

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of **BLUE CREEK**)
WIND FARM, LLC for a **Second** Amendment to its)
Certificate to Install a Wind-Powered Electric) Case No. 11-3644-EL-BGA
Generation Facility in the Counties of Van Wert and)
Paulding, Ohio.)

**Statement in Support of the Stipulation
of
Dan Litchfield, on behalf of
Blue Creek Wind Farm, LLC**

September 30, 2011

Statement of Dan Litchfield

I am giving this statement in my capacity as a Business Developer and the lead developer for the Blue Creek Wind Farm that is under construction in Van Wert and Paulding Counties, Ohio. I am employed by Iberdrola Renewables, Inc. which is the sole member and manager of Blue Creek Wind Farm, LLC (“Blue Creek”), the applicant in this amendment proceeding. My business address is 110 North Brockway, Suite 340, Palatine, Illinois, 60067. I have been responsible for supervising the preparing the application and amendments, managing the project, including retaining consultants and coordinating the development of the Blue Creek Wind Farm.

The Ohio Power Siting Board (“Board”) granted Blue Creek Wind Farm a certificate in Case No. 09-1066-EL-BGN on August 23, 2010. This statement is intended to explain the background of the Stipulation that has been presented in this case and to support its adoption by the Board. I will provide background about the process that led to the stipulation and give reasons why I believe the stipulation should be adopted.

The Staff and the Applicant have had discussions about our different interpretations of Condition 43 as originally set forth in the certificate approved by the Board since early this year. These discussions led to the Blue Creek’s submitting a new noise study that was filed in the first amendment case, Case No. 11-1995-EL-BGA, which the Board approved on July 25, 2011 for eight new turbine sites. Blue Creek submitted a new noise study that covered the entire project area however.

When Blue Creek filed this Second Amendment, there were many discussions over a long period of time about the appropriate noise level that would serve as the floor level. Once the Staff indicated its preference for a 42.3 dBA, there were even more discussions. Blue Creek provided additional information to the Staff and ultimately the parties worked together to resolve these differences with an agreement of a slightly higher dBA measurement than the Staff recommended. This measurement is lower than the one that the Blue Creek had advocated. The conclusion of all the discussions on noise

is embodied in the Stipulation filed in this proceeding that recommends a maximum nighttime ambient L_{EQ} of 43.6 dBA.

In my opinion, all of the negotiations were held in good faith with legitimate concerns being expressed by the parties. The Stipulation represents the product of a number of serious discussions between and among knowledgeable persons. I believe that this Stipulation represents a reasonable compromise that balances competing positions and therefore it does not necessarily reflect the position that one or more of the parties would have taken if these issues had been fully litigated. This Stipulation recommends a maximum level that provides clarity for the sound measurement and therefore serves the public interest. In addition, avoidance of a more lengthy contested hearing also serves the public interest. Finally, the parties believe that the Stipulation is in harmony with regulatory principles and practice.

Because of the cooperation of the Staff, we believe that the stipulated Condition 43 represents an improvement over the original condition in Case No. 09-1066-EL-BGN. On behalf of the Blue Creek, I can say that we appreciate the Staff's receptivity to our concerns and their willingness to work out a satisfactory solution.

It is my understanding that although a stipulation is not binding upon the Board, there is court precedent that the terms of a stipulation such as is presented here, should be accorded substantial weight especially when it is unopposed, signed by all the parties and resolves all the issues in the proceeding. It is for all these reasons that I urge the Board to approve the Stipulation.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Statement of Dan Litchfield was served upon the following parties of record electronically and via regular U.S. Mail this 30th day of September 2011.


Sally W. Bloomfield

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Summary: Comments in Support of the Stipulation by Dan Litchfield on behalf of Blue Creek Wind Farm, LLC electronically filed by Teresa Orahood on behalf of Blue Creek Wind Farm, LLC