

**BEFORE
THE OHIO POWER SITING BOARD**

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In The Matter Of The Application Of Black)
Fork Wind Energy, LLC For A Certificate To)
Site A Wind-Powered Electric Generating) CASE NO. 10-2865-EL-BGN
Facility In Richland And Crawford Counties.)
)

AMENDMENT TO JOINT STIPULATION AND RECOMMENDATION

I. INTRODUCTION

On September 28, 2011, Black Fork Wind Energy, LLC (the "Applicant"), the Ohio Farm Bureau Federation and the Staff of the Ohio Power Siting Board (collectively the "Parties") filed a Joint Stipulation and Recommendation (the "Stipulation") in this proceeding. In the Stipulation, the Parties expressly reserved the right to amend the Stipulation. Accordingly, this amendment to the Stipulation is submitted for filing on the case docket.

II. RECOMMENDED CONDITIONS

The parties to this amendment hereby agree to amend Section II of the Stipulation to add the following recommended conditions to the Stipulation:

72. Applicant shall comply with Crawford County's Rules Regarding the Issuance of Permit for Movement of Overweight and Over Dimension Vehicles as existing or as may be modified or amended in the future.

73. Applicant shall enter into a written "Road Use Agreement" with the appropriate county officials and supported by adequate financial assurances. The "Road Use Agreement" must be subject to approval by the Board of County Commissioners. Further,

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unless otherwise approved by the Board of County Commissioners, this “Road Use Agreement” must not supplant the County’s rules regarding issuance of permits for movement of overweight and over dimension vehicles which are independently enforceable by the County.

74. Where improvements or repairs are necessary, Applicant shall comply with all applicable statutory requirements for the engineering, design, construction, improvement or repair of roads and bridges necessitated by the Project during the construction, maintenance and decommissioning phases. All work must be completed in accordance with the applicable statutory requirements and, as required, under the jurisdiction of the local governmental authorities. This would include compliance with all applicable statutes addressing engineering and design, construction, competitive bid requirements and prevailing wage and other statutory requirements, as well as a signed road use agreement between the Applicant and the Board of County Commissioners . All work must be completed at Applicant’s cost, including engineering review and design work, preparation of plans and specifications, preparation of construction bid documents and contracts, preparation of bond and surety obligations, supervision and inspection costs, attorneys fees and other professional costs.

75. Applicant shall finalize, and provide to the County Engineer, the final delivery route plan and the required traffic and roadway improvement structures at least sixty (60) days prior to the preconstruction conference.

76. Applicant shall repair at its cost, or reimburse the County or Township, for any damage to public roadways, bridges and other transportation improvements to restore the improvement to at least original condition and to reimburse the County or Township for any

other costs incurred. Again, any repair work must comply with all applicable statutory requirements.

77. Applicant shall coordinate with, and obtain all approvals from, local authorities for all temporary or permanent road closures, road restoration or road improvements necessary for construction and operation.

78. Applicant shall post a bond, escrow or other financial assurance acceptable to the County and sufficient to provide adequate assurance for any damage to the public roadways and to cover all costs incurred during the construction, maintenance and decommissioning phases.

79. Applicant shall avoid where possible or minimize any damage to field tile drainage systems and to make proper repair for any damage to field tile in coordination with the County Soil and Water Conservation District or other local authority.

80. The collection systems should not be permitted in the public right-of-way without compliance with all safety requirements and subject to the County approval.

III. EFFECT OF SIGNATURE.

By executing this amendment, the Board of County Commissioners of Crawford County hereby state that it does not oppose the Stipulation, and supports and adopts recommended conditions 72 through 80 of this amendment. By executing this amendment, the Staff of the Ohio Power Siting Board hereby states that it does not oppose this amendment.

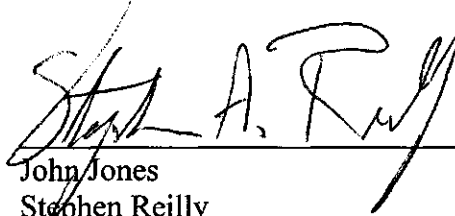
The undersigned hereby stipulate and agree and they represent that they are authorized to enter into this amendment to the Joint Stipulation and Recommendation on this 5th day of October, 2011.



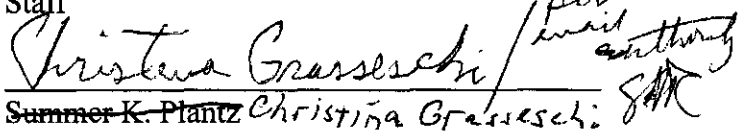
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CERTIFICATE OF SERVICE

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, 6th Floor, Columbus, OH 43215 and via Overnight Mail upon the following persons listed below this 5th day of October, 2011:

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