

**This is an Addendum, filed August 13, 2007, to the:**

**Complaint Filed With the Department Of Justice Under the Sherman Antitrust Act By Concerned Citizens From The States of New York, Vermont, Maryland, and California (filed April 25, 2007).**

**Addendum Filed by:**

**Lead Complainants**

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**Nature of Addendum**

The initial Antitrust Complaint cited above alleged that an International Cartel is engaged in Market Allocation, Price Fixing, and Bid Rigging in Windfarm Developments in New York and Vermont, as well as in other states. In that Complaint eighteen different locations with completed or proposed windfarm developments were offered as compelling evidence of per se violations of the Sherman Antitrust Act.

Since that filing we have received a great deal of new information regarding other wind developments across the country. The patterns of antitrust violations appear to be exactly the same as we had seen in the first eighteen locales. The Table below summarizes **forty-six additional locations where Market Allocation is evident.** The pattern is consistent and absolute, and the expanding presence of a conspiratorial International Cartel is unmistakable. There are now sixty-four examples of per se felony violations of the Sherman Antitrust Act whereby landowners, municipalities, and school districts were deprived of fair compensation due to illegal restraint of trade and intentional removal of market competition. Additional research and investigation will likely yield another hundred examples; new contacts in Washington, California, and Oregon have stated that the patterns in their areas are the same, and we expect that states with higher numbers of wind developments such as Texas, North Dakota, Wisconsin, and Minnesota will produce a large number of cases. We have yet to find a single situation where a landowner, municipality, or school district was able to engage in competitive negotiation. It is quite apparent that the developers have worked together in a consistent and organized fashion to maximize their profits at the expense of our citizens and local governments. The following table summarizes pertinent information for the additional forty-six projects that have been identified.

<b>Project Name</b>	<b>Project Location</b>	<b>Developer</b>	<b>Home Country</b>
Waymart Wind Farm	Waymart PA	NWP/Orion	Unknown/UK (BP)
Meyersdale Wind Power Project	Meyersdale PA	Atlantic/Zikha/Iberdrola	Spain
Bear Creek Wind Park	Bear Creek PA	Global Winds/Babcock and Brown	Germany/Australia
Stonycreek Wind Project	Stony Creek PA	GRHC	Unknown
Keystone Wind Project	Somerset PA	Disgen	Unknown
Forward Project	Shade Township PA	GRHC	Unknown
Mountain High Wind Project	Bear Creek PA	Energy Unlimited	Unknown
Brothers Valley Wind	Garrett PA	US Windforce	Unknown
Bent Tree Wind project	Wittenberg PA	US Windforce	Unknown
Rock Run ATV Park	Chest Township PA	Freedom Wind	Unknown
Laurel Hill Project	Jackson Township PA	Catamount/Marubeni	USA/Japan
Cross Creek Wind Project	Cross Creek PA	Gamesa	Spain
	Chaumont NY	PPM/Iberdrola	Spain
	Clayton NY	BP	UK
	Cape Vincent NY	Acciona	Spain
	Hamlin NY	Iberdrola	Spain

<b>Project Name</b>	<b>Project Location</b>	<b>Developer</b>	<b>Home Country</b>
Chautauqua Windpower	Ripley/Westfield NY	Jasper Energy LLC	Unknown
	Attica/Bennington NY	UPC Wind Partners	Europe
Dairy Hills Wind Farm	Perry NY	Horizon Wind Energy/EDP	Portugal
	Castile NY	Tamarack Energy/Orion Wind Energy	USA/UK (BP)
Machias Wind Farm	Ashford NY	Horizon Wind Energy/EDP	Portugal
	Centerville NY	Nobel Environmental Power	J. P. Morgan Partners
Nobel Belmont	Belmont NY	Nobel Environmental Power	J.P. Morgan Partners
Nobel Chateaugay	Chateaugay NY	Nobel Environmental Power	J.P. Morgan Partners
Bliss Wind Park	Eagle/Wethersfield NY	Nobel Environmental Power	J. P. Morgan Partners
High Sheldon Wind Farm	Sheldon NY	Sheldon Energy LLC/Invenergy	Unknown
Buffalo Road Wind Farm	Orangeville/Warsaw NY	Invenergy	Unknown
Genesee Wind Farm	Bethany/Stafford NY	UPC Wind	Europe
	Farmersville/Rushford NY	Nobel Environmental Power	J. P. Morgan Partners
	North Collins NY	Horizon Wind Energy/EDP	Portugal
Mendota Hills	Lee County IL	Navitas Energy	Spain

<b>Project Name</b>	<b>Project Location</b>	<b>Developer</b>	<b>Home Country</b>
Crescent Ridge	Bureau County IL	Babcock and Brown/Eurus	Australia/Japan
GSG Wind Farm Phase 1	Lee and Lasalle Counties IL	Babcock and Brown/FPC Services	Australia/unknown
Twin Groves II	McLean County IL	Horizon Wind Energy/EDP	Portugal
Rail Splitter Wind Farm	Logan and Tazewell Counties IL	Horizon Wind Energy/EDP	Portugal
Blackstone Wind Farm	Livingston County IL	Horizon Wind Energy/EDP	Portugal
Baileyville Wind Farm	Ogle County IL	Navitas Energy	Spain
Benson Wind farm	Stephenson County IL	Navitas Energy	Spain
Noble Thumb Wind Park	Bingham Township MI	Noble Wind Power	J. P. Morgan Partners
Mackinaw Power	Oceana County MI	Mackinaw Power	USA
Berkshire Wind Farm	Brodie Mountain MA	Berkshire Wind Power LLC	Unknown
Hoosac Wind	Florida/Monroe MA	enXco	France
Glebe Mountain	Glebe Mountain VT	Catamount Energy/Marubeni	USA/Japan
Lowell	Lowell Mountain VT	enXco	France
Searsburg	Searsburg VY	EnXco/Green Mountain Power Group	France/Unknown
Mount Storm	Mount Storm WV	NedPower	Netherlands

## **Damages to Participating Landowners**

Because of the absolute Market Allocation practiced by the developers, participating landowners within designated project areas cannot negotiate leasing rates and therefore are deprived of the benefits of free market competition. As a result landowners are receiving only a small fraction of the benefit that free market competition would otherwise provide them. Our preliminary analysis, based on leasing models in other energy sectors, indicates that participating landowners in a single forty-turbine wind project are being paid approximately 10% of fair market value and are being deprived of between \$50,000,000 and \$100,000,000 over the projected twenty-year life of the windfarm.

## **Request to Accept Addendum**

We request that the Department of Justice accept this additional evidence of illegal Market Allocation on the part of the International Cartel.