

Vorys, Sater, Seymour and Pease LLP  
Legal Counsel

25  
52 East Gay St.  
PO Box 1008  
Columbus, Ohio 43216-1008

614.464.6400 | www.vorys.com

Founded 1909

Michael J. Settineri  
Direct Dial (614) 464-5462  
Direct Fax (614) 719-5146  
Email mjsettineri@vorys.com

September 28, 2011

Ms. Betty McCauley, Secretary  
Public Utilities Commission of Ohio  
180 E. Broad St., 11th Floor  
Columbus, OH 43215-3793

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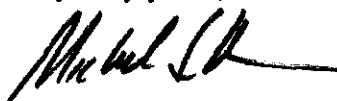
Re: OPSB Case No. 10-2865-EL-BGN  
Black Fork Wind Energy, LLC

Dear Ms. McCauley:

Pursuant to the September 21, 2011 Entry, I am submitting a Joint Stipulation in this case signed by the Applicant, the Staff, and the Ohio Farm Bureau Federation. We reserve the right to file amendments or supplements to the Joint Stipulation involving additional parties.

Thank you for your cooperation.

Very truly yours,



Michael J. Settineri  
Attorneys for Black Fork Wind Energy, LLC

MJS/jaw  
Enclosure

cc: All Parties of Record (w/Encl.)

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.  
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## **BEFORE THE POWER SITING BOARD OF OHIO**

In the Matter of the Application of Black Fork Wind     )  
Energy, LLC for a Certificate to Install Numerous     ) Case No. 10-2865-EL-BGN  
Electricity Generating Wind Turbines in     )  
Crawford and Richland Counties, Ohio     )

### **JOINT STIPULATION AND RECOMMENDATION**

#### **I. INTRODUCTION**

Applicant Black Fork Wind Energy, LLC (“Black Fork” or “Applicant”), the Ohio Farm Bureau Federation and the Staff of the Ohio Power Siting Board (“OPSB Staff”), at times collectively referred to as the “Parties,” submit this Joint Stipulation and Recommendation (“Stipulation”) for adoption by the Ohio Power Siting Board (the “Board”). This Stipulation is intended by the Parties to resolve all matters pertinent to the certification and construction of a wind farm comprised of up to 91 wind turbines with a nameplate capacity between 1.6 and 3.0 MW each, with the aggregate capacity not to exceed 200 MW, and other associated facilities located in Auburn, Jackson, Jefferson, Sandusky and Vernon Townships in Crawford County and Plymouth, Sandusky and Sharon Townships in Richland County (hereinafter referred to as the “Facility”). The Facility is more fully described in Black Fork’s application as deemed complete by the Board in this proceeding.

The Staff Report was issued on August 31, 2011. A local public hearing was held at the Shelby Senior High School, 109 West Smiley Avenue, Shelby, Ohio 44875 at 6:00 pm on September 15, 2011, and the evidentiary hearing commenced on September 19, 2011, at the offices of the Public Utilities Commission of Ohio in Columbus. The Ohio Farm Bureau Federation was granted intervention by Entry of May 3, 2011. The Board of Crawford County Commissioners; the Board of Richland County Commissioners; the Richland County Engineer;

the Plymouth Township Trustees; the Sharon Township Trustees; the Sandusky Township Trustees; John Warrington; Loren Gledhill; Carol Gledhill; Mary Struder; Alan Price; Catherine Price; Thomas Karbula; Nick Rietschlin; Margaret Rietschlin; Bradley Bauer; Debra Bauer; Grover Reynolds; Brett A. Heffner; Gary Biglin; and Karel Davis were granted intervention by Entry of August 30, 2011.

This Stipulation results from discussions between the Parties who acknowledge that this agreement is amply supported by the record and thus is entitled to careful consideration by the Board. Accordingly, the Parties recommend that the Board issue a Certificate of Environmental Compatibility and Public Need for the Facility.

## **II. STIPULATION AND RECOMMENDATION**

### **A. Recommended Conditions**

The proposed project is located in Auburn, Jackson, Jefferson, Sandusky and Vernon Townships in Crawford County, and Plymouth, Sandusky, and Sharon Townships in Richland County. The entire project area includes approximately 14,800 acres of land, of which the Applicant proposes to convert about 67 acres for use for turbine bases, access roads, substation, and other ancillary structures. The project itself involves the construction and operation of a wind farm comprised of up to 91 wind turbines with a nameplate capacity estimated from between 1.6 MW and 3.0 MW with the aggregate capacity not to exceed 200 MW. The following conditions utilize acronyms which are listed on page 23 as Appendix A.

The Parties recommend that the Board issue the Certificate of Environmental Compatibility and Public Need requested by Black Fork subject to the following conditions:

- (1) That the facility be installed at the Applicant's proposed site as presented in the application filed on March 10, 2011, and as modified and/or clarified by the Applicant's supplemental filings and further clarified by recommendations in this Staff Report of Investigation.

Acceptable turbine types shall be limited to the Vestas V100, the General Electric 1.6-100, or the Siemens SWT 2.3-101 models.

- (2) That the Applicant shall utilize the equipment and construction practices as described in the application and as modified and/or clarified in supplemental filings, and replies to data requests and recommendations in the Staff Report of Investigation as modified by this Stipulation.
- (3) That the Applicant shall implement the mitigation measures as described in the application and as modified and/or clarified in supplemental filings, and replies to data requests and recommendations in the Staff Report of Investigation as modified by this Stipulation.
- (4) That any new transmission line proposed for construction in order to deliver electricity from the wind farm shall be presented to the Board in a filing submitted by the transmission line owner, and must be approved by the Board prior to construction of the wind farm.
- (5) That any wind turbine site proposed by the Applicant but not built as part of this project shall be available for OPSB Staff review in a future case.
- (6) That if construction has commenced at a turbine location and it is determined that the location is not a viable turbine site, that site shall be restored to its original condition within thirty (30) days.
- (7) That prior to the commencement of construction, the Applicant shall obtain and comply with all applicable permits and authorizations as required by federal and state laws and regulations for any activities where such permit or authorization is required. Copies of permits and authorizations, including all supporting documentation, shall be provided to OPSB Staff within seven (7) days of issuance or receipt by the Applicant, whichever is sooner.
- (8) That the Applicant shall conduct a pre-construction conference prior to the start of any construction activities. The pre-construction conference shall be attended by OPSB Staff, the Applicant, and representatives from the prime contractor and all sub-contractors for the project. The conference shall include a presentation of the measures to be taken by the Applicant and contractors to ensure compliance with all conditions of the certificate, and discussion of the procedures for on-site investigations by OPSB Staff during construction. Prior to the conference, the Applicant shall provide a proposed conference agenda for OPSB Staff review.
- (9) That at least sixty (60) days before the pre-construction conference, the Applicant shall file a letter with the Board that identifies which of the three turbine models listed in Condition 1 have been selected.
- (10) That at least thirty (30) days before the pre-construction conference, the Applicant shall submit to OPSB Staff, for review and approval, the final turbine engineering drawings for each turbine location.
- (11) That the Applicant shall not commence construction of the facility until it has a signed Interconnection Service Agreement with PJM, the regional transmission organization, which

includes construction, operation, and maintenance of system upgrades necessary to reliably and safely integrate the proposed generating facility into the regional transmission system. The Applicant shall provide a letter stating that the Agreement has been signed or a copy of the signed Interconnection Service Agreement to OPSB Staff.

- (12) That the Applicant redesign the collection line system connecting turbines 30 and 44 to turbine 57, considering among other factors better utilization of disturbed areas of this project. Any redesign will be subject to OPSB Staff approval, prior to commencement of construction.
- (13) That at least thirty (30) days prior to the pre-construction conference and subject to OPSB Staff review and approval, the Applicant shall have in place a complaint resolution procedure in order to address potential operational concerns experienced by the public. The Applicant shall investigate and resolve any issues to the satisfaction of OPSB Staff with those who file a complaint. Any complaint submitted must be immediately forwarded to OPSB Staff.
- (14) That the Applicant develop a screening plan for the site containing the substation, laydown yard, O&M building, and temporary concrete batch plant to reduce visual and noise effects to surrounding residences, for review and approval by OPSB Staff prior to construction.
- (15) That prior to construction, the Applicant shall prepare a Phase I cultural resources survey program for archaeological work at turbine locations, access roads, construction staging areas, and collection lines acceptable to OPSB Staff. If the resulting survey work discloses a find of cultural or archaeological significance, or a site that could be eligible for inclusion on the National Register of Historic Places, then the Applicant shall submit an amendment, modification, or mitigation plan for OPSB Staff's acceptance. Any such mitigation effort shall be developed in coordination with the Ohio Historic Preservation Office and submitted to OPSB Staff for review and acceptance.
- (16) That prior to the commencement of construction, the Applicant shall conduct an architectural survey of the project area. The Applicant shall submit to Staff a work program that outlines areas to be studied. If the architectural survey discloses a find of cultural or architectural significance, or a structure that could be eligible for inclusion on the National Register of Historic Places, then the Applicant shall submit an amendment, modification, or mitigation plan for OPSB Staff's acceptance. Any such mitigation effort shall be developed in coordination with the Ohio Historic Preservation Office and submitted to OPSB Staff for review and acceptance.
- (17) That no commercial signage or advertisements shall be located on any turbine, tower, or related infrastructure. If vandalism should occur, the Applicant shall remove or abate the damage within thirty (30) days of discovery or as extended by OPSB Staff for good cause shown, to preserve the aesthetics of the project. Any abatement other than the restoration to pre-vandalism condition is subject to approval by OPSB Staff.
- (18) That the Applicant shall avoid, where possible, or minimize to the maximum extent practicable, any damage to field tile drainage systems and soils resulting from construction, operation, and/or maintenance of the facility in agricultural areas. Damaged field tile systems

shall be promptly repaired to at least original conditions at the Applicant's expense. Excavated topsoil, with the exception of soil excavated during the laying of cables for the collection system, shall be segregated and restored in accordance with the Applicant's lease agreement with the landowner. Severely compacted soils shall be plowed or otherwise de-compacted, if necessary, to restore them to original conditions unless otherwise agreed to by the landowner.

- (19) That the Applicant shall provide a copy of the Floodplain Development Permit to OPSB Staff within seven (7) days of issuance or receipt by the Applicant, whichever is sooner, for turbines 25, 30, 42, 43, and 83.
- (20) That at least seven (7) days before the pre-construction conference, the Applicant shall submit to OPSB Staff a copy of all NPDES permits including its approved SWPPP, approved SPCC procedures, and its erosion and sediment control plan for review and acceptance. Any soil issues must be addressed through proper design and adherence to the Ohio EPA Best Management Practices ("BMPs") related to erosion and sedimentation control.
- (21) That the Applicant shall employ the following erosion and sedimentation control measures, construction methods, and BMPs when working near environmentally-sensitive areas and/or when in close proximity to any watercourses, in accordance with the Ohio NPDES permit(s) and SWPPP obtained for the project:
  - (a) During construction of the facility, seed all disturbed soil, except within actively cultivated agricultural fields, within seven (7) days of final grading with a seed mixture acceptable to the appropriate County Cooperative Extension Service. Denuded areas, including spoils piles, shall be seeded and stabilized within seven (7) days, if they will be undisturbed for more than twenty-one (21) days. Re-seeding shall be done within seven (7) days of emergence of seedlings as necessary until sufficient vegetation in all areas has been established:
  - (b) Inspect and repair all erosion control measures after each rainfall event of one-half of an inch or greater over a twenty-four (24) hour period, and maintain controls until permanent vegetative cover has been established on disturbed areas:
  - (c) Delineate all watercourses, including wetlands, by fencing, flagging, or other prominent means:
  - (d) Avoid entry of construction equipment into watercourses, including wetlands, except at specific locations where construction has been approved:
  - (e) Prohibit storage, stockpiling, and/or disposal of equipment and materials in these sensitive areas:
  - (f) Locate structures outside of identified watercourses, including wetlands, except at specific locations where construction has been approved: and
  - (g) Divert all storm water runoff away from fill slopes and other exposed surfaces to the greatest extent possible, and direct instead to appropriate catchment structures,

sediment ponds, etc., using diversion berms, temporary ditches, check dams, or similar measures.

- (22) That the Applicant shall remove all temporary gravel and other construction staging area and access road materials after completion of construction activities, as weather permits, unless otherwise directed by the landowner. Impacted areas shall be restored to pre-construction conditions in compliance with the Ohio NPDES permit(s) obtained for the project and the approved SWPPP created for this project.
- (23) That the Applicant shall not dispose of gravel or any other construction material during or following construction of the facility by spreading such material on agricultural land. All construction debris and all contaminated soil shall be promptly removed and properly disposed of in accordance with Ohio EPA regulations.
- (24) That the Applicant shall assure compliance with fugitive dust rules by the use of water spray or other appropriate dust suppressant measures whenever necessary.
- (25) That the Applicant shall have an OPSB Staff-approved environmental specialist on site during construction activities that may affect sensitive areas as mutually-agreed upon between the Applicant and OPSB Staff, and as shown on the Applicant's final approved construction plan, including vegetation clearing, areas such as a designated wetland or stream, and threatened or endangered species or their identified habitat. The environmental specialist shall be familiar with water quality protection issues and potential threatened or endangered species of plants and animals that may be encountered during project construction.
- (26) That the Applicant shall not work in the types of streams listed below during fish spawning restricted periods (April 15 to June 30), unless a waiver is sought from and issued by the ODNR and approved by OPSB Staff releasing the Applicant from a portion of, or the entire restriction period.
  - (a) Class 3 primary headwater streams (watershed < one mi<sup>2</sup>);
  - (b) Exceptional Warmwater Habitat;
  - (c) Coldwater Habitat;
  - (d) Warmwater Habitat; and
  - (e) Streams supporting threatened or endangered species.
- (27) That sixty (60) days prior to the first turbine becoming commercially operational, the Applicant shall submit a post-construction avian and bat monitoring plan for ODNR's Division of Wildlife ("DOW") and OPSB Staff review and approval. This plan will be based on the turbine layout in conjunction with Condition 1 of this report. The Applicant's plan shall be consistent with the ODNR-approved protocol, as outlined in ODNR's *On-Shore Bird and Bat Pre- and Post-Construction Monitoring Protocol for Commercial Wind Energy Facilities in Ohio*, as amended. Unless otherwise set forth in the ODNR-approved protocol,

the post-construction monitoring shall begin within two weeks of operation and be conducted for a minimum of two seasons (April 1 to November 15), which may be split between calendar years. If monitoring is initiated after April 1 and before November 15, then portions of the first season of monitoring shall extend into the second calendar year (e.g., start monitoring on July 1, 2011 and continue to November 15, 2011; resume monitoring April 1, 2012 and continue to June 30, 2012). The second monitoring season may be waived at the discretion of ODNR and OPSB Staff. The monitoring start date and reporting deadlines will be provided in the DOW approval letter and the OPSB concurrence letter. If it is determined that significant mortality, as defined in ODNR's *On-Shore Bird and Bat Pre- and Post-Construction Monitoring Protocol for Commercial Wind Energy Facilities in Ohio*, as amended, has occurred to birds and/or bats, then the DOW and OPSB Staff will require the Applicant to develop a mitigation plan. If required, the Applicant shall submit a mitigation plan to the DOW and OPSB Staff for review and approval within thirty (30) days from the date reflected on ODNR letterhead, in coordination with OPSB Staff, in which the DOW is requiring the Applicant to mitigate for significant mortality to birds and/or bats. Mitigation initiation timeframes shall be outlined in the DOW approval letter and the OPSB concurrence letter.

- (28) That the Applicant shall contact an ODNR approved herpetologist prior to any construction in Auburn Township (Crawford Co.) and Plymouth Township (Richland Co.) to assess potential habitat for the Eastern massasauga rattlesnake. If it is determined that potential habitat exists, OPSB Staff, the DOW, and the U.S. Fish and Wildlife Service ("USFWS") shall be contacted to discuss avoidance and minimization measures.
- (29) That the Applicant shall adhere to seasonal cutting dates of September 30 through April 1 for removal of suitable Indiana bat habitat trees, if avoidance measures cannot be achieved.
- (30) That the Applicant shall reroute the underground electric collection lines proposed between turbine sites 16 and 90, to avoid impacts to the woodlot located between these turbine sites or utilize horizontal directional drilling ("HDD") or another avoidance measure acceptable to OPSB Staff.
- (31) That OPSB Staff, the DOW, and the USFWS shall be immediately contacted if state or federal threatened or endangered species are encountered during construction activities. Construction activities that could adversely impact the identified plants or animals shall be halted until an appropriate course of action has been agreed upon by the Applicant, OPSB Staff, and the DOW in coordination with the USFWS. If threatened or endangered species are encountered during operation activities, then the above referenced notification is required within twenty-four (24) hours. Nothing in this provision shall preclude agencies having jurisdiction over the facility with respect to threatened or endangered species from exercising their legal authority over the facility consistent with law.
- (32) That the Applicant shall conform to any drinking water source protection plan, if it exists, for any part of the facility that is located within drinking water source protection areas of the local villages and cities.



- (33) That the Applicant shall complete a full detailed geotechnical exploration and evaluation at each turbine site to confirm that there are no issues to preclude development of the wind farm. The geotechnical exploration and evaluation shall include borings at each turbine location to provide subsurface soil properties, static water level, rock quality description (RQD), percent recovery, and depth and description of the bedrock contact and recommendations needed for the final design and construction of each wind turbine foundation, as well as the final location of the transformer substation and interconnection substation. The Applicant must fill all boreholes, and borehole abandonment must comply with state and local regulations. The Applicant shall provide copies of all geotechnical boring logs to OPSB Staff and to the ODNR Division of Geological Survey prior to construction.
- (34) That, should site-specific conditions warrant blasting, the Applicant shall submit a blasting plan, at least sixty (60) days prior to blasting, to OPSB Staff for review and acceptance. The Applicant shall submit the following information as part of its blasting plan:
- (a) The name, address, and telephone number of the drilling and blasting company;
  - (b) A detailed blasting plan for dry and/or wet holes for a typical shot. The blasting plan shall address blasting times, blasting signs, warnings, access control, control of adverse effects, and blast records; and
  - (c) A plan for liability protection and complaint resolution.
- (35) That prior to the use of explosives, the Applicant or explosive contractor shall obtain any required license or temporary permit from the local county authority or county sheriff. The Applicant shall submit a copy of the license or permit to OPSB Staff within seven days of obtaining it from the local authority.
- (36) That the blasting contractor shall utilize two blasting seismographs that measure ground vibration and air blast for each blast. One seismograph should be placed at the nearest dwelling and the other placed at the discretion of the blasting contractor.
- (37) That at least thirty (30) days prior to the initiation of blasting operations, the Applicant must notify, in writing, all residents or owners of dwellings or other structures within 1,000 feet of the blasting site. The Applicant or explosive contractor shall offer and conduct a pre-blast survey of each dwelling or structure within 1,000 feet of each blasting site, unless waived by the resident or property owner. The survey must be completed and submitted to OPSB Staff at least ten (10) days before blasting begins.
- (38) That the Applicant shall comply with the turbine manufacturer's most current safety manual and shall maintain a copy of that safety manual in the O&M building of the facility.
- (39) That the Applicant shall become a member of the Ohio Utilities Protection Service prior to commencement of operation of the facility. Notification of membership shall be provided to OPSB Staff and the applicable Board of County Commissioners.

- (40) That the Applicant shall adhere to a setback distance of at least one and one-tenth (1.1) times the total height of the turbine structure, as measured from the tower's base (excluding the subsurface foundation) to the tip of its highest blade, from any natural gas pipeline in the ground at the time of commencement of facility construction. Specifically to conform to this setback distance, the Applicant shall resize and/or relocate turbines 8, 15, 18, 33, and 37 elsewhere on the same or contiguous parcels under control of the Applicant as proposed in the Application or Application Supplement, as necessary. At least thirty (30) days before the pre-construction conference, the Applicant shall submit to OPSB Staff, for review and acceptance, any required studies that changed due to resized and/or relocated turbines.
- (41) That at least thirty (30) days before the pre-construction conference, the Applicant shall submit to OPSB Staff, for review, a proposed emergency and safety plan to be used during construction, to be developed in consultation with the fire department(s) having jurisdiction over the area. Before the first turbine is operational, the Applicant shall submit to OPSB Staff, for review, a fire protection and medical emergency plan to be used during operation of the facility and that addresses training of emergency responders, which shall be developed in consultation with the first responders having jurisdiction over the area.
- (42) That the Applicant shall restrict public access to the site at all times with appropriately placed warning signs or other necessary measures.
- (43) That the Applicant shall instruct workers on the potential hazards of ice conditions on wind turbines.
- (44) The Applicant shall install and utilize an ice warning system that may include an ice detector installed on the roof of the nacelle, ice detection software for the wind turbine controller, automatic vibration monitoring software (Manufacturer warrants it will detect ice) or an ice sensor alarm that triggers an automatic shutdown.
- (45) That the Applicant shall relocate and/or resize turbines 44 and 51 to conform to a setback distance that equals 150 percent of the sum of the hub height and rotor diameter from occupied structures, including businesses. At least thirty (30) days before the pre-construction conference, the Applicant shall submit to OPSB Staff, for review and acceptance, any required studies that changed due to resized turbines and/or relocated turbines.
- (46) That the Applicant shall provide the final delivery route plan and the results of any traffic studies to OPSB Staff, the Crawford County Engineer, and the Richland County Engineer thirty (30) days prior to the pre-construction conference. The Applicant shall complete a study on the final equipment delivery route to determine what improvements will be needed in order to transport equipment to the wind turbine construction sites. The Applicant shall make all improvements outlined in the final delivery route plan prior to equipment and wind turbine delivery. The Applicant may deviate from the final delivery route as necessary, provided the deviation from the final delivery route is submitted to OPSB Staff, ODOT, the applicable Board of County Commissioners and to the applicable County Engineer prior to the use of the alternative delivery route and is approved by the OPSB Staff, ODOT, the applicable Board of County Commissioners and the applicable County

Engineer. The Applicant's delivery route plan and subsequent road modifications shall include, but not be limited to, the following:

- (a) Perform a survey of the final delivery routes to determine the exact locations of vertical constraints where the roadway profile will exceed the allowable bump and dip specifications and outline steps to remedy vertical constraints;
  - (b) Identify locations along the final delivery routes where overhead utility lines may not be high enough for over-height permit loads and coordinate with the appropriate utility company if lines must be raised;
  - (c) Identify roads and bridges that are not able to support the projected loads from delivery of the wind turbines and other facility components and make all necessary upgrades; and
  - (d) Identify locations where wide turns would require modifications to the roadway and/or surrounding areas and make all necessary alterations. Any alterations for wide turns shall be removed and the area restored to its pre-construction condition unless otherwise specified by the County Engineer(s).
- (47) That the Applicant repair damage to government-maintained (public) roads and bridges caused by construction activity. Any damaged public roads and bridges shall be repaired promptly to their pre-construction state by the Applicant under the guidance of the appropriate regulatory agency. Any temporary improvements shall be removed unless the applicable Board of County Commissioners request that they remain. The Applicant shall provide financial assurance to the counties that it will restore the public roads it uses to their pre-construction condition. The Applicant shall also enter into a Road Use Agreement with the applicable Boards of County Commissioners prior to construction and subject to OPSB Staff review. The Road Use Agreement shall contain provisions for the following:
- (a) A pre-construction survey of the conditions of the roads;
  - (b) A post-construction survey of the condition of the roads;
  - (c) An objective standard of repair that obligates the Applicant to restore the roads to the same or better condition as they were prior to construction; and
  - (d) A timetable for posting of the construction road and bridge bond prior to the use or transport of heavy equipment on public roads or bridges.
- (48) That the facility owner and/or operator repair damage to government-maintained (public) roads and bridges caused by decommissioning activity. Any damaged public roads and bridges shall be repaired promptly to their pre-decommissioning state by the facility owner and/or operator under the guidance of the appropriate regulatory agency having jurisdictional authority. The Applicant shall provide financial assurance to the counties that it will restore the public roads and bridges it uses to their pre-decommissioning condition. These terms shall be defined in a Road Use Agreement between the Applicant and the applicable Board of

County Commissioners prior to construction. The Road Use Agreement shall be subject to OPSB Staff review and shall contain provisions for the following:

- (a) A pre-decommissioning survey of the condition of public roads and bridges conducted within a reasonable time prior to decommissioning activities;
  - (b) A post-decommissioning survey of the condition of public roads and bridges conducted within a reasonable time after decommissioning activities;
  - (c) An objective standard of repair that obligates the facility owner and/or operator to restore the public roads and bridges to the same or better condition as they were prior to decommissioning; and
  - (d) A timetable for posting of the decommissioning road and bridge bond prior to the use or transport of heavy equipment on public roads or bridges.
- (49) That the Applicant shall obtain all required county and township transportation permits and all necessary permits from ODOT. Any temporary or permanent road closures necessary for construction and operation of the proposed facility shall be coordinated with the appropriate entities including, but not limited to, the Crawford County Engineer, the Richland County Engineer, ODOT, local law enforcement, and health and safety officials.
- (50) That at least thirty (30) days prior to the pre-construction conference and upon selection of the turbine model to be developed, the Applicant shall provide the following to OPSB for Staff review and approval to the extent such information exists and is released to the Applicant by the turbine manufacturer:
  - (a) The low frequency sound values (SPL, dB, Hz) expected to be produced;
  - (b) The A-weighted and C-weighted sound power levels, as well as one-third octave band measurements for the 20 and 25 Hz bands, and a separate evaluation of the data for low frequency and impulsivity in accordance with the methodologies set forth within IEC 61400-11, Annex A, A.3, *Low Frequency Noise*, and A.4, *Impulsivity*; and
  - (c) The tonal audibility.
- (51) That if pre-construction acoustic modeling indicates a facility contribution that exceeds the project ambient nighttime LEQ (43 dBA) plus 5 dBA at the exterior of any non-participating residences within one mile of the facility boundary, the facility shall be subject to further study of the potential impact and possible mitigation prior to construction. Mitigation, if required, shall consist of either reducing the impact so that the facility contribution at the exterior of the non-participating residence does not exceed the project ambient nighttime LEQ (43 dBA) plus 5 dBA, or other means of mitigation approved by OPSB Staff in conjunction with the affected receptor(s).
- (52) That after commencement of commercial operation, the Applicant shall conduct further review of the impact and possible mitigation of all project noise complaints. Mitigation shall

be required if the project contribution at the exterior of any non-participating residence within one mile of the project boundary exceeds the greater of (a) the project ambient nighttime LEQ (43 dBA) plus 5 dBA, or (b) the validly measured ambient LEQ plus five dBA at the location of the complaint and during the same time of day or night as that identified in the complaint. Mitigation, if required, shall consist of either reducing the impact so that the project contribution does not exceed the greater of (a) the project ambient nighttime LEQ (43 dBA) plus 5 dBA, or (b) the validly measured ambient LEQ plus 5 dBA at the location of the complaint and at the same time of day or night as identified in the complaint, or other means of mitigation approved by OPSB Staff in coordination with the affected receptor(s).

- (53) That general construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m., or until dusk when sunset occurs after 7:00 pm. This limitation shall not apply to nacelle, tower, and rotor erection activities which may need to be carried out during low wind, nighttime hours for safety reasons. Impact pile driving and blasting operations, if required, shall be limited to the hours between 7:00 a.m. to 7:00 p.m., Monday through Friday. Construction activities that do not involve noise increases above ambient levels at sensitive receptors are permitted outside of daylight hours when necessary. The Applicant shall notify property owners or affected tenants within the meaning of Ohio Adm. Code 4906-5-08(C)(3), of upcoming construction activities including potential for nighttime construction activities.
- (54) That at least thirty (30) days prior to the pre-construction conference, the Applicant shall complete a "realistic" shadow flicker analysis for all inhabited non-participating receptors already modeled to be in excess of 30 hours per year of shadow flicker and provide the results to OPSB Staff for review and acceptance. This analysis shall incorporate reductions for trees, vegetation, buildings, obstructions, turbine line of sight, operational hours, wind direction, and sunshine probabilities.
- (55) That any turbine forecasted prior to construction to create in excess of 30 hours per year of shadow flicker at a non-participating habitable receptor within 1,000 meters shall be subject to further review and possible mitigation. Mitigation shall be completed before commercial operation commences and consist of either reducing the turbine's forecasted impact to 30 hours per year, or other measures approved by OPSB Staff in consultation with the affected receptor(s).
- (56) That prior to construction, the Applicant shall submit the final layout and turbine locations to the National Telecommunications and Information Administration for review and approval. Any concerns identified regarding obstruction to microwave or other communication systems shall be forwarded to OPSB Staff for review and acceptance prior to construction.
- (57) That the Applicant must meet all Federal Communications Commission and other federal agency requirements to construct an object that may affect communications and, subject to OPSB Staff approval, mitigate any effects or degradation caused by wind turbine operation. For any residence that is shown to experience a degradation of TV and cell phone reception due to the facility operation, the Applicant shall provide, at its own expense, cable or direct broadcast satellite TV service and/or cell phone service.

- (58) That at least thirty (30) days prior to the pre-construction conference, the Applicant shall complete a baseline television reception and signal strength study and provide the results to OPSB Staff for review and acceptance.
- (59) That all licensed microwave paths and communication systems, as identified within the application and all other communications studies performed for this project, shall be subject to avoidance or mitigation. The Applicant shall complete avoidance or mitigation measures prior to construction for impacts that can be predicted in sufficient detail to implement appropriate and reasonable avoidance and mitigation measures. After construction, the Applicant shall mitigate all observed impacts of the project to microwave paths and systems existing or planned prior to construction within seven (7) days or within a longer time period approved by OPSB Staff. Avoidance and mitigation measures for any known point-to-point microwave paths shall consist of either shifting the location of the turbine(s) so as to not affect any known microwave paths, or other measures approved by OPSB Staff, the Applicant, and the affected path owner, operator, or licensee(s). If interference with an omnidirectional or multi-point system is observed after construction, mitigation would be required only for the affected receptor(s).
- (60) That the Applicant must meet all FAA and federal agency requirements to construct an object that may affect existing local and/or long-range radar, and mitigate any effects or degradation caused by wind turbine operation as required by the FAA or any federal agency.
- (61) That if any turbine is determined to cause NEXRAD interference, the Applicant shall propose a technical or administrative work plan, protecting proprietary interests in wind speed data, which provides for the release of real-time meteorological data to the National Weather Service office in Wilmington, Ohio. If an uncontrollable event should render this data temporarily unavailable, the Applicant shall exert reasonable effort to restore connectivity in a timely manner
- (62) That the Applicant must meet all recommended and prescribed FAA and ODOT Office of Aviation requirements to construct an object that may affect navigable airspace. This includes submitting all final turbine locations for ODOT Office of Aviation and FAA review prior to construction, and the non-penetration of any FAA *Part 77* surfaces.
- (63) That thirty (30) days prior to any construction, the Applicant notify, in writing, any owner of an airport located within two miles of the project boundary, whether public or private, whose operations, operating thresholds/minimums, landing/approach procedures and/or vectors are expected to be altered by the siting, operation, maintenance, or decommissioning of the facility.
- (64) That during construction and after operation, all applicable structures be lit in accordance with FAA circular 70/7460-1 K Change 2, *Obstruction Marking and Lighting*; Chapters 4, 12, and 13 (Turbines); or as otherwise prescribed by the FAA.
- (65) That the Applicant shall file all 7460-2 forms with the FAA at least forty-two (42) days prior to construction and to OPSB Staff for review and acceptance.

(66) That the Applicant, facility owner, and/or facility operator shall comply with the following conditions regarding decommissioning:

(a) That the Applicant, facility owner, and/or facility operator shall provide the final decommissioning plan to OPSB Staff and the County Engineer(s) for review, and for OPSB Staff approval, at least thirty days prior to the pre-construction conference. The plan shall:

- i. Indicate the intended future use of the land following reclamation;
- ii. Describe the following: engineering techniques and major equipment to be used in decommissioning and reclamation; a surface water drainage plan and any proposed impacts that would occur to surface and ground water resources and wetlands; and a plan for backfilling, soil stabilization, compacting, and grading; and
- iii. Provide a detailed timetable for the accomplishment of each major step in the decommissioning plan, including the steps to be taken to comply with applicable air, water, and solid waste laws and regulations and any applicable health and safety standards in effect as of the date of submittal.

(b) That the facility owner and/or facility operator shall file a revised decommissioning plan to the OPSB Staff and the County Engineer(s) every five (5) years from the commencement of construction. The revised plan shall reflect advancements in engineering techniques and reclamation equipment and standards. The revised plan shall be applied to each five-year decommissioning cost estimate. The decommissioning plan and any revisions shall be reviewed and approved by the OPSB Staff prior to implementation.

(c) That the facility owner and/or facility operator shall, at its expense, complete decommissioning of the facility, or individual wind turbines, within twelve months after the end of the useful life of the facility or individual wind turbines. If no electricity is generated for a continuous period of twelve (12) months, or if the Board deems the facility or turbine to be in a state of disrepair warranting decommissioning, the wind energy facility or individual wind turbines will be presumed to have reached the end of its useful life. The Board may extend the useful life period for the wind energy facility or individual turbines for good cause as shown by the facility owner and/or facility operator. The Board may also follow the procedures provided for under Ohio Adm. Code Chapter 4906-9, including holding an evidentiary hearing on an alleged violation, to require decommissioning of individual wind turbines due to safety, wildlife impact, or other issues that prevent the turbine from operating within the terms of the Certificate.

(d) That decommissioning shall include the removal and transportation of the wind turbines off site. Decommissioning shall also include the removal of buildings, cabling, electrical components, access roads, and any other associated facilities,

unless otherwise mutually agreed upon by the facility owner and/or facility operator and the landowner. All physical material pertaining to the facility and associated equipment shall be removed to a depth of at least thirty-six inches beneath the soil surface and transported off site. The disturbed area shall be restored to the same physical condition that existed before erection of the facility. Damaged field tile systems shall be repaired to the satisfaction of the property owner.

- (e) That during decommissioning, all recyclable materials, salvaged and non-salvaged, shall be recycled to the furthest extent practicable. All other non-recyclable waste materials shall be disposed of in accordance with state and federal law.
- (f) That the facility owner and/or facility operator shall not remove any improvements made to the electrical infrastructure if doing so would disrupt the electric grid, unless otherwise approved by the applicable regional transmission organization and interconnection utility.
- (g) That subject to approval by OPSB Staff, and seven days prior to the pre-construction conference, an independent, registered Professional Engineer, licensed to practice engineering in the state of Ohio, shall be retained by the Applicant, facility owner, and/or facility operator to estimate the total cost of decommissioning in current dollars, without regard to salvage value of the equipment. Said estimate shall include: (1) an identification and analysis of the activities necessary to implement the most recent approved decommissioning plan including, but not limited to, physical construction and demolition costs assuming good industry practice and based on ODOT's *Procedure for Budget Estimating and RS Means* material and labor cost indices or any other publication or guidelines approved by OPSB Staff; (2) the cost to perform each of the activities; (3) an amount to cover contingency costs, not to exceed 10 percent of the above calculated reclamation cost. Said estimate will be converted to a per-turbine basis (the "Decommissioning Costs"), calculated as the total cost of decommissioning of all facilities as estimated by the Professional Engineer divided by the number of turbines in the most recent facility engineering drawings. This estimate shall be conducted every five years by the facility owner and/or facility operator.
- (h) That the Applicant, facility owner and/or facility operator shall post and maintain for decommissioning, at its election, funds, a surety bond, or similar financial assurance in an amount equal to the per-turbine Decommissioning Costs multiplied by the sum of the number of turbines constructed and under construction. The funds, surety bond, or financial assurance need not be posted separately for each turbine so long as the total amount reflects the aggregate of the Decommissioning Costs for all turbines constructed or under construction. For purposes of this condition, a turbine is considered to be under construction at the commencement of excavation for the turbine foundation. The form of financial assurance or surety bond shall be a financial instrument mutually agreed upon by OPSB Staff and the Applicant, the facility owner, and/or the facility operator. The financial assurance shall ensure the faithful performance of all requirements and reclamation conditions of the most recently filed and approved decommissioning and reclamation plan. At least thirty



(30) days prior to the pre-construction conference, the Applicant, the facility owner, and/or the facility operator shall provide an estimated timeline for the posting of decommissioning funds based on the construction schedule for each turbine. Prior to commencement of construction, the Applicant, the facility owner, and/or the facility operator shall provide a statement from the holder of the financial assurance demonstrating that adequate funds have been posted for the scheduled construction. Once the financial assurance is provided, the Applicant, facility owner and/or facility operator shall maintain such funds or assurance throughout the remainder of the applicable term and shall adjust the amount of the assurance, if necessary, to offset any increase or decrease in the Decommissioning Costs.

- (i) That the decommissioning funds, surety bond, or financial assurance shall be released by the holder of the funds, bond, or financial assurance when the facility owner and/or facility operator has demonstrated, and the OPSB Staff concurs, that decommissioning has been satisfactorily completed, or upon written approval of the Board, in order to implement the decommissioning plan.
- (67) That at least thirty (30) days before the pre-construction conference, the Applicant shall submit to OPSB Staff, for review and acceptance, the following documents:
- (a) One set of detailed engineering drawings of the final project design, including all turbine locations, collection lines, access roads, the crane route, permanent meteorological towers, substations, construction staging areas, and any other associated facilities and access points, so that OPSB Staff can determine that the final project design is in compliance with the terms of the certificate. The final project layout shall be provided in hard copy and as geographically-referenced electronic data. The final plan shall include both temporary and permanent access routes, as well as the measures to be used for restoring the area around all temporary sections, and a description of any long-term stabilization required along permanent access routes. The plan shall consider the location of streams, wetlands, wooded areas, and sensitive plant species as identified by the ODNR Division of Natural Areas and Preserves, and explain how impacts to all sensitive resources will be avoided or minimized during construction, operation, and maintenance
  - (b) A stream and/or wetland crossing plan including details on specific streams and/or ditches to be crossed, either by construction vehicles and/or facility components (e.g., access roads, electric collection lines), as well as specific discussion of proposed crossing methodology for each stream crossing and post-construction site restoration. The stream crossing plan shall be based on final plans for the access roads and electric collection system.
  - (c) A detailed frac-out contingency plan for stream and wetland crossings that are expected to be completed via HDD. Such contingency plan may be incorporated within the required stream and/or wetland crossing plan.
  - (d) A tree clearing plan describing how trees and shrubs around turbines, along access routes, in electric collection line corridors, at construction staging areas, and in

proximity to any other project facilities will be protected from damage during construction, and, where clearing cannot be avoided, how such clearing work will be done so as to minimize removal of woody vegetation. Priority should be given to protecting mature trees throughout the project area, and all woody vegetation in wetlands and riparian areas, both during construction and during subsequent operation and maintenance of all facilities.

- (68) That if any changes are made to the project layout after the submission of final engineering drawings, all changes shall be provided to OPSB Staff in hard copy and as geographically-referenced electronic data. All changes outside the environmental survey areas and any changes within environmentally-sensitive areas will be subject to OPSB Staff review and approval prior to construction.
- (69) That within sixty (60) days after the commencement of commercial operation, the Applicant shall submit to OPSB Staff a copy of the as-built specifications for the entire facility. If the Applicant demonstrates that good cause prevents it from submitting a copy of the as-built specifications for the entire facility within 60 days after commencement of commercial operation, it may request an extension of time for the filing of such as-built specifications. The Applicant shall use reasonable efforts to provide as-built drawings in both hard copy and as geographically-referenced electronic data.
- (70) That the certificate shall become invalid if the Applicant has not commenced a continuous course of construction of the proposed facility within five (5) years of the date of journalization of the certificate.
- (71) That the Applicant shall provide to OPSB Staff the following information as it becomes known:
  - (a) The date on which construction will begin;
  - (b) The date on which construction was completed; and
  - (c) The date on which the facility began commercial operation.

**B. Other Terms and Conditions**

(1) This Stipulation is expressly conditioned upon its acceptance by the Board without material modification. In the event the Board rejects or materially modifies all or part of this Stipulation or imposes additional conditions or requirements upon the parties, each party shall have the right, within thirty (30) days of the Board's order, to file an application for rehearing with the Board. Upon rehearing by the Board, each party shall have the right, within ten (10) days of the Board's order on rehearing, to file a notice of termination of, and withdrawal from, the Stipulation. Upon notice of termination and withdrawal of the Stipulation by any party, pursuant to the above provisions, the Stipulation shall immediately become null and void. In such an event, a hearing shall go forward, and the parties shall be afforded the opportunity to present

evidence through witnesses, to cross-examine all witnesses, to present rebuttal testimony, and to file briefs on all issues.

(2) The Parties agree and recognize that this Stipulation has been entered into only for the purpose of this proceeding. Each party agrees not to assert against another party in any proceeding before the Board or any court, other than in a proceeding to enforce the terms of this Stipulation, that party's participation in this Stipulation as support for any particular position on any issue. Each party further agrees that it will not use this Stipulation as factual or legal precedent on any issue. The Parties request that the Board recognize that its use of this Stipulation in any proceeding other than this proceeding is contrary to the intentions of the parties in entering into this Stipulation.

### **III. FINDINGS**

The Parties agree that the record in this case, provided the Board approves the conditions in this Stipulation, contains sufficient probative evidence for the Board to find and determine, as Findings of Fact and Conclusions of Law, that:

#### **A. Findings of Fact**

- (1) Black Fork Wind Energy, LLC is a wholly-owned subsidiary of Element Power US, LLC and licensed to do business in the State of Ohio.
- (2) The Facility qualifies as a major utility facility as defined in 4906.01(B)(1) of the Ohio Revised Code and a wind-powered electric generation facility defined in OAC Rule 4906-17-01.
- (3) On December 1, 2010, the Applicant filed a pre-application notice of a public informational meeting.
- (4) On January 11, 2011, the Applicant filed Proofs of Publication made on December 7, 2010 in the *Mansfield News Journal* and the *Bucyrus Telegraph Forum* of the public informational meeting held on December 16, 2010 in accordance with OAC Rule 4906-05-08.
- (5) The Applicant held the public informational meeting at the Shelby High School, David A. Jones Theatre, 109 W. Smiley Avenue, Shelby, Ohio 44875 on December 16, 2010 from 6:00 PM to 8:00 PM.
- (6) On March 9, 2010, the Applicant filed a motion for waivers of certain filing requirements in OAC Chapter 4906-17, as well as for a waiver of the requirement to file an application one year prior to commencement of construction under Section 4906.06(A)(6) of the Ohio Revised Code.

- (7) The Applicant formally submitted its application for a certificate to construct the proposed wind-powered electric generating facility in Crawford and Richland Counties, Ohio on March 10, 2011.
- (8) The Administrative Law Judge, by Entry dated May 3, 2011, granted in part the Applicant's waiver requests subject to some clarifications.
- (9) On June 10, 2011, the Chairman of the Board issued a letter to the Applicant stating that the application, as filed on March 10, 2011 and as supplemented, was found to comply with OAC Chapter 4906.
- (10) On June 17, 2011, the Applicant filed a Certificate of Service indicating that copies of the application were served upon local public officials and libraries.
- (11) On June 22, 2011, the Administrative Law Judge issued an Entry scheduling a local public hearing for this case on September 15, 2011, at the Shelby Senior High School, 109 W. Smiley Avenue, Shelby, Ohio 44875 and an adjudicatory hearing for September 19, 2011, at the offices of the PUCO; and accepted the Application for filing for purposes of publication.
- (12) On July 19, 2011, the Applicant filed the first Proofs of Publication indicating that notice was published in the *Mansfield News Journal* and in the *Bucyrus Telegraph Forum* on June 30, 2011, describing the application and listing the hearing dates in accordance with OAC Rule 4906-5-08(C)(1).
- (13) On August 30, 2011, the Applicant filed a sample letter sent to over 1,086 Ohio property owners and affected tenants which was mailed August 13, 2011 by first class mail. The complete list of property owners was included as Attachment B attached to the filings. The August 13, 2011 mailing complies with OAC Rule 4906-5-08(C)(3).
- (14) The Staff Report was filed on August 31, 2011.
- (15) On September 12 and 19, 2011, the Applicant filed the second Proofs of Publication indicating that notice was published in the *Mansfield News Journal*, the *Bucyrus Telegraph Forum* and the *Crestline Advocate* on September 7, 2011 describing the application and listing the hearing dates in accordance with OAC Rule 4906-5-08(C)(2).
- (16) A local public hearing was held on September 15, 2011 in Shelby, Ohio.
- (17) An adjudicatory hearing commenced on September 19, 2011 in Columbus, Ohio.
- (18) The basis of need requirement in Section 4906.10(A)(1) of the Ohio Revised Code is inapplicable to this project.

- (19) Adequate data on the project has been provided to determine the nature of the probable environmental impact as required by Section 4906.10(A)(2) of the Ohio Revised Code.
- (20) Adequate data on the project has been provided to determine that the Facility described in the Application and subject to the conditions in this Stipulation represents the minimum adverse environmental impact, considering the available technology and nature and economics of the various alternatives, and other pertinent considerations as required by Section 4906.10(A)(3) of the Ohio Revised Code.
- (21) Adequate data on the project has been provided to determine that the proposed electric generating facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving the State of Ohio and interconnected utility systems, that the Facility will serve the interests of electric system economy and reliability, and the requirements of Section 4906.10(A)(4) of the Ohio Revised Code are met.
- (22) Adequate data on the project has been provided to determine that the wind farm project will either comply with, or is not subject to, the requirements in the Ohio Revised Code regarding air and water pollution control, withdrawal of waters of the state, solid and hazardous wastes, air navigation, and all regulations there under, as required by Section 4906.10(A)(5) of the Ohio Revised Code.
- (23) Adequate data on the project has been provided to determine that the Facility will serve the public interest, convenience, and necessity, as required by Section 4906.10(A)(6) of the Ohio Revised Code.
- (24) Adequate data on the project has been provided to determine what the Facility's impact will be on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929 of the Ohio Revised Code that is located within the site of the proposed Facility, as required by Section 4906.10(A)(7) of the Ohio Revised Code.
- (25) Adequate data on the project has been provided to determine that the Facility as proposed incorporates maximum feasible water conservation practices considering available technology and the nature and economics of the various alternatives as required by Section 4906.10(A)(8) of the Ohio Revised Code.
- (26) The record evidence in this matter provides sufficient factual data to enable the Board to make an informed decision.

**B. Conclusions of Law**

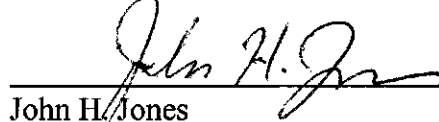
- (1) Black Fork Wind Energy, LLC is a "person" under Section 4906.01(A) of the Ohio Revised Code.

- (2) The proposed Facility is a major utility facility as defined in Section 4906.01(B)(1) of the Ohio Revised Code.
- (3) Black Fork's Application complies with the requirements of OAC Chapter 4906-17.
- (4) The requirement for the need for the Facility under Section 4906.10(A)(1) of the Ohio Revised Code is inapplicable.
- (5) The record establishes the nature of the probable environmental impact from construction, operation and maintenance of the Facility under Section 4906.10(A)(2) of the Ohio Revised Code.
- (6) The record establishes that the Facility described in the Application and subject to the conditions in this Stipulation 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 under Section 4906.10(A)(3) of the Ohio Revised Code.
- (7) The record establishes that the Facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving the State of Ohio and interconnected utility systems, and will serve the interests of electric system economy and reliability as required by Section 4906.10(A)(4) of the Ohio Revised Code.
- (8) The record establishes, as required by Section 4906.10(A)(5) of the Ohio Revised Code, that to the extent that any of them are applicable, construction of the proposed Facility will comply with the requirements in the Ohio Revised Code regarding air and water pollution control, withdrawal of waters of the state, solid and hazardous wastes, air navigation, and all rules and standards adopted under the relevant Chapters of the Ohio Revised Code.
- (9) The record establishes that the Facility described in the Application and subject to the conditions in this Stipulation will serve the public interest, convenience and necessity under Section 4906.10(A)(6) of the Ohio Revised Code.
- (10) The Facility's impact on the viability as agricultural land of any land in an existing agricultural district has been determined under Section 4906.10(A)(7) of the Ohio Revised Code.
- (11) The record establishes that the Facility would incorporate maximum feasible water conservation practices under Section 4906.10(A)(8) of the Ohio Revised Code.
- (12) Based on the record, the Parties recommend that the Board issue a Certificate of Environmental Compatibility and Public Need for construction, operation, and maintenance of the Facility.

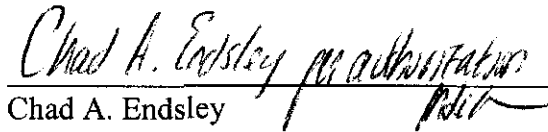
The undersigned hereby stipulate, agree and represent that they are authorized to enter into this Joint Stipulation and Recommendation on this 28th day of September, 2011. Furthermore, the parties expressly agree that this Joint Stipulation and Recommendation may be amended and/or supplemented in a writing executed by the Parties.



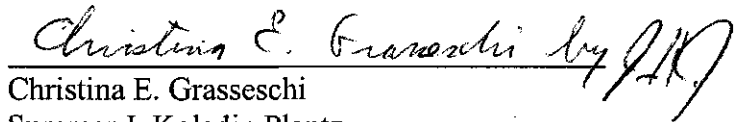
M. Howard Petricoff  
Stephen M. Howard  
Michael J. Settineri  
Vorys, Sater, Seymour and Pease LLP  
52 East Gay Street, P.O. Box 1008  
Columbus, Ohio 43216-1008  
Attorneys for Black Fork Wind Energy, LLC



John H. Jones  
Stephen A. Reilly  
Assistant Attorney Generals  
Public Utilities Section  
Office of Ohio Attorney General Mike DeWine  
180 E. Broad Street, 6<sup>th</sup> Floor  
Columbus, Ohio 43215  
Attorneys for the Ohio Power Siting Board  
Staff



Chad A. Endsley  
Ohio Farm Bureau Federation  
280 North High Street  
PO Box 182383  
Columbus, Ohio 43218  
Attorney for the Ohio Farm Bureau Federation



Christina E. Grasseschi  
Summer J. Koladin Plantz  
Assistant Attorney Generals  
Environmental Enforcement  
Office of Ohio Attorney General Mike DeWine  
30 East Broad Street, 25th Floor  
Columbus, Ohio 43215  
Attorneys for the Ohio Power Siting Board  
Staff

## APPENDIX A

### ACRONYMS

<b>AEP</b>	American Electric Power
<b>BMP</b>	best management practices
<b>dBA</b>	decibels (A-weighted)
<b>DOW</b>	ODNR Division of Wildlife
<b>FAA</b>	Federal Aviation Administration
<b>HDD</b>	horizontal directional drill(ing)
<b>Hz</b>	hertz
<b>kV</b>	kilovolts
<b>MW</b>	megawatts
<b>NERC</b>	North American Electric Reliability Corporation
<b>NPDES</b>	National Pollutant Discharge Elimination System
<b>NRHP</b>	National Register of Historic Places
<b>O&amp;M</b>	operations and maintenance
<b>OAC</b>	Ohio Administrative Code
<b>ODA</b>	Ohio Department of Agriculture
<b>ODD</b>	Ohio Department of Development
<b>ODH</b>	Ohio Department of Health
<b>ODNR</b>	Ohio Department of Natural Resources
<b>ODOT</b>	Ohio Department of Transportation
<b>Ohio EPA</b>	Ohio Environmental Protection Agency
<b>OHPO</b>	Ohio Historic Preservation Office
<b>OPSB</b>	Ohio Power Siting Board
<b>ORC</b>	Ohio Revised Code
<b>PUCO</b>	Public Utilities Commission of Ohio
<b>SPCC</b>	Spill Prevention, Containment, and Countermeasure
<b>SWPPP</b>	Storm Water Pollution Prevention Plan
<b>USACE</b>	U.S. Army Corps of Engineers
<b>USFWS</b>	U.S. Fish and Wildlife Service



## **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing document was served by hand delivery upon John Jones and Stephen Reilly, Assistant Attorneys General, Public Utilities Section, 180 E. Broad Street, 6<sup>th</sup> Floor, Columbus, OH 43215 and via overnight mail upon the following persons listed below this 28th day of September 2011:

Debra Bauer and Bradley Bauer  
7298 Remlinger Road  
Crestline, Ohio 44827-9775

Margaret and Nick Rietschlin  
4240 Baker Road  
Crestline, Ohio 44827-9775

Gary Biglin  
5331 State Route 61 South  
Shelby, Ohio 44875

Orla Collier III  
Benesch, Friedlander, Coplan & Arnoff LLP  
41 South High Street, 26<sup>th</sup> Floor  
Columbus, Ohio 43215

Karel A. Davis  
6675 Champion Road  
Shelby, Ohio 44875

Mary Studer  
6716 Remlinger Road  
Crestline, Ohio 44827-9775

Carol and Loren Gledhill  
7256 Remlinger Road  
Crestline, Ohio 44827-9775

John Warrington  
7040 SR 96  
Tiro, Ohio 44887

Brett A. Heffner  
3429 Stein Road  
Shelby, Ohio 44875

Thomas Karbula  
3026 Solinger Road  
Crestline, Ohio 44827-9775

Ohio Farm Bureau Federation  
Chad A. Endsley  
280 North High Street  
PO Box 182383  
Columbus, Ohio 43218

Alan and Catherine Price  
7956 Remlinger Road  
Crestline, Ohio 44827-9775

Grover Reynolds  
7179 Remlinger Road  
Crestline, Ohio 44827-9775

  
Michael J. Settineri