



COLUMBUS | CLEVELAND
CINCINNATI-DAYTON
MARIETTA

BRICKER & ECKLER LLP
100 South Third Street
Columbus, OH 43215-4291
MAIN: 614.227.2300
FAX: 614.227.2390

www.bricker.com
info@bricker.com

Sally W. Bloomfield
614.227.2368
sbloomfield@bricker.com

November 12, 2014

Via Electronic Filing

Ms. Barcy McNeal
Administration/Docketing
Public Utilities Commission of Ohio
180 East Broad Street, 11th Floor
Columbus, OH 43215-3793

**Re: Oregon Clean Energy, LLC
Case No. 12-2959-EL-BGN**

Dear Ms. McNeal:

The May 1, 2013 Opinion, Order, and Certificate approving Oregon Clean Energy, LLC's ("Oregon") Certificate of Environmental Compatibility and Public Need to Construct an Electric Generation Facility ("Certificate") and the March 15, 2013 Second Supplement to Application established a set of conditions and supplemental commitments as part of the Certificate.

Specifically, in part, **Commitment #20**, which included in the Second Supplement filed on March 15, 2013, requires that:

Prior to the commencement of construction activities that require permits or authorizations by federal or state laws and regulations, the Applicant will obtain and comply with such permits or authorizations. The Applicant will provide copies of permits and authorizations, including all supporting documentation, to Staff within seven days of issuance or receipt by the Applicant. The Applicant will provide a schedule of construction activities and acquisition of corresponding permits for each activity at the preconstruction conference.

Attached to this letter is a copy of the revised FAA permit dated September 17, 2014, and the revised DOT permit dated September 17, 2014.

If you have any questions please call at the number listed above.

Sincerely,

Sally W. Bloomfield

Attachments

Cc: Grant Zeto (w/Attachments)
Chris Cunningham (w/Attachments)



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
2601 Meacham Boulevard
Fort Worth, TX 76193

Aeronautical Study No.
2014-AGL-9634-OE
Prior Study No.
2013-AGL-240-OE

Issued Date: 09/17/2014

William J. Martin
Oregon Clean Energy, LLC
20 Park Plaza, Suite #400
Boston, MA 02116

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Stack Southern Stack
Location:	Oregon, OH
Latitude:	41-40-03.06N NAD 83
Longitude:	83-26-36.13W
Heights:	590 feet site elevation (SE) 240 feet above ground level (AGL) 830 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

As a condition to this Determination, the structure is marked/lighted in accordance with FAA Advisory circular 70/7460-1 K Change 2, Obstruction Marking and Lighting, paint/red lights - Chapters 3(Marked),4,5(Red),&12.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- ☐ At least 10 days prior to start of construction (7460-2, Part 1)
☒ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

This determination expires on 03/17/2016 unless:

- the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- extended, revised, or terminated by the issuing office.
- the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

If we can be of further assistance, please contact our office at (847) 294-7575. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2014-AGL-9634-OE.

Signature Control No: 226936478-229540931

(DNE)

Vivian Vilaro
Specialist



OHIO DEPARTMENT OF TRANSPORTATION AVIATION

2829 W. DUBLIN-GRANVILLE ROAD • COLUMBUS, OH • 43235-2786

September 17, 2014

Oregon Clean Energy, LLC
Attn:
20 Park Plaza, Suite #400
Boston, MA 02116

Proposal: Stack
Lat: N41°-40'-3.06"
Lon: W83°-26'-36.13"
Height: 240 ft AGL 830 ft AMSL

Subject: CONSTRUCTION/ALTERATION PERMIT
Aeronautical Study No: 2014-DOT-5221-OE

To Whom It May Concern,

In response to the application received on the above date concerning the proposed construction/alteration described above, a study has been conducted under provisions of Ohio State Law Chapter 119, Section 4561.34 of the Revised Code to determine whether proposed construction would be an obstruction to air navigation. The findings of that study are as follows:

The proposed construction exceeds obstruction standards adopted under Section 4561.32 of the Ohio Revised Code, but will not effect the safe and efficient use of the airports nor effect the safety of persons and property on the ground. However, the following applies to the construction proposed:

[x] Notice is required if the project is abandoned or modified; maximum height 830 feet AMSL.

[x] Obstruction Marking and/or Lighting is required.

[x] The structure should be obstruction marked and lighted per current FAA Advisory Circular (AC 70/7460-1K) "Obstruction Marking and Lighting".

[x] Required lighting SHALL be maintained in operable condition.

[x] Compliance with the FAA conditions of approval.

This authorization to initiate construction/alteration of the subject proposal expires on 03/17/2016 unless it is extended, revised or terminated by the Ohio State Department of Transportation. This permit does not exempt you from contacting local zoning authorities regarding compliance with local zoning ordinances.

If you have any questions, please call; (614) 466-6804.

Respectfully,

ODOT Office of Aviation
2829 W. Dublin-Granville Road
Columbus, OH 43235

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

11/12/2014 3:56:10 PM

in

Case No(s). 12-2959-EL-BGN

Summary: Correspondence of Oregon Clean Energy, LLC in Compliance with Commitment No. 20 electronically filed by Teresa Orahod on behalf of Sally Bloomfield