

HOAGLIN TOWNSHIP16487 Galvin Road
Van Wert, Ohio 45891

TRUSTEES

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April 27, 2011

09-1066-EL-BEN

PUCO

Attn: The Ohio Power Siting Board
180 East Broad Street
Columbus, Ohio 43215

PUCO

2011 APR 29 PM 3:01

RECEIVED-DECKETING DIV

RE: Township Transportation Permits

The Boards of Trustees of Hoaglin Township and Tully Township in Van Wert County respectfully request a determination from the Ohio Power Siting Board, in response to our earlier communication of March 7, 2011.

Mr. Dan Litchfield, Project Developer of Blue Creek LLC, spoke with Hoaglin Township Board of Trustees' Chairman Wayne Kemler, on April 7th, 2011 to ascertain if a copy of the Blue Creek Wind LLC response had been received by Hoaglin Township. Mr. Kemler assured Mr. Litchfield that the document had been received. No negotiation plan was initiated or offered during the conversation. However, Mr. Litchfield stated that he would be in contact later. To date, there has been no further communication between the parties involved.

Hoaglin and Tully Township wish to set forth several points for consideration by the Ohio Power Siting Board:

- 1) Hoaglin Township passed a resolution implementing per turbine transportation permits on May 24th, 2010, with no prior knowledge that item #40 existed or might be included in the Ohio Power Siting Board Opinion, Order, and Certificate that was not finalized until August 25th, 2010. Negotiation for a comprehensive Road Haul Agreement was at a stand-still in May, 2010.
- 2) Item # 40 states that "*Heartland shall obtain all required county and township transportation permits and all necessary permits from ODOT*"
Blue Creek (Heartland) contends that it has complied with condition # 40 because it has obtained all required permits
The Townships disagree and contend that Blue Creek has not obtained the required permits from Hoaglin and Tully Townships.
- 3) In the comprehensive Road Haul Agreement under Item 6, Road Restoration and Reimbursement, Item 6.7, Permits and Governmental Approvals: Access Roads:

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Technician SP Date Processed 11-22-11

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the following is stated:

"The Local Parties shall provide to Developer for a permit fee of five hundred dollars (\$500.00) per wind turbine to be paid to the Township where the turbine is located and five hundred dollars (\$500.00) per wind turbine to the County, all permits, licenses, and governmental approvals required to operate or move Developer's vehicles on County and Township Roads, including all overweight and oversize vehicles permits, as well as for all access road entrance permits, utility crossing permits, and right of way permits, in such locations identified in Exhibit A....."

It is the Townships' contention that Heartland has acknowledged the validity of township transportation and haul permits by executing the above quoted comprehensive Road Haul Agreement with local entities. We contend that a precedent has been set by Heartland (Blue Creek) since township permit fees have been provided to the townships that executed the comprehensive Road Haul Agreement.

- 4) Blue Creek LLC contends that the transportation and haul permits implemented by Hoaglin and Tully Townships are invalid. If that contention is correct, it would follow that the township transportation and haul permits set forth and quoted in the comprehensive Road Haul Agreement are also invalid. Should the permit fees that have already been provided to the entities that executed the comprehensive Road Haul Agreement be returned to Blue Creek LLC?

It is certainly not the intention of Hoaglin and Tully Townships to prevent any local entity from receiving reimbursement for the Blue Creek Wind Farm Project-- only to point out several contradictions relating to our situation.

In light of notable contradictions and the agreement (by action) of Blue Creek to Item 6.7 of the comprehensive Road Haul Agreement, Hoaglin and Tully Townships request that the per turbine township permit fees be deemed valid, with said payments forthcoming from Blue Creek LLC.

Thank you in advance for your attention to this matter.

Sincerely,

The Hoaglin Township Board of Trustees

Wayne Kemler

Wayne Kemler

The Tully Township Board of Trustees

Philip Kreischer

Philip Kreischer