

**Raphael Live Sur-surrebuttal Testimony (Copied from pages of 2/5/07 PSB Hearing Transcript)**

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23 BY MR. KASSEL:

24 Q. Now, Mr. Raphael, did you review the

25 Department's testimony that was filed in December of this

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1 year?

2 A. Yes, I did.

3 Q. And, in particular, the portions of the

4 testimony Mr. Kane and Mr. Ide that suggested that the

5 changes that UPC made to the project in September in their

6 view unacceptably left two turbines in Sutton and they

7 shouldn't be left out there. Do you remember that?

8 A. Yes, I do.

9 Q. Do you have a response to that testimony?

10 A. Yes, I do. While I understand the point that

11 they were making, I still believe that it was not

12 necessary to move those turbines to avoid an undue adverse

13 impact.

14 Q. Are you aware that the company has made a

15 change in response to that -- to that position expressed

16 by the Department?

17 A. Yes, I am.

18 Q. Did you prepare any documents that -- in

19 relation to that change?

20 A. Yes, I did.

21 Q. I would like to show you what's been marked as

22 exhibit UPC-DR-SSRB-1 which consists of 6 pages. Can you

23 tell the Board what that is?

24 A. These pages provide simulations of the new --

25 the revised layout which shifted the two turbines out of

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1 Sutton and into Sheffield, and it shows simulations of

2 that revised layout from Interstate I-91 from Crystal

3 Lake, from Route 5 southbound, and then provides

4 comparisons of the January 2007 layout with the September

5 2006 layout to present the differences that occurred when

6 those turbines were shifted out of Sutton and placed in

7 the clusters in Sheffield.

8 Q. Were those exhibits prepared by you or under

9 your supervision?

10 A. Yes, they were.

11 Q. And are they accurate in your opinion?

12 A. Yes, they are.

13 Q. To the extent that simulations can be  
14 accurate?

15 A. That's true, correct.

16 Q. What is your opinion of the aesthetic impact  
17 of the project as revised?

18 A. Well I think one can argue that it has  
19 lessened the aesthetic impact by -- for several reasons in  
20 terms of indeed the turbines are now clustered together.  
21 I did say earlier that I didn't believe the two or more  
22 turbines in Sutton were necessarily or were going to  
23 result in an undue adverse impact, but I do believe that  
24 there are some benefits which accrue from this from an  
25 aesthetic perspective, and certainly the biggest one is

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1 that given the opposition in Sutton, certainly shifting  
2 them out of Sutton and taking them for the most part out  
3 of the view of folks in Sutton from that Sutton property  
4 is significant, and also the reduction in road length and  
5 the efficiencies that are created by having all the  
6 turbines together in clustered arrays accessible from one  
7 primary access point is definitely an improvement.

8 Q. What is your ultimate opinion of the impact --  
9 the visual impact of the project as visualized in your  
10 sur-surrebuttal exhibits?

11 A. I really don't feel as though the visual  
12 impacts have been altered substantially. That they are  
13 for the most part much in the same way as I reviewed them  
14 and analyzed them in the September 2000 submission and  
15 revision.

16 Q. Do you believe they are unduly adverse?

17 A. No, I do not.

18 Q. Did you have occasion to look at the -- to  
19 consider the potential impacts of the new roadway as it  
20 works around the string between the northern string --  
21 between the string of turbines and I-91?

22 A. Yes, I did.

23 Q. What is your opinion of that?

24 A. My opinion is that given the proposed grading  
25 plan that the grading cuts and the fit of the road into

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1 that landscape is not significant enough to result in  
2 extensive, if any, off-site visibility. That the grades

3 and the return to the existing grades are not high enough  
4 so that intervening vegetation which will remain below the  
5 grade and below the roads will not be sufficient to block  
6 it. In other words, that -- that vegetation will continue  
7 to -- or will serve to hide the road cut, and also I think  
8 it will be difficult to pick them out anyways because when  
9 you, for example, look at the simulation from I-91, you  
10 can see there's sort of a variation in the tree cover and  
11 vegetation makeup that I think will absorb the road cut,  
12 even the shadow line to a certain extent.

13         So the conclusion is the cut isn't so dramatic  
14 to -- as to result in a significant visibility of that  
15 cut, if any.

16         MR. KASSEL: Thank you. Mr. Chairman, I  
17 would offer UPC exhibit UPC-DR-SSRB-1 which I  
18 would note for the record consists of 6 pages  
19 and they are each labeled 1 of 6, 2 of 6, et  
20 cetera.