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Vorys, Sater, Seymour and Pease LLP
Legal Counsel

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July 19, 2011

Ms. Betty McCauley, Secretary
Ohio Power Siting Board
180 E. Broad St., 11th Floor
Columbus, OH 43215-3793

Re: Case No. 10-2865-EL-BGN
Black Fork Wind Energy LLC

Dear Ms. McCauley:

I am submitting to you a copy of the newspaper notice that was published on June 30, 2011 in the Mansfield News Journal and in the Bucyrus Telegraph Forum. Attached is an affidavit and copies of the newspaper notice which each occupied a full newspaper page. The Mansfield News Journal is a newspaper of general circulation in Richland County, Ohio; the Bucyrus Telegraph Forum is a newspaper of general circulation in Crawford County.

Thank you in advance for your cooperation.

Sincerely yours,

Stephen M. Howard
Stephen M. Howard

SMH/jaw
Enclosure

cc: John Jones
Orla E. Collier
Chad A. Endsley
John Warrington

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician AM Date Processed 7/19/11

Columbus | Washington | Cleveland | Cincinnati | Akron | Houston

7/19/2011 11828716

Affidavit of Publications

Newspaper: Mansfield ROP, Obits and Legals

LEGAL NOTICE

State of Ohio

ATTACHED

Advertiser:

Vorys, Sater, Seymour

Account #:

N77 0017

RE: Ad Order #: 4626672

Ad Net Cost: \$ 4,928.00

I, Kim Zimmerman Sales Assistant for the

Above mentioned newspaper, hereby certify that the attached

Advertisement appeared in said newspaper on the following dates:

6/30/2011 Mansfield News Journal - Bucyrus Telegraph Forum

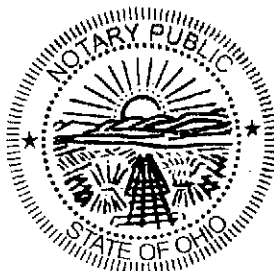
(Last Run Date: 6/30/2011).

Both newspapers are newspapers of general circulation in Richland and Crawford Counties.

Subscribed and sworn to me this 15 day of July, 2011

Sara Rebman

NOTARY PUBLIC



**SARA
REBMAN**
NOTARY PUBLIC,
STATE OF OHIO
My Commission
Expires
Mar. 2, 2014

NOTICE OF PROPOSED MAJOR UTILITY FACILITY (Wind Farm)

Black Fork Wind Energy, LLC, a wholly owned subsidiary of Element Power US, LLC, has filed an application before the Ohio Power Siting Board in Case No. 10-2865-EL-BGN proposing to construct and operate the Black Fork Wind Energy project, a wind-powered electric generation facility to be located in Richland and Crawford Counties, Ohio. The Generation Facility will consist of up to 91 wind turbines and will have a maximum nameplate capacity of up to 200 megawatts (MW). The term "Generation Facility" refers to a "wind-energy facility" as including "all the turbines, collection lines, and other associated equipment." In addition to the turbines, the Generation Facility will also include access roads, electrical collection lines, a construction staging area, a concrete batch plant, three meteorological towers, a switchyard, a substation, and an operation and maintenance (O&M) facility. The substation will collect the wind energy generated by the Generation Facility and deliver the energy through a new transmission line cable, which will be hung on the open position of the existing transmission structures that run through the Project area, distributing energy to the PJM Interconnection, LLC (PJM) transmission grid. The "Project area" encompasses the Generation Facility and any setbacks or temporary construction areas included in the Generation Facility design. The "Project boundary" reflects the outer border of the Project area.

The general purpose of the Generation Facility is to provide up to 200 MW of renewable energy to the transmission grid operated by PJM. The Project will generate electricity using virtually no fuels or water and with effectively zero air emissions and waste generation. This Project is intended to fill the need for a new diverse national energy portfolio that will include a higher percentage of energy generated through the use of renewable resources. This Project is also intended to fill the need for utilities and competitive retail electric service providers to meet the Ohio Alternative Energy Portfolio Standard enacted in 2008 by the Ohio General Assembly with passage of Senate Bill 221. Under S.B. 221 a certain percentage of all electricity used in Ohio must be from renewable sources such as wind power. The percentage of supply of electricity used that must be from renewable sources increases each year until 2025 when at least 25% of the electricity sold in Ohio must be supplied by alternative energy resources. Further, at least half of the alternative energy must be generated from renewable energy resources, such as wind energy, and at least half of the renewable energy must be generated from facilities sited in Ohio.

The Project area includes portions of Auburn, Jackson, Jefferson, Sandusky and Vernon Townships in Crawford County and Plymouth, Sandusky and Sharon Townships in Richland County. In total, over 14,800 acres of land have been leased in the Project area. As proposed, the Generation Facility will utilize up to 91 wind energy turbines producing a maximum generating capacity of approximately 200 MW of energy. The Applicant has considered a variety of wind turbine generator (WTG) models, ranging in generation capacity from 1.6 MW to 3.0 MW. The final turbine technology decision will be made prior to the start of construction and the Power Siting Board will be notified. Also included as part of the Generation Facility are primarily underground electrical collection lines between turbines, access roads, and crane paths to provide construction equipment access to the site during construction. The access roads to the turbines will be maintained after construction to allow for maintenance access once the Generation Facility is operational. Also included are the laydown area and the concrete batch plant that will be used during the construction period, and an O&M building that will be present for the lifetime of the Generation Facility.

In addition, a substation and switch yard will be located in Vernon Township in Crawford County. The substation and switch yard will collect the wind energy generated by the Generation Facility and deliver the energy through the new transmission line cable, which will be hung on the open position of its existing transmission structures that run through the Project area, which then terminates at the AEP Howard Substation for distribution to the PJM transmission grid.

The Crawford County Commissioners (Vermillion, Weisenauer and Ressallat) as well as the Crawford Regional Planning Commission, 112 E. Mansfield Street, Suite 207, Bucyrus, Ohio 44820 each have received a copy of the accepted, completed application pursuant to Rule 4906-5-06 of the Ohio Administrative Code. A copy of the accepted, completed application was also sent to the respective fiscal officers of the Auburn Township Trustees (Studer, Karl and Rader), the Jackson Township Trustees (White, Parrella, Sr. and Kempf), the Jefferson Township Trustees (Burgin, Eichhorn, and Rachel), the Sandusky Township Trustees (Feik, Long and Rietschlin), and the Vernon Township Trustees (Muntis, Niese and Keller), and to the Bucyrus Public Library, 200 E. Mansfield St., Bucyrus, OH 44820 and to the Galion Public Library, 123 N. Market St., Galion, OH 44833.

The Richland County Commissioners (Olson, Utt, and Wert) as well as the Richland County Regional Planning Commission, 35 N. Park St., Suite 230, Mansfield, OH 44902 each have received a copy of the accepted, completed application pursuant to Rule 4906-5-06 of the Ohio Administrative Code. A copy of the accepted, complete application was also sent to the respective fiscal officers of the Plymouth Township Trustees (Fry, King and Miller), the Sandusky Township Trustees (Glauer, Jackson, and Gorbett), and the Sharon Township Trustees (Metzger, Schroeder and Schumacher) and to the Mansfield-Richland County Public Library, 43 W. Third Street, Mansfield, OH 44902, to the Marvin Memorial Library, 29 W. Whitney Avenue, Shelby, OH 44875, and to the Mansfield-Richland County Public Library, Ontario Branch, 2221 Village Mall Drive, Ontario, OH 44906.

A copy of the accepted, complete application is also available for inspection at the Office of the Ohio Power Siting Board, Docketing Division, 180 E. Broad St., 11th Floor, Columbus, OH 43215 and is also available for inspection online at <http://dis.puc.state.oh.us/Documentrecord.aspx?Docid=b7678e04-c417-4592-8f24-fb1ada8f63f0>

Black Fork Wind Energy, LLC has filed with the Ohio Power Siting Board (Board) an application for a certificate to construct, operate, and maintain a wind-powered electric generation facility in Case No. 10-2865-EL-BGN, which is now pending before the Board.

The following eight criteria are set forth in section 4906.10(A) of the Revised Code and used by the Board in reviewing an application for a certificate to construct, operate and maintain such a facility:

- (1) The basis of the need for the facility if the facility is an electric transmission line or a natural gas transmission line;
- (2) The nature of the probable environmental impact;

- (2) The nature of the probable environmental impact;
- (3) That the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations;
- (4) In the case of an electric transmission line or generating facility, that the facility is consistent with the regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems and that the facility will serve the interests of electric system economy and reliability;
- (5) That the facility will comply with Chapters 3704, 3734 and 6111 of the Revised Code and all rules and standard adopted under those chapters and under sections 1501.33, 1501.34, and 4561.32 of the Revised Code. In determining whether the facility will comply will all rules and standards adopted under section 4561.32 of the Revised Code, the Board shall consult with the offices of aviation of the division of multi-modal planning and programs of the department of transportation under section 4561.341 [4561.34.1] of the Revised Code.
- (6) That the facility will serve the public interest, convenience, and necessity;
- (7) In addition to the provisions contained in divisions (A)(1) to (6) of this section and rules adopted under those divisions, what its impact will be on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929 of the Revised Code that is located within the site and alternative site of the proposed major utility facility. Rules adopted to evaluate impact under division (A)(7) of this section shall not require the compilation, creation, submission or production of any information, document, or other data pertaining to land not located within the site and alternative site.
- (8) That the facility incorporates maximum feasible water conservation practices as determined by the Board, considering available technology and the nature and economics of the various alternatives.

Section 4906.07 of the Revised Code provides;

- (A) Upon the receipt of an application complying with section 4906.06 of the Revised Code, the Power Siting Board shall promptly fix a date for a public hearing thereon, not less than sixty nor more than ninety days after such receipt and shall conclude the proceeding as expeditiously as practicable.
- (B) On an application for an amendment of a certificate the Board shall hold a hearing in the same manner as a hearing is held on an application for a certificate if the proposed change in the facility would result in a material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of such facility other than as provided in the alternates set forth in the application.
- (C) The chairman of the Power Siting Board shall cause each application filed with the Board to be investigated and shall, not less than fifteen days prior to the date of any application is set for hearing submit a written report to the Board and to the applicant. A copy of such report shall be made available to any person upon request. Such report shall set forth the nature of the investigation, and shall contain recommended findings with regard to division (A) of section 4906.10 of the Revised Code and shall become part of the record and served upon all parties in the proceeding.

The public hearing shall consist of two parts:

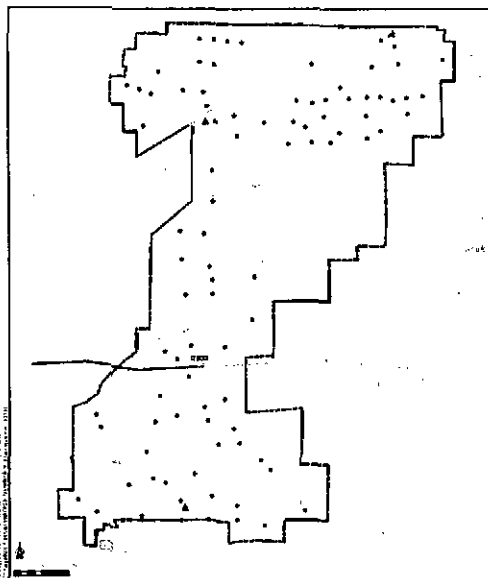
- (a) a local public hearing, pursuant to Section 4906.08(C), Revised Code, where the Board shall accept written or oral testimony from any person on Thursday, September 15, 2011 at 6:00 p.m. at Shelby Senior High School, 109 West Smiley Avenue, Shelby, Ohio 44875, and
- (b) An adjudicatory hearing commencing on Monday, September 19, 2011 at 10:00 a.m. at the offices of the Public Utilities Commissions of Ohio, 180 East Broad Street, 11th Floor, Hearing Room 11-D, Columbus, Ohio 43215-3793.

Section 4906.08(C) of the Revised Code provides:

- (D) The Board shall accept written or oral testimony from any person at the public hearing but the right to call and examine witnesses shall be reserved for parties. However, the Board may adopt rules to exclude repetitive, immaterial, or irrelevant testimony.

Petitions to intervene in the adjudicatory hearing will be accepted by the Board up to 30 days following publication of the notice required by Rule 4906-5-08(C)(1), OAC, or later if good cause is shown. However, the Board strongly encourages interested persons who wish to intervene in the adjudicatory hearing to file their petitions as soon as possible. Petitions should be addressed to the Ohio Power Siting Board, 180 E. Broad Street, Columbus, Ohio 43215-3793, and cite the above-listed case number.

The map shows the proposed layout of the facility.



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