

**BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN**

Application of Highland Wind Farm, LLC for a
Certificate of Public Convenience and Necessity
To Construct a 102.5 MW Electric Generation
Facility and Associated Electric Facilities, to be
Located in the towns of Forest and Cylon,
St. Croix County, Wisconsin

Docket No. 2535-CE-100

**HIGHLAND WIND FARM'S RESPONSES TO INTERVENOR
FOREST VOICE, INC.'S FIRST SET OF INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS**

To: Peter McKeever
Garvey McNeil & Associates, S.C.
One Odana Court
Madison, WI 53719

Highland Wind Farm, LLC ("Highland") responds to Intervenor Forest Voice, Inc.'s First Set of Interrogatories and Request for Production of Documents (the "First Set of Requests") as follows:

GENERAL OBJECTIONS

The following General Objections are expressly incorporated by reference into Highland's responses to each of the interrogatories and document requests set forth herein.

1. Highland objects to the Intervenor's requests to the extent they seek information protected by the attorney-client privilege, information that constitutes attorney work product, or information that is not otherwise subject to discovery. Highland has endeavored to avoid disclosing information or documents subject to these privileges or doctrines and will not produce any such information or documents intentionally. Any inadvertent disclosure of information or

documents subject to these privileges or doctrines, therefore, shall not constitute a waiver by Highland of any applicable privilege or doctrine.

2. Highland objects to these requests to the extent they seek information or documents that are beyond the scope of the relevant Wisconsin discovery statutes, or to the extent that they otherwise purport to impose discovery or procedural obligations upon Highland greater than those set forth in the Wisconsin discovery statutes.

3. Highland objects to each request to the extent that it is vague, indefinite, ambiguous, argumentative, confusing, burdensome, overly broad, compound, conjunctive, disjunctive, or otherwise lacks sufficient precision to formulate an answer. By this response, Highland preserves, and does not waive, any objections or other challenges as to competence, relevance, materiality, privilege or admissibility of evidence as to any documents or information identified or produced herein, whether in this or any subsequent proceeding or trial in this or any other action.

4. Highland objects to each request to the extent that it would require Highland to provide information or produce documents related to or in the custody or control of any entity other than Highland Wind Farm, LLC. By this response, Highland is providing only responsive information and documents related to and in the custody or control of Highland Wind Farm, LLC.

5. Highland's responses to the First Set of Requests are made to the best of its present knowledge, information, and belief based upon information and documents currently available to it upon a reasonable and diligent search.

6. A response that Highland will produce responsive non-privileged documents in its possession, custody or control to the extent any exist is not an indication that any such documents exist, but only a representation that they will be made available if they do exist.

7. Highland reserves the right to make any changes in these responses, or to supplement same, if it appears that omissions or errors have been made therein, or that additional or more accurate information becomes available. Discovery in this proceeding is ongoing, and Highland has not yet completed its own investigation and discovery. Therefore, the following responses provide Highland's knowledge, information and belief of the date of such responses,

INTERROGATORIES

Interrogatory No. 1: Identify each and every witness for whom you intend to submit written direct testimony on any of the issues identified in the Second Prehearing Scheduling Order in this proceeding.

Response:

JoAnne Blank, Senior Scientist and Project Manager
Stantec Consulting Ltd.
954 Circle Drive
Green Bay, Wisconsin 54304
(920) 592-8400, Ext. 114
JoAnne.Blank@stantec.com

Michael Hankard, Owner and Principal Consultant
Hankard Environmental, Inc.
211 East Verona Avenue
Verona, Wisconsin 53593
(608) 345-1445
mhankard@hankardinc.com

Timothy Osterberg, Principal
Emerging Energies of Wisconsin, LLC
3664 Lakeview Road
Hubertus, Wisconsin 53033
(262) 707-0850
osterbergt@emerging-energies.us

Jesse Stowell, Senior Business Development Manager
AWS Truepower, LLC
463 New Karner Road
Albany, New York 12205
(518) 213-0044, Ext. 1250
jstowell@awstruepower.com

Interrogatory No. 2: For each witness identified in Interrogatory No. 1 provide his or her title, employer, address, telephone number, and email address.

Response: See response to Interrogatory No. 1.

Interrogatory No. 3: For each witness identified in response to Interrogatory No. 1 describe all topics, issues and subjects of his or her anticipated testimony.

Response: Highland objects to this interrogatory as vague, ambiguous, and overly broad as the use of the phrase “all topics, issues and subjects of [their respective] testimony” is vague with respect to its intended meaning. Subject to this and the general objections stated above, and without waiving them, Highland responds as follows: See Direct-HWF-Blank (PSC REF#: 186223) at page 2, lines 9-14; Direct-HWF-Hankard (PSC REF#: 186227) at page 2, line 13 through page 3, line 2; Direct-HWF-Osterberg (PSC REF#: 186221) at page 2, lines 11-16; and Direct-HWF-Stowell (PSC REF#: 186232) at page 2, line 21 through page 3, line 5.

Interrogatory No. 4: For each witness identified in response to Interrogatory No. 1, provide a list of citations for all published papers, articles, books, and other published work relevant to the topics on which the witness will testify.

Response: Highland objects to this interrogatory as vague, ambiguous, overly broad, and unduly burdensome as the use of the phrase “citations for all published [works] relevant to the topics” is vague with respect to its intended meaning and is not limited in terms of time, publication, or authorship. As written, the interrogatory seeks a comprehensive index of all works published worldwide that could be deemed relevant to the topics on which each witness will testify. Highland presumes Intervenor intended to request citations to published works

authored by each respective witness, and Highland will respond accordingly. Subject to this and the general objections stated above, and without waiving them, Highland responds as follows:

With respect to JoAnne Blank, Tim Osterberg, and Jesse Stowell - no responsive published works.

With respect to Michael Hankard:

- Michael Hankard, *Development of a Real Time Compliance System for Wind Farms Regulated by Ambient-relative Noise Standards* (Abstract), Journal of the Acoustical Soc'y of Am. (May 2013)
- Michael Hankard, *Development of a Real Time Compliance System for Wind Farms Regulated by Ambient-Relative Noise Standards*, 19 Proceedings of Meetings on Acoustics 040061 (Acoustical Soc'y of Am. June 2013)

Interrogatory No. 5: Please identify all wind energy projects at which operational curtailment has been utilized by the Nordex N117/2400 turbine. Provide project name, operator, specific project location using nearest city, state, or city and country if not in United States.

Response: Highland objects to this interrogatory on the grounds that it requests information not in its possession, custody, and control. Highland further objects to this interrogatory as vague and ambiguous, overly broad, and unduly burdensome as the use of the phrases “operational curtailment” and “projects at which operational curtailment has been utilized” are vague with respect to their intended meaning and are not limited in terms of time, frequency, duration, or purpose of any such curtailment. Highland further objects to this interrogatory as vague and ambiguous, overly broad, and unduly burdensome as the use of the phrase “all wind energy projects” is vague with respect to its intended meaning and not limited in terms of time, location, or size. As written, the interrogatory seeks identification of every

instance in which a Nordex N117/2400 turbine, installed anywhere in the world, has operated at less than full power due to any mechanical means of restricting its operation.

Interrogatory No. 6: Please identify all wind energy projects at which operational curtailment has been utilized by the Siemens SWT-2.3-113 turbine. Provide project name, name of operator, and specific project location using nearest city, state, or city and country if not in United States.

Response: Highland objects to this interrogatory on the grounds that it requests information not in its possession, custody, and control. Highland further objects to this interrogatory as vague and ambiguous, overly broad, and unduly burdensome as the use of the phrase “operational curtailment has been utilized” is vague with respect to its intended meaning and not limited in terms of time, frequency, duration, or purpose of any such curtailment. Highland further objects to this interrogatory as vague and ambiguous, overly broad, and unduly burdensome as the use of the phrase “all wind energy projects” is vague with respect to its intended meaning and not limited in terms of time, location, or size. As written, the interrogatory seeks identification of every instance in which a Siemens SWT-2.3-113 turbine, installed anywhere in the world, has operated at less than full power due to any mechanical means of restricting its operation.

REQUEST FOR PRODUCTION OF DOCUMENTS

Request for Production No. 1: Please provide a copy of the complete software program used in the Nordex N117/2400 turbine to enable and provide operational curtailment, sector cut-out function for pitch turbines as explained and described in Ex.-HWF-Osterberg-2c and Ex.HWF-Osterberg-3c.

Response: Highland objects to this request on the grounds that it requests documents not in its possession, custody and control, and requests documents that likely contain confidential business information and/or trade secrets. Highland further objects to this request as unduly burdensome, as it requests a copy of software that is either not commercially available or

commercially available subject to software licensing agreements that likely would preclude distribution to third parties. Subject to these and the general objections stated above, and without waiving them, Highland responds as follows: Highland has no responsive documents.

Request for Production No. 2: Please provide a copy of the complete software program used in the Siemens SWT-2.3-113 turbine to enable and provide operational curtailment, and/or noise reduction functions as explained and described in Ex.-HWF-Osterberg-4c.

Response: Highland objects to this request on the grounds that it requests documents not in its possession, custody and control, and requests documents that likely contain confidential business information and/or trade secrets. Highland further objects to this request as unduly burdensome, as it requests a copy of software that is either not commercially available or commercially available subject to software licensing agreements that likely would preclude distribution to third parties. Subject to these and the general objections stated above, and without waiving them, Highland responds as follows: Highland has no responsive documents.

Request for Production No. 3: Please provide a copy of the complete software used to produce the sound model runs found in Ex.-HWF-Blank-3 and Ex.-HWF-Blank-4.

Response: Highland objects to this request on the grounds that it requests documents not in its possession, custody and control, requests documents that likely contain confidential business information and/or trade secrets. Highland further objects to this request as unduly burdensome and overly broad, as it requests copies of commercially available software for which software licensing agreements likely would preclude distribution to third parties. Subject to these and the general objections stated above, and without waiving them, Highland responds as follows: Highland has no responsive documents.

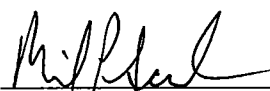
Request for Production No. 4: Please provide a written description of all data, inputs, figures, and other information used by the software that produced the sound model runs found in Ex.-HWF-Blank-3 and Ex.-HWF-Blank-4.

Response: Highland objects to this request on the grounds that, to the extent it requests the production of any documents, it requests documents not in its possession, custody and control. Highland further objects to this request to the extent it seeks information protected by the attorney-client privilege or information that constitutes attorney work product. Subject to these and the general objections stated above, and without waiving them, Highland responds as follows: Highland has no responsive documents. Responding further, Highland notes that the information used by the software includes: the turbine manufacturer; turbine model; turbine locations determined in the field with survey-grade global positioning system equipment; locations of residences digitized from high-resolution aerial images and elevation information from the USGS National Elevation Dataset; turbine sound signatures (octave band) that are provided by WindPro and the turbine manufacturers; and interpolated octave band data for derate levels not specifically provided in WindPro.

AS TO THE OBJECTIONS AND RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS

Dated this 19th day of June, 2013.

MICHAEL BEST & FRIEDRICH LLP
Attorneys for Highland Wind Farm, LLC

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VERIFICATION AS TO INTERROGATORY RESPONSES

I, William C. Rakocy, being first duly sworn, state that I have read Highland Wind Farm, LLC's foregoing answers to Intervenor Forest Voice, Inc.'s First Set of Interrogatories and Request for Production of Documents and am aware of their contents. I do not have personal knowledge of all of the facts contained in the answers. They were prepared by counsel for Highland Wind Farm, LLC, with information from me. I believe that the answers are true and/or that they are based on the company's business records which are believed to be accurate. The answers are subject to inadvertent error or undiscovered errors, and are based on and therefore limited by records and information presently recollected and thus far discovered in the course of the preparation of these answers. I, therefore, reserve the right to make any changes in the answers if it appears at any time that omissions or errors have been made therein or that more accurate information is available. Subject to these limitations, I hereby verify that the answers are true and correct to the best of my knowledge, information and belief.

Dated this 19th day of June, 2013.

HIGHLAND WIND FARM, LLC

By: William C. Rakocy
William C. Rakocy

Subscribed and sworn to before me
this 19 day of June, 2013.

Kris Dzik
Notary Public, State of Wisconsin
My commission: 12-18-16

