brake
24 it?

1 A. Yes. The actual primary device for stopping the
2 machine is not the brake at all. It's actually the
3 pitch system. And, the pitch is typically triply
4 redundant. So, it has three different independent
5 systems that will pitch the blades. And, the way the
6 machines are designed that, even if one blade pitches,
7 rather than two or three, the machine should still
8 stop. The brake is really there as a safety device to
9 hold the machine stopped, once the pitch system is
10 activated.

11 Q. Well, I think it was the pitch system that failed in
12 the other case, --

13 A. Okay. Yes.

14 Q. -- because, yes, putting the brake on at high speed
15 would probably cause the thing to fall apart anyway.

16 A. It would just burn up the brake. The real safety
17 margin here is the fact that the pitch system typically
18 has triple redundancy.

19 Q. And, it does in this particular case?

20 A. Yes.

21 MR. HARRINGTON: Okay. Thank you.

22 CHAIRMAN GETZ: Mr. Steltzer.

23 BY MR. STELTZER:

24 Q. Yes. One of the other concerns that we've heard from

1 some of the parties here is regarding light pollution.
2 And, I understand that, in this proposal, there's --
3 looking at one of the mitigating factors here is to
4 limit the number of lights that are on the turbines.
5 There was some testimony provided yesterday about the
6 device itself, and that it could narrow the light beam,
7 to still be in compliance with FAA, but to reduce that
8 potential light pollution. I was wondering if you
9 might be able to shed some light on, no pun intended,
10 to shed some light on how this is -- how you're
11 attempting to handle that situation with this project?

12 A. I guess I'd say two things. First of all, the FAA is
13 very specific about what we have to do. And, there's
14 very little limits for deviation. So, provided that
15 the beacon that we're fitting is compliant to the FAA,
16 and it's in the prerequisite number of turbines as
17 required by them, I don't see any issue with fitting a
18 device that has a lower light pollution envelope, if
19 that's possible.

20 Q. Are you -- I'm sorry, were you finished?

21 A. I'm finished.

22 Q. Are you familiar with recent technological advancements
23 in these beacons, and whether these devices will
24 utilize the most recent advances in reducing light

1 pollution?

2 A. There is stuff coming out all the time. I get a lot of
3 trade magazines that are advertising new beacons. I
4 guess what I would say is, if it's compliant with the
5 FAA, it has to be compliant. If it's compliant and it
6 has a lower light signature, then we would certainly
7 look at using it.

8 Q. Do you know which systems -- which beacon will be used
9 on this Project?

10 A. I do not.

11 Q. Another line of questioning I had was regarding
12 something that Public Counsel brought up regarding
13 hiring of local workforce. Has Iberdrola -- has
14 Iberdrola in the past created some sort of training
15 program to help educate the local populace to be
16 trained in these positions? Because I'm concerned that
17 maybe those qualifications, as you noted, might not be
18 within that area, for instance, you know, with it being
19 such a specific field.

20 A. We, over the years, sponsored two community college
21 technician training programs; one at Iowa Lakes
22 Community College and the other at Columbia Gorge,
23 which is in Oregon. And, there was -- the reason we
24 sponsored those two was really they were the first

1 technician training colleges in the U.S., or they're
2 certainly the trailblazers.

3 There's now, at the last count, I think
4 over 30 community colleges offering technician training
5 colleges right now. And, we're getting a lot of
6 requests for sponsorship. And, we can't, obviously,
7 continue with so many. But, I guess, in answer to your
8 question, in the past, yes, we have done that.

9 The other thing we do is that, when we
10 hire technicians, we give them a lot of training
11 internally. We have a training facility on the West
12 Coast that we use extensively. And, you know, we have
13 successfully hired young people out of other
14 professions and trained them in the wind industry. We
15 don't necessarily see it, not having wind experience,
16 as being a barrier to entry. I guess the only area
17 where I'd draw the line on that is, obviously, the
18 plant manager, being the experienced person on the
19 site, we would expect that person to have certainly
20 power industry experience or heavy equipment industry
21 experience, so that they understand the, you know, the
22 right decisions to take, particularly in an emergency
23 situation.

24 MR. STELTZER: Thank you.

1 CHAIRMAN GETZ: Mr. Scott.

2 DIR. SCOTT: Hello again.

3 BY DIR. SCOTT:

4 Q. In the potential agreement with the Town of Groton,
5 there's language regarding complaints, and implies
6 there will be a phone number for anybody with an issue
7 to call. Who will that go to? Is that one of the
8 three or six local people or who will that go to?

9 A. I'm not familiar with the language in that agreement.
10 But I would normally expect that, if the townspeople
11 had a complaint, they would address it, first of all,
12 to the plant manager. If the complaint was or the
13 issue was out of ours, for example, somebody had seen,
14 for example, a security issue at the site or something
15 else, then there is a 24/7 number they can call as
16 well. And, that basically phones a line in the 24/7
17 Control Center in Portland, Oregon.

18 Q. Okay. Similarly, in the same draft agreement, there's
19 some noise restrictions, which I understand the
20 Applicant's comfortable with. It talks about a third
21 party coming in to measure with acoustical equipment.
22 Do you anticipate that any of the operational or
23 maintenance people on-site would be involved with
24 handling the noise issues also?

1 A. You know, we periodically do noise surveys. Typically,
2 they are associated with new sites or during
3 construction. Once the machines are operational, their
4 noise characteristics don't really change over their
5 life. So, I wouldn't expect that we would be going
6 back doing regular noise surveys on a regular basis.

7 DIR. SCOTT: Thank you.

8 CHAIRMAN GETZ: Mr. Iacopino.

9 MR. IACOPINO: I just have one question.

10 BY MR. IACOPINO:

11 Q. You had indicated earlier in your testimony that you
12 weren't really familiar with the building codes. Are
13 you familiar with NFPA 850, which is the fire code for
14 electric generating plants?

15 A. I know what it is. But I guess my answer would be, I
16 have people that work for me that are familiar with it,
17 but I am not personally familiar with it.

18 Q. Do you know if the Gamesa turbines are manufactured and
19 designed to the specifications contained in NFPA 850?

20 A. I do not know that. I think part of the question is
21 whether the Gamesa turbine constitutes -- basically
22 applies to that code or not, and I'm not sure.

23 Q. Whether it's an "electric generating plant"?

24 A. Yes.

1 MR. IACOPINO: Okay. Thank you.

2 WITNESS DEVLIN: Thank you.

3 CHAIRMAN GETZ: Mr. Mazur?

4 DR. MAZUR: Thank you. I have one or
5 two, maybe a third question.

6 CHAIRMAN GETZ: Well, wait. So, let's
7 hold it right there. You've already had your opportunity
8 for cross-examination. If you'd -- I'd like to know the
9 basis for your request to do questioning out of order.

10 DR. MAZUR: Question Number 1, a
11 follow-up question regarding the ice throw issue.

12 CHAIRMAN GETZ: Okay. And, what are the
13 other questions that you are asking that you can ask?

14 DR. MAZUR: The other two questions, I
15 had, in my initial comments, I had said I would reserve
16 health issues for Mr. O'Neal. And, I have been thinking
17 about slipping one or two of those health questions in.

18 CHAIRMAN GETZ: Well, we'll permit the
19 follow-up first on the ice throw issue. So, ask your
20 question on that.

21 DR. MAZUR: Okay.

22 BY DR. MAZUR:

23 Q. The ice throw issue is similar to the question that we
24 asked Mr. Cherian back in the spring, when there was a

1 meeting at the Russell Elementary School. We had read
2 online that sometimes these ice blocks could be flung,
3 please correct me if I'm wrong, a few kilometers in
4 distance. And, our concern was, was there a risk of
5 the ice blocks up on Mount Fletcher or Tenney Mountain
6 being flung down on moving traffic below on Route 25,
7 and running the risk of hitting the front windshield of
8 a car in motion? How can you assure us that that is
9 not a concern?

10 A. Well, I can take you through the mechanism by which the
11 ice is liberated. What happens is, the machine stops,
12 because the ice has built up on the blades, and in the
13 same way that an aircraft doesn't fly very well when
14 ice builds up on the wings, when turbines don't have
15 de-icing systems, so, therefore the ice just
16 accumulates. When the melt happens, the wind turbine
17 starts to spin, but very, very slowly, because the ice
18 is still destroying the aerodynamic characteristics.
19 So, it's very unlikely that any of the ice will be
20 liberated even at full operational speed.

21 And, I have never, in my operational
22 experience, ever seen ice being thrown kilometers in
23 distance.

24 Q. In your estimate, what's the reasonable distance that

1 an ice block might be thrown?

2 A. Well, most of the ice that I have seen actually falls
3 just to the base of the turbine or actually just slips
4 off the blades and falls right down to the ground.

5 Q. You would consider it a very minimal risk?

6 A. Yes.

7 DR. MAZUR: Okay. Question Number 2,
8 and I would ask the Chairman to exercise discretion, if
9 you don't want me to -- if you want the question not asked
10 at this time. When Iberdrola thinks about a potential
11 site for a project, does it at all make a difference
12 whether there are human beings within one or two miles of
13 the potential site or no human beings within one or two
14 miles of a potential site?

15 MS. GEIGER: Mr. Chairman, I'm going to
16 object to this question. I think it's outside the scope
17 of this witness's testimony.

18 CHAIRMAN GETZ: Do you have a response
19 to that objection, Mr. Mazur?

20 DR. MAZUR: Well, I guess I'm trying to
21 get my foot into the issue about whether Iberdrola gives
22 any credence to risk of harm to human beings from these
23 projects. And, if they had a choice, would they rather
24 build these projects at a nice, comfortable, safe distance

1 away from humans?

2 CHAIRMAN GETZ: Well, I think the door
3 is open somewhat with respect to the direct testimony, as
4 a general matter, as health and safety is a subsidiary
5 issue under technical and managerial capability. But I'll
6 permit this question, but we'll see how far this goes.
7 You may need to restate the question.

8 DR. MAZUR: Thank you.

9 BY DR. MAZUR:

10 Q. The question is, when Iberdrola considers potential
11 project sites, does it at all make a difference in the
12 Company's mind whether human beings are dwelling within
13 one or two miles of the site or not? Does Iberdrola
14 have a preference to build these projects where there
15 are no human beings? That's basically the question.

16 A. Well, I think, anywhere in the U.S., there are always
17 going to be human beings. I guess your question is,
18 how close can they be or what is permissible? Our
19 preference is that we, first of all, site our wind
20 sites where there is good wind resource. That's the
21 primary thing we look at. And, then, in terms of our
22 operational and construction behavior, our desire is to
23 be a good neighbor. So, therefore, we would never want
24 to site a turbine in a situation which either puts a

1 person at risk or also -- or impacts their well-being.

2 Q. Is that -- correct me if I'm wrong, is that your way of
3 stating that Iberdrola perceives proximity of human
4 beings to be irrelevant to their choice of a project
5 site?

6 A. I don't think so. I mean, I think there are plenty of
7 examples of sites where we have people who live inside
8 the boundaries of our wind turbines. And, they don't
9 have any complaint with the site or how we operate it.
10 I think each site needs to be looked at on its own
11 merits.

12 But, I guess your question is, "is it
13 dangerous to be nearby a wind turbine?" I would say,
14 "no, I don't think it is."

15 DR. MAZUR: Okay. Thank you. I had a
16 third question, and please exercise your discretion, if
17 you don't want it answered.

18 BY DR. MAZUR:

19 Q. Do you have any reservations yourself about whether or
20 not you would reside in proximity to a wind
21 installation site?

22 A. I don't.

23 DR. MAZUR: Thank you. I reserve
24 additional health questions for Mr. O'Neal later in the

1 process.

2 CHAIRMAN GETZ: Okay. But let me just
3 point this out. And, we do try to be flexible with pro se
4 litigants who aren't familiar with the processes here.
5 With these questions, they're certainly questions you
6 could have asked when it was your opportunity. They were
7 not questions that were, from my reckoning, anything that
8 arose during other cross-examination. So, when it is your
9 opportunity, go through all the questions you have, and
10 then we'll proceed with the normal round of order of
11 cross-examination.

12 So, is there anything further from the
13 Subcommittee?

14 (No verbal response)

15 CHAIRMAN GETZ: Okay. Then, redirect?

16 MS. GEIGER: May I consult with the
17 witness please?

18 CHAIRMAN GETZ: Please.

19 (Atty. Geiger conferring with Witness
20 Devlin.)

21 REDIRECT EXAMINATION

22 BY MS. GEIGER:

23 Q. Mr. Devlin, I believe early on in your questioning you
24 were asked some questions about fires that might result

1 from the combustion of lubricants that are found within
2 the nacelle or within a wind turbine. Do you remember
3 those questions? I think they were from Ms. Lewis.

4 A. I do.

5 Q. Okay. Is there anything special or uncommon about the
6 lubricants within a wind turbine that make them
7 especially hazardous when they are combusted?

8 A. No. They are provided by generic lubricant suppliers,
9 like Exxon, Mobil, Castrol, and they are pretty
10 standard products from their line. So, they exist not
11 only in wind turbines, but lots of other industrial
12 machinery.

13 Q. Okay. And, I believe in response to questions from
14 Mr. Hood, you indicated that, if there were going to be
15 any changes in the future to the Project, that you
16 would undertake another evaluation of all of the
17 project's impacts or the impacts that those changes had
18 on things like the environment. Do you remember that
19 question?

20 A. Yes.

21 Q. Okay. Is it your understanding that that would be
22 required under New Hampshire law?

23 A. Well, my understanding is, if there were changes to the
24 dimensions of the site or if we, for example, were

1 using a different size of wind turbine, we might have
2 to go back and get a re-permit.

3 Q. But, if you were installing just say the same type
4 turbine in the same location, if you needed to replace
5 the turbine or a blade, would you --

6 A. No, we wouldn't need to remit it then.

7 MS. GEIGER: Okay. Thank you.

8 CHAIRMAN GETZ: That's his opinion as to
9 the state of the law?

10 MS. GEIGER: Correct.

11 CHAIRMAN GETZ: Okay. Thank you.

12 Anything further for this witness?

13 (No verbal response)

14 CHAIRMAN GETZ: Hearing nothing, then
15 you're excused. Thank you, Mr. Devlin.

16 WITNESS DEVLIN: Thank you.

17 CHAIRMAN GETZ: It's 12:15. So, it's a
18 good time for the lunch recess. But, before we do that, a
19 couple of things. My understanding, the next witness
20 would be Mr. Gravel? No?

21 MS. GEIGER: Mr. O'Neal.

22 CHAIRMAN GETZ: Mr. O'Neal next, okay.
23 Is there anything we need to address before the afternoon
24 session?

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(No verbal response)

CHAIRMAN GETZ: Okay. Hearing nothing,
then we will take the lunch recess and resume at 1:30.

(Whereupon the Day 2 Morning Session
recessed for lunch at 12:17 p.m. The
Day 2 Afternoon Session to resume
under separate cover so designated.)

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