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A Professional Corporation

William C. Pate
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June 8, 2012

Tomas Fernandez
Border Environment Cooperation Commission
Post Office Box 221648
El Paso, TX 79913

Alex Hinojosa
Deputy Managing Director, NADB
102 South St. Mary's, Suite 300
San Antonio, TX 78205

Geronimo Gutierrez
Managing Director, NADB
102 South St. Mary's, Suite 300
San Antonio, TX 78205

Re: Ocotillo Express Wind Energy Project Certification and Financing Proposal

Dear Sirs:

My firm represents certain residents of the Ocotillo, Nomirage and Coyote Wells, California desert communities through an unincorporated association called the Community Advocates For Renewable Energy Stewardship.

The loan application submitted by Pattern Energy cannot be certified because it contains material false statements in violation of the Federal False Claims Act[1] and other laws.

I. PATTERN MISREPRESENTS THE WIND RESOURCES

Pattern's Draft Certification & Financing Proposal dated May 14, 2012 under Wind Resource Assessment states:

> The region where the Project will be located has excellent wind resources. The area boasts strong winds, with annual mean wind speed in the neighborhood of 6.2 m/s at 80 m hub height.

(Proposal, Section 2.1.2, p. 14.)

Figure 6 on page 14 of Pattern's Proposal shows a map entitled: "WIND RESOURCE POTENTIAL." (See enclosed Exhibit "A".)

The map in the background on Figure 6 is a National Renewable Energy Laboratory ("NREL") wind speed map of the United States at 80 meters. The map in the foreground is a NREL wind speed map of California at 50 meters. The California map, (Exhibit "B"), has been altered to

[1] 31 U.S.C.A. § 3729 *et. seq.*

remove longitude lines and Interstate 8 as points of reference. The star labeled "Ocotillo Project" on Figure 6 shows the Project in an area shaded in red and blue.

GPS coordinates do not lie.[2] GPS confirms that contrary to Pattern's statement in this Federal financing proposal, none of the Project boundary is where wind speeds achieve "excellent" and above classifications. The far western Project boundary is located on the Desert floor at roughly 116.1 degrees longitude, backed against the mountains and unexposed to the wind. From 116.1 degrees longitude, the Project area extends East into Imperial Valley to a limit line of 115.9 degrees longitude and only 300 feet of elevation.

As shown on the enclosed Exhibits "B" and "C," winds increase away from this Project to the West of 116 degrees longitude. East of 116 degrees, where this Project is located, winds decrease to a "Poor" and "Marginal" speed. A careful study and overlay of Figure 6 reveals the starred Project location on Figure 6 is not the project location, but some ten miles West of the Project in an area at the top of the Mountain Springs grade called Boulder Park. Boulder Park is near the Desert View Tower, Historical Landmark No. 939 off Interstate 8 in Jacumba. This location is some 3,000 feet higher in elevation than the project site, which is down in the desert basin ringed by mountains on all sides at the bottom of the grade.

This loan proposal must be rejected because Pattern has materially misrepresented the wind resources for the Project as in an area with "excellent" Class 4 and above wind resources when the actual Project location and stated wind speeds equate to "MARGINAL" Class 2 and below on the industry wind resource charts. (Exhibit "B")

II. DEMAND IS HEREBY MADE UNDER THE FREEDOM OF INFORMATION ACT FOR PROJECT RELATED WIND SPEED DATA

Pattern has not shared the results of wind data collected since 2010 from metrological towers throughout the project site. Pattern also testified to and mentioned sophisticated radar systems it

[2] The wind resources of the entire United States have been divided into grid cells of 1/4 degree of latitude by 1/3 degree of longitude. Each grid cell has been assigned a wind power class ranging from 1 to 7, with 7 being the windiest. These above standard areas are classified "Good," "Excellent," "Outstanding," and "Superb." In contrast, locations such as this Project in valleys, canyons, or downwind of mountains or other obstructions with poor wind exposure and are classified "Poor," "Marginal," and "Fair."

Wind resources in this area have been rated "Marginal" and "Poor" between Class I and II.

The winds in this area will not sufficiently turn the turbines selected for this project, a Siemens model 2.3-108, one of the largest wind turbines in the world, which demands an enormous amount of wind to generate utility scale power. Each turbine weighs over 305 tons, and stands 415 feet tall. The wind must spin turbine blades and rotors that weigh over 66 tons, and span 354 feet in diameter. To put this in perspective, each turbine stands 100 feet taller than the Statue of Liberty, and reaches 200 feet higher than the San Diego-Coronado Bay Bridge. The wingspan of the blades exceeds that of a Boeing 747 jumbo jet, attempting to be used as a pin wheel in the wind.

purportedly used called SODAR and LIDAR, which assess wind performance, however the results from this instrumentation have not been provided to the public. Pattern also claims a company called DNV has verified "our" wind assessment.

In the face of multiple lawsuits, another soon to be filed by my office, the public interest clearly weighs in favor of producing this information. There is more to wind viability than just the average annual winds, which do not measure up. Wind speeds are not the only metric needed to spin the over 60 ton turbine rotor and blades assembly to generate utility scale electricity.

Material aspects of the wind resources demonstrate the winds around the Project site are not desired for wind energy. When the wind does pick up, the air is dry, turbulent, gusty, and changes direction with regularity due to the vortex created by the surrounding mountains. If installed, this means the wind turbines[3] will spend most of the time consuming power off of Imperial County's grid to rotate the 80 plus ton housing and 60 ton rotors and blades to search for wind.

Bottom line, contrary to Pattern's misrepresentations, the suitability of the wind, the power curve, wind speeds and wind power density are well below industry standard in this area, and Pattern's loan application must be rejected.

Please do not hesitate to contact me with questions or to discuss further.

Sincerely,

STUTZ ARTIANO SHINOFF & HOLTZ
A Professional Corporation

William C. Pate

WCP/vrk
Enclosures
cc: See Attached List

[3] On page 12, Pattern's proposal lists the wind turbine model as a Siemens SWT 2.37-108 with 2.37 MW of nominal power. According to Siemens, there is no such turbine model. See **http://www.energy.siemens.com/mx/en/power-generation/renewables/wind-power/wind-turbines/** Siemens does manufacture a SWT 2.3-108 with nominal power of 2.3MW. Pattern has stated a different nominal power rating of 2370 KW, and listed a different model number. 70 kilowatts of power isn't much, but this difference, if such a model actually exists, would allow Pattern to mathematically claim the system can achieve 265.5 MW of capacity as opposed to only 257.6. (112x 2.3 = 257.6 versus 112x2.37=265.5) Coincidentally, 265 MW of capacity is the minimum amount Pattern must achieve under its agreement with SDG&E subject to the Public Utilities Commission. Of course, Pattern currently claims to only have approval from the FAA on 101 turbines, which means Pattern cannot presently hit its targets with SDG&E or the PUC.

WIND RESOURCE POTENTIAL FIGURE 6

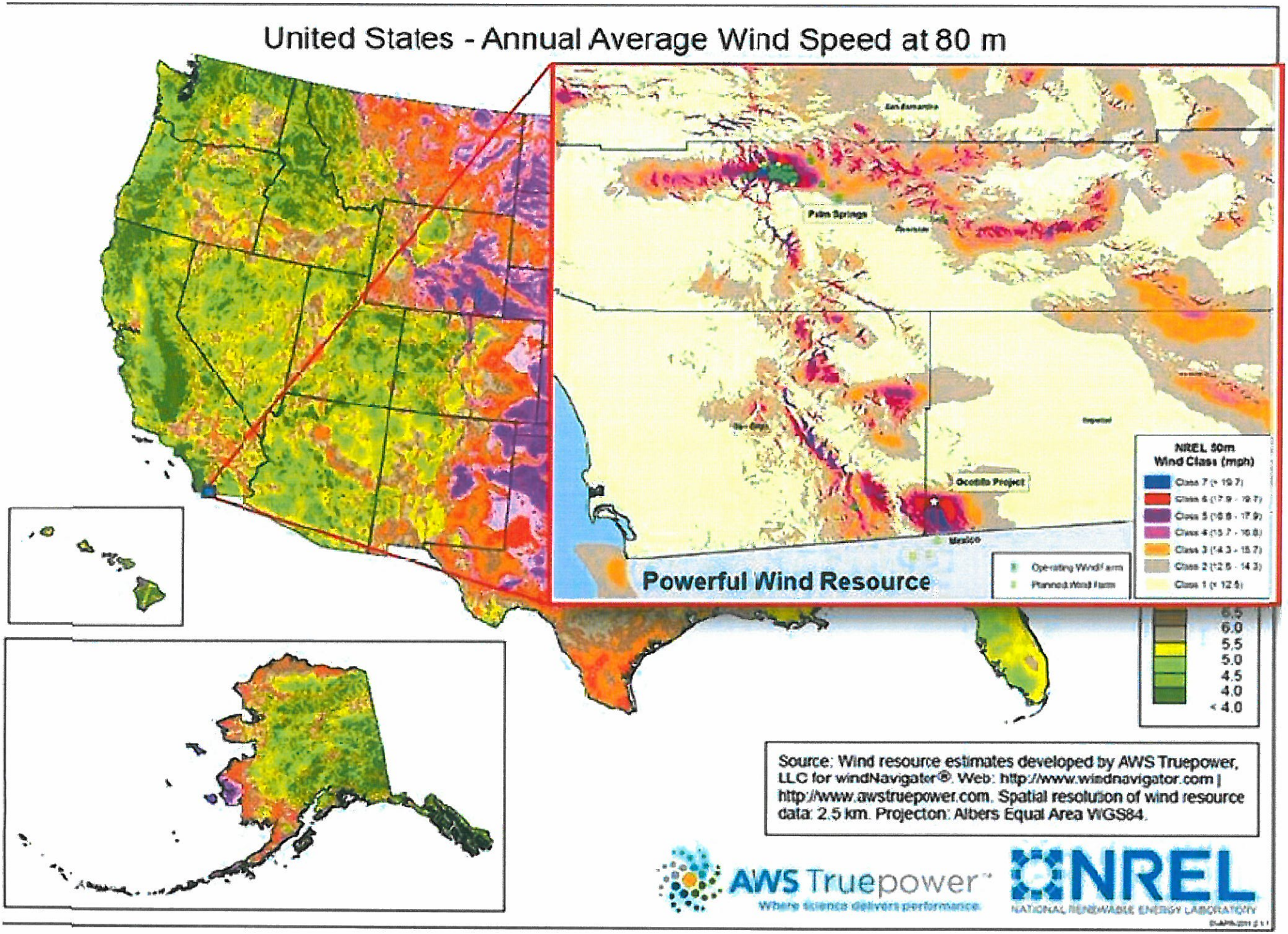

EXHIBIT A

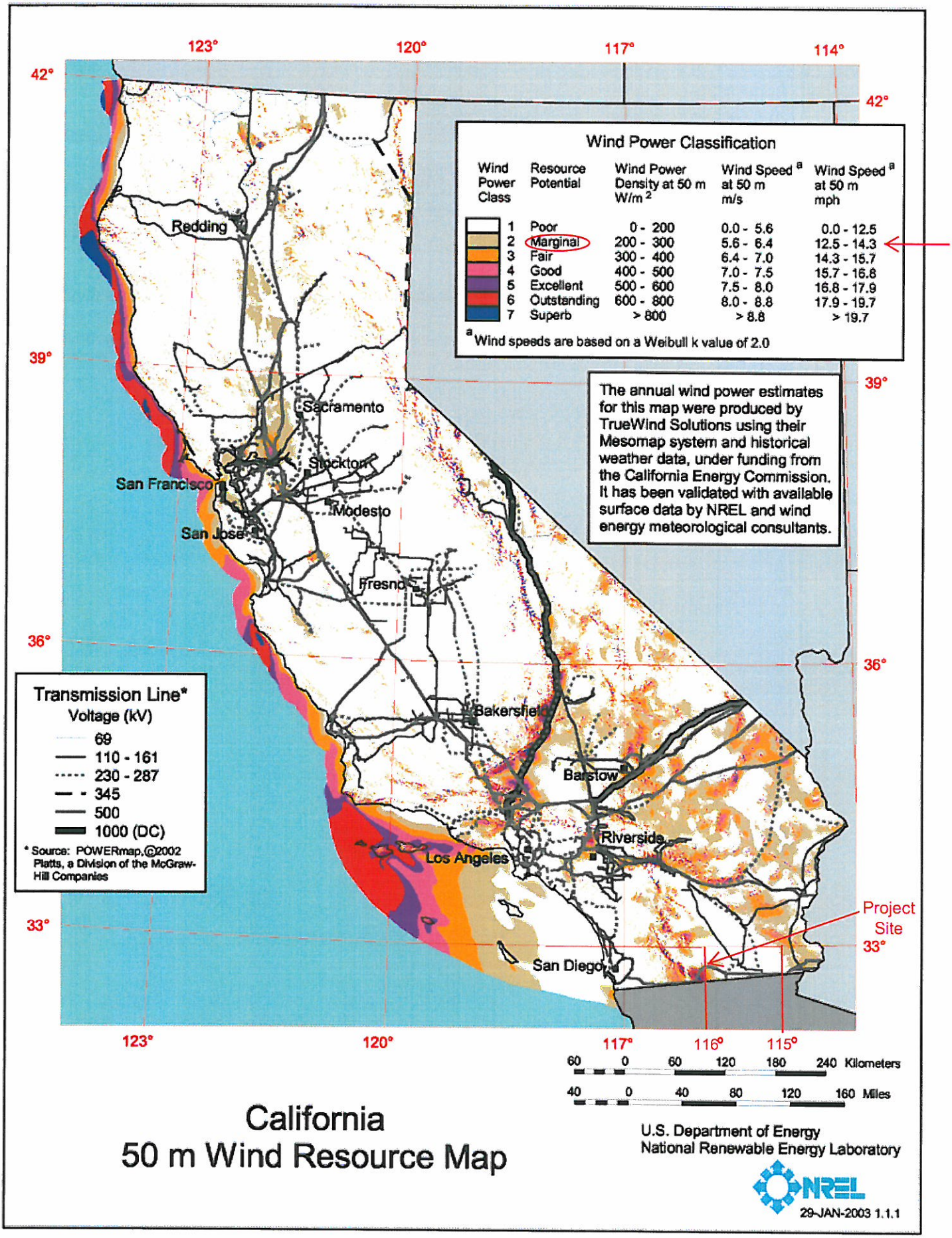
123°
120°
117°
114°
42°
39°
36°
33°
Redding
Sacramento
Stockton
San Francisco
Modesto
San Jose
Fresno
Bakersfield
Barstow
Riverside
Los Angeles
San Diego
Project Site
Wind Power Classification
Wind Power Class
Resource Potential
Wind Power Density at 50 m W/m 2
Wind Speed a at 50 m m/s
Wind Speed a at 50 m mph
1 Poor 0 - 200 0.0 - 5.6 0.0 - 12.5
2 Marginal 200 - 300 5.6 - 6.4 12.5 - 14.3
3 Fair 300 - 400 6.4 - 7.0 14.3 - 15.7
4 Good 400 - 500 7.0 - 7.5 15.7 - 16.8
5 Excellent 500 - 600 7.5 - 8.0 16.8 - 17.9
6 Outstanding 600 - 800 8.0 - 8.8 17.9 - 19.7
7 Superb > 800 > 8.8 > 19.7
a Wind speeds are based on a Weibull k value of 2.0
The annual wind power estimates for this map were produced by TrueWind Solutions using their Mesomap system and historical weather data, under funding from the California Energy Commission. It has been validated with available surface data by NREL and wind energy meteorological consultants.
Transmission Line*
Voltage (kV)
69
110 - 161
230 - 287
345
500
1000 (DC)
* Source: POWERmap, ©2002 Platts, a Division of the McGraw-Hill Companies
60 0 60 120 180 240 Kilometers
40 0 40 80 120 160 Miles
California
50 m Wind Resource Map
U.S. Department of Energy
National Renewable Energy Laboratory
NREL
29-JAN-2003 1.1.1

EXHIBIT B

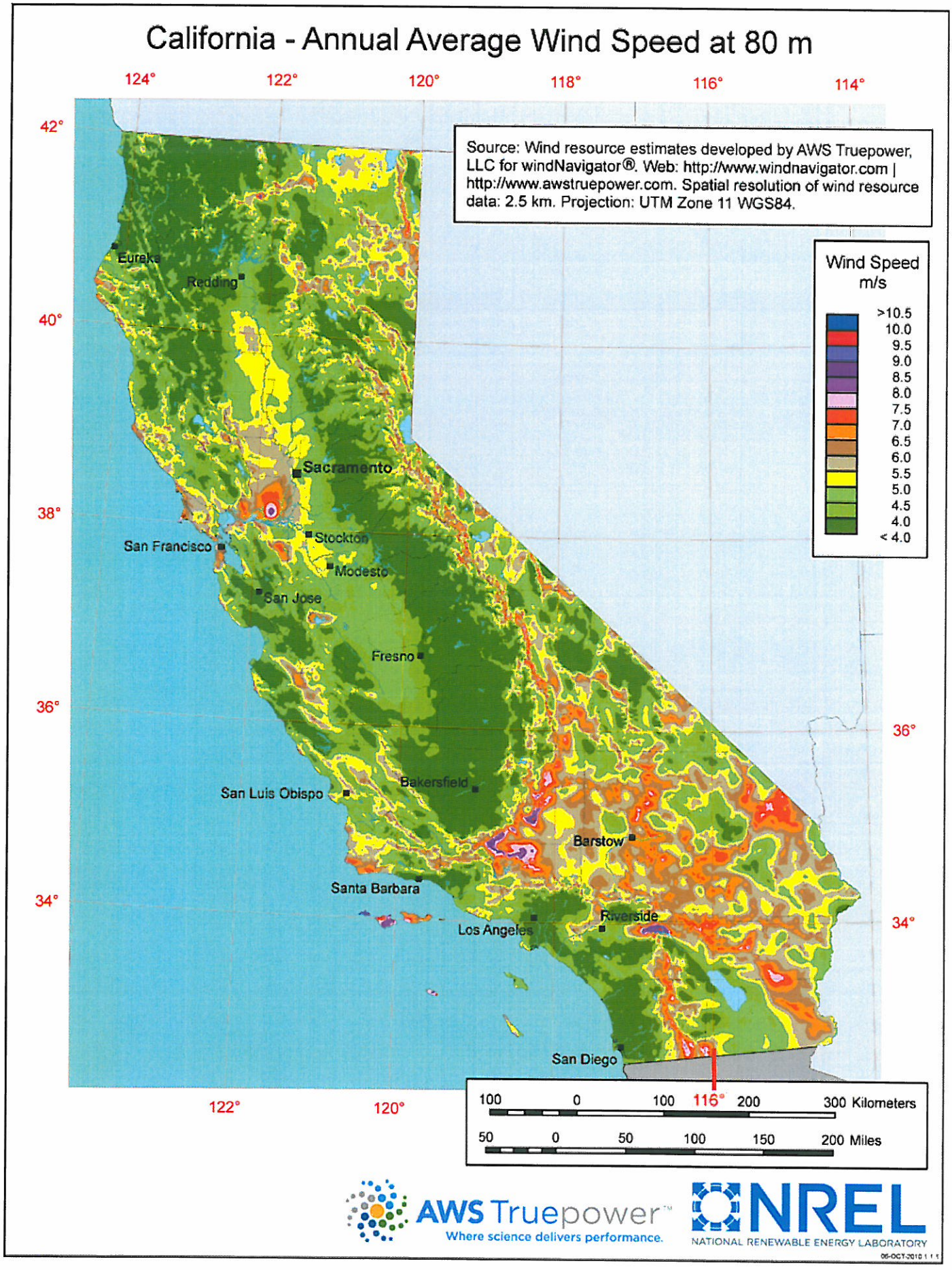
California - Annual Average Wind Speed at 80 m
124°
122°
120°
118°
116°
114°
42°
40°
38°
36°
34°
Source: Wind resource estimates developed by AWS Truepower, LLC for windNavigator®. Web: http://www.windnavigator.com | http://www.awstruepower.com. Spatial resolution of wind resource data: 2.5 km. Projection: UTM Zone 11 WGS84.
Wind Speed m/s
>10.5
10.0
9.5
9.0
8.5
8.0
7.5
7.0
6.5
6.0
5.5
5.0
4.5
4.0
< 4.0
Eureka
Redding
Sacramento
San Francisco
Stockton
Modesto
San Jose
Fresno
Bakersfield
San Luis Obispo
Barstow
Santa Barbara
Los Angeles
Riverside
San Diego
100 0 100 200 300 Kilometers
50 0 50 100 150 200 Miles
AWS Truepower
Where science delivers performance.
NREL
NATIONAL RENEWABLE ENERGY LABORATORY

EXHIBIT C

NADB/BECC Ocotillo Loan Letter Distribution list

Last saved: 6/8/2012 1:49 PM

2012-06-07 faxed to all except Lisa Amodovar. Snail mailed to all. Did not email.

Tom Budlong

Source	Address	Method(s)	Comment
BECC Website http://www.becc.org/english/index.html	Border Environment Cooperation Commission Blvd. Tomás Fernández #8069 Fraccionamiento Los Parques Ciudad Juárez, Chihuahua C.P. 32470 Mexico	candidateprojects@cocef.org snail mail Fax: from the U.S. (01152) 656-625-6180	"Comments regarding the project to be considered for certification must be received by June 10, 2012 and can be addressed at any of the following addresses:
	Border Environment Cooperation Commission P.O. Box 221648 El Paso, Texas 79913		
NADB website http://www.nadb.org/ggbio.asp	Geronimo Gutierrez Managing Director, NADB 102 South St. Mary's, Suite 300 San Antonio, TX 78205	snail mail	
	Alex Hinojosa Deputy Managing Director, NADB 102 South St. Mary's, Suite 300 San Antonio, TX 78205	snail mail	
BECC website http://www.becc.org/english/index.html Treasury Folk	Timothy F. Geithner Secretary of the Treasury United States Department of the Treasury 1500 Pennsylvania Ave., N.W. Washington, D.C. 20220	Fax: (202) 622-0073 geetha.ramani@treasury.gov Snail Mail	
	Under Secretary for International Affairs United States Department of the Treasury 1500 Pennsylvania Ave., N.W. Washington, D.C. 20220	Fax: (202) 622-0417 Snail Mail	No name given on the BECC website
	Marisa Lago Assistant Secretary for International Markets and Development United States Department of the Treasury 1500 Pennsylvania Ave., N.W. Washington, D.C. 20220	Fax: (202) 622-2308 Snail Mail	
	Scott Morris Deputy Assistant Secretary Office of International Development Finance and Debt United States Department of the Treasury 1500 Pennsylvania Ave., N.W., Room 3205 MT Washington, D.C. 20220	email: scott.morris@do.treas.gov Fax: 202-622-9223 Snail Mail	Fax listed on BECC website, (202) 622-0658, does not answer. Voice 202-62-8125 says it's out of order, use 202-622-9223

Source	Address	Method(s)	Comment
	Karen Mathiasen Deputy Assistant Secretary Office of International Development Finance and Debt United States Department of the Treasury 1500 Pennsylvania Ave., N.W., Room 3205 MT Washington, D.C. 20220	Fax: (202) 622-0658, no answer Snail Mail Email karen.mathiasen@do.treas.gov	Use Scott Morris's fax number.
	Geetha Rao International Economist Office of Multilateral Development Banks United States Department of the Treasury 1500 Pennsylvania Ave., N.W., Room 3409 NY Washington, D.C. 20220	Fax: (202) 622-2023 Snail Mail email: geetha.rao@do.treas.gov	
BECC website http://www.becc.org/english/index.html State Dept Folk	Hillary Rodham Clinton Secretary of the State United States Department of State 2201 "C" St. Washington, D.C. 20520	Fax: (202) 647-8947 Snail mail	Listing for Hillary on the NADB website shows Poynter's email.
	Matt Rooney Deputy Assistant Secretary for Canada, Mexico, and NAFTA Affairs Bureau of Western Hemisphere Affairs U.S. Department of State Harry S. Truman Building, Room 6262 2201 "C" Street, NW Washington, DC 20520	Fax 202-647-0834 email: rooneymm@state.gov Snail Mail	fax listed, (202) 647-0791, is someone's land line. Voice for Matt, 202-647-8387 says fax is 202-647-0834.
	Rachel M. Poynter Border Affairs Coordinator Office of Mexican Affairs U.S. Department of State 2201 "C" Street, NW, Room 4258 Washington, DC 20520	poynterRM@state.gov Fax (202) 202-647-5752 Snail Mail	Listing for Hillary on the NADB website shows Poynter's email.
	John "Jock" Whittlesey Environmental Affairs Officer Office of Mexican Affairs (WHA/MEX) U.S. Department of State 2201 "C" St., NW Room 4258 Washington, D.C. 20520	WhittleseyJK@state.gov Fax: (202) 647-5752 snail mail	
BECC website http://www.becc.org/english/index.html EPA Folk	Lisa Jackson Administrator United States Environmental Protection Agency 1200 Pennsylvania Ave., N.W., Mail Code 1101A Washington, D.C. 20460	Fax: (202) 501-1470 snail mail	Listing for Lisa Jackson on the NADB website shows Almodovar's email.

Source	Address	Method(s)	Comment
	Michael Stahl, Director Office of Regional and Bilateral Affairs Office of International Affairs United States Environmental Protection Agency 1200 Pennsylvania Avenue, N.W. Ronald Reagan Building, Ste. 31245 (2680-R) Washington, D.C. 20460	Fax: (202) 565-2408 snail mail stahl.michael@epa.gov	
	Lisa Almodovar, Senior Program Manager U.S.-Mexico Border Program Office of Regional and Bilateral Affairs Office of International Affairs United States Environmental Protection Agency 1200 Pennsylvania Avenue, N.W. Mail Code: 2650-R Washington, D.C. 20460	Fax: (202) 565-2412 almodovar.lisa@epa.gov snail mail	Listing for Lisa Jackson on the NADB website shows Almodovar's email. fax listed, (202) 565-2412, is not in service. Called voice, 202-564-6401, lm/am/1731/need fax #.
BECC website http://www.becc.org/english/index.html Border State Rep	Lorenzo "Larry" A. Larranaga Representative New Mexico House of Representatives 7716 Lamplighter NE Albuquerque, NM 87109	Fax: (505) 821-0106 larry@larranaga.com Snail Mail	