

WIND POWER LITIGATION

(Lots of Wind, Little Success)

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WIND POWER LITIGATION

I. LITIGATION/POLITICAL ARENAS

Premise: Disputes to Be Resolved In Political
Arena

Litigation May Delay, But Not Derail,
Projects

II. RECENT/ONGOING CASES

A. Permit Disputes

Various

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B. AVIAN IMPACT

1. Pinetree

Kerncrest Audubon Society v. LADWP

2. Altamont Pass

Center for Biological Diversity v. FPL Group, Inc.

3. Migratory Bird Treaty Act, 16 USC §§ 703-12

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C. Cape Wind

Ten Taxpayers Citizen Group v. Cape Wind Associates

Alliance to Protect Nantucket Sound v. U.S. Dept. of Army

D. Flint Hills

Flint Hills Tallgrass Prairie Heritage Foundation v. Scottish Power, plc

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III. FUTURE

- A. Expiration Of PTC – 12/31/07
- B. Who Owns The Wind?