

FILE

Before
The Ohio Power Siting Board

In the matter of the Application of
Black Fork Wind Energy, LLC
For a Certificate to site an
Industrial wind-powered electric
Generating facility in Crawford
And Richland Counties, Ohio

Case # 10-2865-EL-BGN

Application for rehearing
Intervener Catherine A. Price

- 1. Wind Turbine size
Size of turbines changing
- 2. Historic Properties
Study incomplete
- 3. Road use agreement
Road agreement not completed
- 4. Well Study
Study not complete
- 5. Television and Cell Phone reception
Study not done - mitigation process incomplete
- 6. Decommissioning
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Memorandum in support of application for rehearing
Intervener Catherine A. Price

1. Wind Turbine size

Application used Vestas V100 rated 1.8MW, General Electric 1.6MW, Siemens 2.3MW. Yet 3.0MW is mentioned in testimony of applicant and in letters from applicant's legal counsel.

2. Historic Properties

This Study is incomplete. My residence is not included and was built in 1836.

3. Road use agreement

A. Road agreement not completed. No agreement has been reached with Richland County and when questioned in court, Richland County representative said that without a final route, this would not happen.

B. Mawhorr testified curve in road at the end of my drive (curve deficiency study) would have to be changed but had no idea how.

C. Mr. Beck testified that the roads should be built up before construction, so they are safe

D. I feel it is a violation of my rights not to have safe roads. These are the same roads my tax dollars have been used for.

4. Well Study

This study is not complete. Multiple wells not included, including the three on my property.

5. Television and Cell Phone reception

Study not done - mitigation process incomplete. No baseline television and signal strength study was done. Applicant has not stated what compensation will be offered for loss of signal.

6. Decommissioning

A. Applicant does not want to insure the funding for this. Funds must be in place from the time the turbines are built. What happens if a tornado comes through and damages the turbines beyond repair? What funds will be available to repair, replace or remove turbines and fix roads, once again.

B. Do not know if Applicant, Owner or Operator is responsible for these funds. But, What happens if they file bankruptcy before providing decommissioning funds.

7. Noise

A. Mr. Kalinski testified that the noise study was done for effects on residence but not property line. I bought 5 acres to live on, not just a residence to live in.

B. Mr. Kalinski testified that noise in the court room was 40 - 50 decibels. When fans in court room come on I was not able to hear him clearly.

C. Noise study shows that a 43 decibel at night and 53 decibel average during day for project area.

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D. Mr. Kalinski was asked what the difference in noise level would be when turbines are 5, 10, 15, 20 years old. He said that with issues such as wear on blades and gearbox deterioration noise level might be different.

E. Mr. Kalinski testified there is software on the turbines that can be programmed for noise reduced operations. At which point Mr. Setteneri objected and said Mr. Kalinski was speaking for the applicant.

F. Mr. Kalinski testified that a 3.0MW turbine was not used in the study, but noise level could be different.

G. Mr. Kalinski testified that a turbine moved 1000 ft. from where sited in study, sound level changes 6 decibels. He says a 3 decibel change you would notice.

H. Applicants sound study included 8 monitors (A through H). There is 4 state routes going through the project area of 24,000 acres.

Monitor A on Stevens Rd - farm land not in project area.

Monitor B 5674 St. Rt. 98 - high traffic road

Monitor C 6845 Kuhn Rd. - farm house

Monitor D along St. Rt. 39 - high traffic road

Monitor E 7967 Miller Rd. - farm land

Monitor F 4013 St. Rt. 598 - near St Rt 96 - both high traffic roads

Monitor G 6669 Remlinger Rd. 1/3 mile from St. Rt. 598 - high traffic road

Monitor H 5224 Settlement East - this site is a mile outside the project boundary. This address is Jim Finnigan Construction with heavy equipment on site. Study says that the road was closed at time of monitoring because of bridge outage. There is no bridge. The road was closed at that exact time because of road construction at the railroad crossing being done by Rietschlin Construction, Inc. During the dates, June 3-11 of the monitoring, this construction company was using two to four pieces of machinery that registers 50 - 100 decibels each with back up alarms. On June 3rd they worked 7 hours, June 4th - 11 hours, June 5th - 10 hours, June 6th - 8 hours, June 7th - 8 hours, June 8th - 8 hours, June 9th - 10 ½ hours, June 10th - 10 hours, June 11th - 10 hours. However, Mr. Kalinski, testified that he never saw or heard construction equipment in this area.

I. Mr. Kalinski testified that roadway noise was the biggest contributor to background sound in the area. How could you expect any other result, when the monitors are placed on high traffic roads?

J. Mr. Kalinski testified that after application is approved, then his report will go to the staff to be approved. Why is this report not reviewed by staff prior to application approval?

8. Turbine maintenance

Courtney Dohoney testified that the manufacturer of the turbines will maintain the turbines. Who does the turbine manufacturer answer to if large parts must be trucked in for repairs?

9. Dr. Diane Mundt

A. Wind turbine not her field of study. Dr. Diane Mundt testified that her field of study is Epidemiology. Her literature studies and reviews are no more valid than the testimonials I read and should be considered hearsay, and without the original studies and the authors testimonies it seems worthless.

B. Dr. Mundt in testimony was asked if there was a reason she was not asked to do a study instead of reviewing literature written by other people? She said that is not what was asked of her. "But they just asked you to review somebody else's reports?" Mr. Setteneri objects to the extent that is attorney-client privilege.

C. Dr. Mundt testified to limited literature on shadow flicker and health outcomes, so she relied on literature of items with blades and variable speeds.

D. Dr. Mundt has never seen or treated patients.

E. I feel Dr. Mundt was brought in to testify only to add more confusion, not answers to the wind turbine case. The applicant could have at least brought in one of the authors of the literature Dr. Mundt was referring to.

F. I feel that the literature Dr. Mundt refers to should have been entered in its entirety for evidence.

10. Public Notice

A. On September 6, 2011 in my letter to OPSB, I questioned why the Application was not at the Crestline Public Library.

B. In my written testimony, I again questioned why it was not there. When element Power Sent out 1,086 letters, over 350 went to Crestline addresses.

C. October 11, 2011 during questioning, I asked Mr. Hawkins why the Application was not Sent to Crestline Public Library. He testified that "We have since provided Crestline Library with the Application." Examiner Farkas asked when the copy was provided? Mr. Hawkins replied "probably 2-3 weeks ago." I have a letter from the Crestline Public Library that states that the Application was not received until December, 2011. To me this is proof that Mr. Hawkins lies under oath.

11. APPLICANT, OWNER, OPERATOR

A. The use of these three terms were never clearly defined and their responsibilities were not explained. Even though it has been requested several times. During the court hearing, Judge Farkas and Judge Fullen questioned the use of these three terms and asked Mr. Petricoff to present before the close of record.

12. OHIO POWER SITING BOARD

A. My closing statement in Court said it all. I came to the Court hearing in Columbus for answers. I came out of this court hearing with more questions than original. I heard a lot of questions asked by the Judges, Staff, Richland County and Intervenors that no one could answer, or said they would get the answer. But, no answer. So if not you, then what body of Government is really looking out for my rights.

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