

BEFORE THE OHIO POWER SITING BOARD

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In the Matter of the :
Application of JW Great :
Lakes Wind, LLC for a :
Certificate to Construct : Case No. 09-277-EL-BGN
a Wind Powered Electric :
Generation Facility in :
Hardin County, Ohio. :

- - -

PROCEEDINGS

before Ms. Christine Pirik, Administrative Law Judge,
at the Ohio Power Siting Board, 180 East Broad
Street, Room 11-C, Columbus, Ohio, called at 10:00
a.m. on Friday, February 12, 2010.

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1 APPEARANCE:

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9 On behalf of the staff of the
10 Ohio Power Siting Board.

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1 Friday Morning Session,

2 February 12, 2010.

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4 ADMINISTRATIVE LAW JUDGE: We'll go on
5 the record in the matter of the Application of JW
6 Great Lakes Wind, LLC for a Certificate to Site a
7 Wind Powered Electric Generation Facility in Hardin
8 County, Ohio, case number 09-277-EL-BGN.

9 My name is Christine Pirik. I'm an
10 administrative law judge with the Ohio Power Siting
11 Board, and I am here today to hear this case.
12 Today's hearing is a continuation of the hearing that
13 was called and continued on February 1st, 2010.

14 I believe at this time we have a
15 presentation on behalf of the parties. Mr. Wright.

16 MR. WRIGHT: Yes, thank you, your Honor.
17 I'm pleased to announce that the parties have
18 concluded their negotiations successfully. We
19 reached a unanimous settlement. The stipulation and
20 recommendation that memorializes that settlement was
21 filed on February 9th in the docket, an additional
22 signature page was filed on the 10th of February,
23 and at this time I'd like to make a couple
24 clarifications to the document and then go ahead and
25 mark the exhibits and offer those.

1 ADMINISTRATIVE LAW JUDGE: That would be
2 fine.

3 MR. WRIGHT: Do you want me to continue?

4 ADMINISTRATIVE LAW JUDGE: Yes.

5 MR. WRIGHT: Your Honor, I would direct
6 the Bench's attention to page 2 of the settlement
7 under the Recommended Conditions section, paragraph
8 number 2, there is a response there to replies to
9 data requests; those would be staff data requests.

10 After discussing this with the staff it's
11 my understanding that all relevant information has
12 been included in other exhibits that have already
13 been -- that have been previously placed in the
14 record. So there is nothing new; that does not refer
15 to anything that is not already in the record.

16 ADMINISTRATIVE LAW JUDGE: Okay.

17 MR. WRIGHT: Moving on to page 13, the
18 section there captioned "Exhibits," I would like to
19 note a couple things before I actually go ahead and
20 mark the exhibits.

21 With respect to item No. 6, and that
22 deals with the proof of publication that was filed on
23 November 24th, 2009, I believe that was the
24 Kenton -- K-e-n-t-o-n -- Times, the earlier filing I
25 believe was not complete. I would like to note for

1 the record that a complete notarized proof of
2 publication for the Kenton Times was filed in the
3 docket of this case yesterday on February 11th.

4 Additionally, I would like to add to the
5 list, we could call it 6A or 7, 6A might be better, a
6 proof of publication that is not listed here, it was
7 inadvertently omitted, and that was with The Ada --
8 A-d-a -- Herald which was submitted on the 26th of
9 January, and my understanding, after conversations
10 with the Bench, that one was correctly filed.

11 ADMINISTRATIVE LAW JUDGE: Yes. Before
12 we move on, I would just like to point out that, and
13 I think maybe that this is what you're going to say
14 next, on page 13 there are two items 6.

15 MR. WRIGHT: That was going to be the
16 next thing I was going to indicate.

17 ADMINISTRATIVE LAW JUDGE: Well, I would
18 recommend that you denote the proof of publications
19 as 6.1.

20 MR. WRIGHT: Okay.

21 ADMINISTRATIVE LAW JUDGE: Would be the
22 Kenton Times.

23 MR. WRIGHT: That's fine.

24 ADMINISTRATIVE LAW JUDGE: And then 6.1A
25 as you referred to The Ada Herald.

1 MR. WRIGHT: Okay, the Kenton Times would
2 be --

3 ADMINISTRATIVE LAW JUDGE: 6.1.

4 MR. WRIGHT: 6.1, and 6.1A?

5 ADMINISTRATIVE LAW JUDGE: Yes.

6 MR. WRIGHT: Okay.

7 ADMINISTRATIVE LAW JUDGE: And then the
8 notice of service application for the public
9 officials would be 6.2.

10 MR. WRIGHT: 6.2. Very good.

11 And the other item, before I go ahead and
12 mark all the exhibits, I would like to point out that
13 current item No. 2 under Exhibits on page 13, there's
14 a reference to an architectural survey plan. It's
15 correct that that was submitted to the staff on
16 February 3rd; it was filed in the docket in this
17 case on February 11th, yesterday. So that is now
18 in the record.

19 And additionally, item No. 18 under
20 Exhibits, which appears on page 14 of the
21 stipulation, it references a cooperative agreement
22 between the applicant and ODNR. That fully-executed
23 agreement was entered into on May 5th, 2009, it was
24 finally secured and filed in the docket yesterday as
25 well on February 11th, so those items are both now

1 part of the case docket for this matter.

2 Having said that, I would like at this
3 time, your Honor, to go ahead and mark and offer the
4 exhibits. I would like to mark as Joint Exhibit
5 No. 1 the Joint Stipulation and Recommendation that
6 was entered into and filed in the docket on February
7 9th, and again, the signature page, additional
8 signature page for the Ohio Farm Bureau was filed on
9 the 10th. That's Joint Exhibit 1.

10 Then I'd like to mark as Staff Exhibit
11 No. 1 the Staff Report in this case that was filed on
12 January 12th, 2010.

13 The remaining exhibits will all be
14 company exhibits. I would like to begin first with
15 the architectural survey plan, that would be -- and,
16 your Honor, I'm going to just work back in the order
17 they appear in the stipulation.

18 The architectural survey plan I would
19 like to have marked as Applicant Exhibit No. 1.

20 Applicant Exhibit No. 2 would be
21 correspondence containing certain statements and maps
22 concerning minor turbine changes that was filed in
23 this docket on January 8th, 2010.

24 Applicant Exhibit No. 3 would be
25 correspondence on behalf of JW Great Lakes including

1 a sample letter and list of landowners which was
2 submitted in this docket on December 23rd, 2009.

3 As Applicant Exhibit 4.1, proof of
4 publication with the Kenton Times that was submitted
5 on November 24th, 2009, and -- excuse me, filed on
6 November 24th, 2009, and resubmitted into the
7 docket on February 11th, 2010.

8 Applicant Exhibit 4.1A would be proof of
9 publication with The Ada Herald newspaper filed on
10 January 26th, 2010.

11 Applicant's Exhibit 4.2 would be notice
12 of service of application on local public officials
13 and libraries filed on October 21st, 2009.

14 Applicant Exhibit No. 5 would be
15 supplemental information to the application that was
16 filed by the applicant on October 13, 2009.

17 Applicant Exhibit No. 6 would be a
18 response letter to a Richard, is it Zachariason?
19 Well, I'll leave it at that.

20 ADMINISTRATIVE LAW JUDGE: Do you want to
21 spell that for the record.

22 MR. WRIGHT: Excuse me?

23 ADMINISTRATIVE LAW JUDGE: Do you want to
24 spell that for the record?

25 MR. WRIGHT: Yes, I would.

1 Z-a-c-h-a-r-i-a-s-o-n. And that was filed in the
2 docket on October 13, 2009.

3 Applicant Exhibit No. 7 would be the,
4 I'll spell it because I can't pronounce it,
5 C-h-i-r-o-p-t-e-r-a-n Risk Assessment that was filed
6 by the applicant on October 9 of 2009.

7 Applicant's Exhibit No. 8 would be the
8 preliminary map, draft of substation design that was
9 filed by the applicant on October 9, 2009, as well.

10 Applicant's Exhibit No. 9 would be a
11 summary of historic structures and landmarks review
12 filed by the applicant on October 9, 2009.

13 Applicant's Exhibit No. 10 would be the
14 archaeological survey approach filed by the applicant
15 on October 9, 2009.

16 Applicant's Exhibit No. 11 would be
17 financial data filed on behalf of the applicant on
18 September 15, 2009.

19 Applicant's Exhibit No. 12 would be
20 confidential document target involving some
21 confidential financial data on behalf of the
22 applicant filed on August 14, 2009.

23 Applicant's Exhibit No. 13 would be part
24 3 of the application submitted by the applicant on
25 August 14.

1 ADMINISTRATIVE LAW JUDGE: Mr. Wright, I
2 think, with regard to the application, even though it
3 was in three parts, I think that has more to do with,
4 you know, the ability to have one document imaged in.
5 So I think you can mark as one exhibit all three
6 parts if you want to note them all as Applicant
7 Exhibit 13.

8 MR. WRIGHT: Okay. That's fine, your
9 Honor. As Applicant Exhibit No. 13 that would
10 include the application filed in this case that was
11 filed on August 14, 2009, and does contain three
12 parts.

13 And as Applicant's Exhibit No. 14 the
14 cooperative agreement entered into between the
15 applicant and the Ohio Department of Natural
16 Resources dated May 5th, 2009, and as indicated
17 earlier, that was filed, a fully-executed copy of
18 that agreement was filed in the docket in this case
19 on February 11th, 2010.

20 That concludes the exhibits, your Honor,
21 and the parties have reached a unanimous stipulation,
22 given that I would like to offer those for admission
23 into the record.

24 ADMINISTRATIVE LAW JUDGE: Thank you,
25 Mr. Wright. Seeing as you are the representative on

1 behalf of all the parties and there are no other
2 parties present, I am assuming there are no
3 objections to the entering of these exhibits into the
4 record, and they will be admitted into the record.

5 MR. WRIGHT: Thank you.

6 (EXHIBITS ADMITTED INTO EVIDENCE.)

7 ADMINISTRATIVE LAW JUDGE: Is there
8 anything further that we need to discuss?

9 MR. WRIGHT: I don't believe, your Honor.
10 We thank you for your time and, again, I'm quite
11 pleased to be able to report that we could come to an
12 agreement in this case.

13 ADMINISTRATIVE LAW JUDGE: Thank you,
14 Mr. Wright.

15 The information in the stipulation will
16 be submitted to the Board for their consideration.
17 This concludes the hearing.

18 MR. WRIGHT: Thank you very much.

19 ADMINISTRATIVE LAW JUDGE: Thank you.

20 (The hearing concluded at 10:16 a.m.)

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CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Friday, February 12, 2010, and carefully compared with my original stenographic notes.

Maria DiPaolo Jones, Registered
Diplomate Reporter and CRR and
Notary Public in and for the
State of Ohio.

My commission expires June 19, 2011.
(MDJ-3515)

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in

Case No(s). 09-0277-EL-BGN

Summary: Transcript Transcript of JW Great Lakes Wind, LLC hearing held on 02/12/10.
electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Jones,
Maria DiPaolo Mrs.