

Si Kinsella

From: Kathee Burke-Gonzalez <KBurke-Gonzalez@EHamptonNY.Gov>
Sent: August 14 2017 10:25
To: Si Kinsella
Cc: [REDACTED]
Subject: RE: Deepwater Wind Confidentiality Agreement?

Si,

The Town of East Hampton is not bound by any Confidentiality or Non-Disclosure Agreements (NDA) that limits the Town from fully discussing the DeepWater Project. The Supervisor and Natural Resources Director, along with Southampton Town officials, signed an NDA with LIPA when they were invited by LIPA to participate in a meeting where a review of the South Fork RFP was held in May of 2016. It was later in 2016 that the South Fork RFP proposals were presented at a public meeting of the LIPA Board and thus made public information.

Nothing within the NDA legally binds the Town or serves as an NDA which prohibits the release of any information by the Town or any of its officials since the time the RFP was awarded by LIPA.

Be well,
Kathee

Kathee Burke-Gonzalez
Councilwoman
Town of East Hampton

Phone: 631.324.2620
<http://www.ehamptonny.gov/>

From: Si Kinsella [REDACTED]
Sent: Tuesday, August 08, 2017 5:06 PM
To: Kathee Burke-Gonzalez <KBurke-Gonzalez@EHamptonNY.Gov>
Cc: [REDACTED]
Subject: Deepwater Wind Confidentiality Agreement?

Dear Kathee,

At the Wainscott Citizens' Advisory Committee (WCAC) meeting last Saturday (Aug 5), Deepwater Wind asked for community support and feedback with regards to its proposed wind farm. On the surface, the proposal looks to be

promising, but after listening to the presentation, I'm concerned that the WCAC is not being given access to the information required to make an informed decision about the Deepwater Wind proposal.

During the WCAC meeting, Clinton Plummer, Vice-President for Development at Deepwater Wind, confirmed that Deepwater Wind is bound by a confidentiality agreement with the Long Island Power Authority (LIPA). When I asked Clinton Plummer about "the costing side" of Deepwater Wind's proposal, and more specifically about "the per kilowatt cost" to residents of East Hampton, his reply was disturbing – "I can't release that."

How is it possible for the residents of East Hampton Town to make an informed decision about the Deepwater Wind proposal without knowing the price? I would not order dinner at a restaurant without first knowing the price, so why would anyone expect residents to agree to a proposal that binds them into a 20-year contract without firstly knowing the price?

In 2015, the Block Island Power Co had the most expensive the per kilowatt cost for electricity in the US –at 42.7 cents. After a court case, and what can be best described as a controversial power agreement, Deepwater Wind agreed to cap its energy cost (only for the first year) at 24 cents per kilowatt hour – or 33% higher than the per kilowatt cost LIPA was charging for electricity in the same year (18.1 cents for 2015). You can understand why I'm concerned about the potential increase in electricity costs that may be passed onto East Hampton Town residents.

It is worth noting that Deepwater Wind is principally owned by D.E. Shaw, a New York hedge fund and private equity firm, and as such, it is obligated to maximize returns for its investors. As far as I'm aware, Deepwater Wind is under no obligation to reduce electricity costs for the residents of East Hampton Town.

Can you confirm whether the Town of East Hampton is bound by any confidentiality and/or non-disclosure agreement(s) at all with –

- a) Deepwater Wind?
- b) D. E. Shaw group
- c) D. E. Shaw & Co., L.P.?
- d) D. E. Shaw Renewable Investments, L.L.C?
- e) Long Island Power Authority? or,
- f) PSEG Long Island?

Does the Town of East Hampton have any confidentiality and/or non-disclosure agreement(s) at all with regard to the supply and/or distribution of electricity generated by Deepwater Wind?

Best regards,
Si Kinsella

From: Si Kinsella
Sent: Friday, August 04, 2017 3:42 PM
To: Kathee Burke-Gonzalez <KBurke-Gonzalez@EHamptonNY.Gov>
Subject: Re: Non-Disclosure Agreement (NDA)?

Kathee,
Thanks, but has there been any NDA at all with regards to the wind farm? Si

Sent from my iPhone

On Aug 4, 2017, at 2:11 PM, Kathee Burke-Gonzalez <KBurke-Gonzalez@EHamptonNY.Gov> wrote:

So, there is no NDA in effect that prohibits the Town from discussing Deepwater Wind.

Kathee Burke-Gonzalez
Councilwoman
Town of East Hampton
631-324-2620 (o)
[Http://www.EHamptonNY.gov](http://www.EHamptonNY.gov)

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Si Kinsella [REDACTED]
Date: 8/4/17 12:43 PM (GMT-05:00)
To: Kathee Burke-Gonzalez <KBurke-Gonzalez@EHamptonNY.Gov>
Subject: Non-Disclosure Agreement (NDA)?

Hi Kathee,

I've heard from a number of people who have said that the Town of East Hampton has entered into a Non-Disclosure Agreement (NDA) with an organization related to the off-shore wind farm which plans to supply electricity to the Town of East Hampton and/or the electricity distributor for the Town of East Hampton.

Has the Town of East Hampton entered into any form of NDA with regards to the said proposed wind farm or electricity distribution for the Town of East Hampton?

Thanks,
Si