



January 15, 2011

Mrs. Susan May  
Supervisor, Town of Orangeville  
3529 Route 20A  
Warsaw, New York 14569

Re: Stony Creek Energy LLC, Compliance with Dig Safely NY Requirements

Dear Mrs. May:

I write as Vice President of Stony Creek Energy LLC in response to comments submitted to your board by the New York State Department of Public Service Staff on the Draft Environmental Impact Statement (DEIS) for the Stony Creek Energy Center. This letter verifies that Stony Creek Energy LLC understands its responsibility under State law to ensure the protection of underground facilities. Stony Creek Energy and its contractors will comply with the requirements for protection of underground facilities contained in Public Service Law § 119-b and its implementing regulations, 16 NYCRR Part 753. I also hereby affirm that Stony Creek Energy will employ a pole numbering protocol for the Stony Creek Energy Center, should any be required, that will comply with the Department of Public Service's requirements provided in 16 NYCRR Part 217.

Respectfully Submitted,

Stony Creek Energy LLC

A handwritten signature in blue ink, appearing to read "David Groberg".

David Groberg, Vice President