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AWA Goodhue, LLC

Docket Nos.: MPUC Docket No. IP6701/WS-08-1233 and OAH Docket 3-2500-21662-2

Response To: Daniel Schleck, Coalition for Sensible Siting and City of Goodhue Information Request No. 4

Date Received: February 14, 2011 Response Date: February 25, 2011

GENERAL OBJECTIONS

1. AWA Goodhue objects to each information request to the extent that it seeks information that is subject to the attorney-client privilege, work product privilege or other privilege on the ground that privileged matter is exempt from discovery.

2. AWA Goodhue objects to any and all instructions or definitions beyond the requirements imposed or permitted by the Minnesota Rules of Civil Procedure or Minnesota Rules Parts 1400 and 1405.

3. AWA Goodhue does not waive any of their general or particular objections in the event it furnishes information or documents coming within the scope of any such objections.

Without waiving the foregoing general objections, and pursuant to the Minnesota Rules of Civil Procedure and Minnesota Rules Parts 1400 and 1405, AWA Goodhue has enclosed responses to Coalition for Sensible Siting and City of Goodhue IR No. 4.

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4.	<p>1. Please provide a list of all other Wind Energy projects that Mr. Burdick has successfully developed to completion, that are currently producing electricity.</p> <p>Response: AWA Goodhue objects to this request as vague, overbroad, and unduly burdensome, and unlikely to lead to the discovery of probative evidence. Further, CSS fails to define “successfully developed to completion” with sufficient specificity to permit a response. Subject to and notwithstanding the foregoing objections, Mr. Burdick responds as follows:</p> <p>In my role as a wind developer at National Wind, I have worked on six different wind projects. None of these projects have yet completed construction.</p>

Response by: Chuck Burdick

List sources of information:

Title: Senior Wind Developer

Company: National Wind, LLC

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4. 2. Please provide a list of all local landowners within the footprint of the project that Mr. Burdick has spoken with regarding participation in the Project. Provide any notes of these conversations and dates of the same.

Response: AWA Goodhue objects to this request as it relates to notes regarding my conversations or negotiations with landowners because it is vague, overbroad, unduly burdensome and seeks information that is not relevant and is not reasonably calculated to lead to relevant information.

Subject to and without waiving the foregoing objection, Mr. Burdick responds as follows:

My direct contact and conversations with landowners regarding participation is similarly limited. After investigation, here is a list of participating landowners that I spoke with regarding participation in the project:

Resident	Approximate Date
Gadient, Bill	Summer 2009
Gadient, Tim	10/7/09
Groth, Steve	Spring 2010
Koziolk, Steve	Summer/Fall 2010
Nord, Craig	Summer 2009
Otterness, Family	10/8/09
Ryan, Ken	10/14/09
Schulz, Bill	Spring/Fall 2009
Stenlund, Neil	Summer 2010
Thomforde, Lawrence	Spring 2009

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4. 3. Page 1, Line 22 – Please give a detailed list of all “complex commercial and residential real estate projects that Mr. Burdick has worked on. Also please give details on why these projects were complicated.

Response: AWA Goodhue objects to this request as vague, overbroad, and unduly burdensome, and unlikely to lead to the discovery of probative evidence. Subject to and notwithstanding the foregoing objections, Mr. Burdick responds as follows:

Project	Location	Complexities
201 Park	Minneapolis, MN	City purchase, brownfield cleanup, parking agreement, LEED design goal
Autumn Ridge Apartments	Brooklyn Park, MN	Low income housing tax credits, City loan funds, rehab while tenanted
Bennet Lumber site	Minneapolis, MN	Historic designation, planned unit development
Boulevard Apartments	Milwaukee, WI	HUD Section 8, City loan funds, rehab while tenanted
Brownstones at River Run	Minneapolis, MN	Low income housing tax credits, community art project
Central Avenue Lofts	Minneapolis, MN	Low income housing tax credits, City grant, development agreement
Highland Park Apartments	Milwaukee, WI	HUD Section 8, rehab while tenanted
Raleigh Bonded Warehouse	Raleigh, NC	Historic tax credits, historic warehouse conversion
The Connecticut	Washington, DC	Apartment conversion
The Odyssey	Arlington, VA	Luxury market
The Watergate	Washington, DC	Historic hotel conversion
West Side Flats	St. Paul, MN	Tax increment financing, brownfield cleanup, County loan, development agreement, USACE floodwall

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4.	<p>4. Page 3, Line 16 – Please list the “County’s more stringent standards ... not supported by health and safety considerations.”</p> <p>Response: It is my contention that Goodhue County did not have specific findings of fact or scientific or technical information to support many of the more stringent standards in its WECS ordinance including:</p> <ul style="list-style-type: none"> a. Property line setback b. Wetlands setback c. Neighboring dwelling setback d. Other rights-of-way setback e. Stray voltage testing

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4.	<p>5. Page 5, Line 7 – What non-participant impact affects [sic] should be considered when siting turbines.</p> <p>Response: AWA Goodhue objects to this information request to the extent it seeks a legal conclusion. Subject to and without waiving the forgoing conclusion, Mr. Burdick provides the following response:</p> <p>When siting turbines, we considered all requirements of applicable existing laws and regulations, including those found in Minnesota Statute Chapter 216F, Minnesota Rules Chapter 7854, the Minnesota State Noise Standard in Minnesota Rules Chapter 7030, the Commissions General Permit Standards adopted in Docket No. E999/M-07-1102 and the conditions typically included in MPUC LWECS site permits.</p>

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4.	<p>6. Page 7, Line 17 – Please list all facts and assumptions for Mr. Burdick’s conclusion on the County’s intended purpose of maintaining a property line setback.</p> <p>Response: I assume the County’s property line setback is intended to serve the same purpose as the Wind Access Buffer setback because, like the Wind Access Buffer setback included in the MPUC General Permit Standards, the County property line setback is a distance of 3 rotor diameters in the direction of the non-prevailing wind and 5 rotor diameters in the direction of the prevailing winds. If the County intended the property line setback to serve some other purpose, it would seem unnecessary and illogical to create two different setback distances from property lines based on the direction of the prevailing winds.</p>

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4.	<p>7. Page 9, Line 7 – please explain how the county’s definition of prevailing and non-prevailing wind does not protect future wind rights of current non-participants.</p> <p>Response: AWA Goodhue objects to this information request on the grounds that it is misleading and argumentative.</p>

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4.	<p>8. Page 12, Line 12 – Mr. Burdick testified earlier in the document that he could not figure out what type of wetland delineation was used by the county, please explain what type of delineation was used by the Applicant as compared to all of the different types mentioned by Mr. Burdick.</p> <p>Response: AWA Goodhue’s methods and conclusions for delineating wetlands are described in detail in the testimony of Mr. Ron Peterson and the accompanying Wetlands Report (AWA Ex. 5-A).</p>

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4.	<p>9. Page 15, Line 13 – please provide details for why HDR used only a 5 dB buffer, or approximately 5 % safety factor when completing its modeling.</p> <p>Response: AWA instructed the development team to use a 5 dB buffer because 5 dB is a noticeable sound difference and would provide a meaningful buffer to address concerns regarding sound levels at non-participating residences. Additional description of the 5 dB buffer is provided in the testimony of Mr. Tim Casey. I do not understand what is meant by “approximately 5% safety factor” since the decibel scale is logarithmic.</p>

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4.	<p>10. Page 17, Line 6 – Please give more details on what Mr. Burdick meant by “physically impossible” and “economically implausible.”</p> <p>Response: By “physically impossible” I mean that applying the County’s WECS Ordinance excludes 99.8% of the project area. The remaining 0.2% of the land area is not large enough to host 50 turbines. My testimony on page 17, lines 9-23 and page 18, lines 1-3 describes the physical impossibilities of alternate configurations. By “economically implausible” I mean that construction costs rise and energy production drops to levels where the project could not earn enough revenue to support its investment. Mr. Cole Robertson’s testimony provides additional information on the economic impossibility.</p>

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4.	<p>11. Page 20, Line 1 – Please provide the same table using data per land section instead of Township size.</p> <p>Response: AWA Goodhue objects to this information request on the grounds it is vague, overly burdensome, and because AWA Goodhue is not required to produce independent evidence for CSS. Subject to and without waiving the foregoing objection, Mr. Burdick provides the following response:</p> <p>The table in my testimony provides households per square mile, which should be similar to an average land section within that township. The source of the household density data cited in my testimony is the Minnesota State Demographic Center, which does not include statistics for each individual land section.</p>

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