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November 14, 2012

VIA COURIER

Ms. Barcy F. McNeal, Secretary
Public Utilities Commission of Ohio
180 E. Broad Street, 13th Floor
Columbus, Ohio 43215-3793

Re: Ohio Power Siting Board Case No. 12-160-EL-GBN
Champaign Wind LLC
Deposition of Michael S. McCann

Dear Ms. McNeal:

Please find attached a copy of the deposition transcript of Michael S. McCann taken on November 6, 2012 in the above matter.

Very truly yours,

Miranda R. Leppla

MRL/dhl
Enclosure

cc: All Counsel of Record (via email, with attachment)

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BEFORE THE OHIO POWER SITING BOARD

- - -

In the Matter of the :
Application of Champaign :
Wind, LLC for a :
Certificate to Construct : Case No. 12-0160-EL-BGN
a Wind-Powered Electric :
Generating Facility in :
Champaign County, Ohio. :

- - -

TELEPHONIC DEPOSITION

of Michael S. McCann, taken before me, Maria DiPaolo
Jones, a Notary Public in and for the State of Ohio,
at the offices of Vorys, Sater, Seymour & Pease, LLP,
52 East Gay Street, Columbus, Ohio, on Tuesday,
November 6, 2012, at 1:03 p.m.

- - -

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- - -

1 APPEARANCE:

2 Vorys, Sater, Seymour & Pease, LLP
3 By Mr. M. Howard Petricoff
4 52 East Gay Street
5 Columbus, Ohio 43216-1008

6 On behalf of Champaign Wind, LLC.

7 APPEARANCES VIA SPEAKERPHONE:

8 Van Kley & Walker, LLC
9 By Mr. Christopher A. Walker
10 137 North Main Street, Suite 316
11 Dayton, Ohio 45402

12 On behalf of Union Neighbors United,
13 Julia F. Johnson, and Robert and Diane
14 McConnell.

15 Mike DeWine, Ohio Attorney General
16 William L. Wright, Section Chief
17 By Mr. Stephen A. Reilly
18 Assistant Attorney General
19 Public Utilities Section
20 180 East Broad Street
21 Columbus, Ohio 43215

22 On behalf of the staff of the Public
23 Utilities Commission of Ohio.

24 ALSO PRESENT VIA SPEAKERPHONE:

Mr. Tim Burgener;
Mr. Jon Pawley;
Mr. Stuart Siegfried.

- - -

Tuesday Afternoon Session,
November 6, 2012.

- - -

MR. PETRICOFF: Let's go around for
appearances. On behalf of Champaign Wind, Howard
Petricoff, counsel.

MR. REILLY: On behalf of the staff of
the Ohio Power Siting Board and Ohio Public Utilities
Commission, Steve Reilly.

MR. WALKER: And Chris Walker, Van Kley &
Walker, here on behalf of Union Neighbors United,
Inc., Robert and Diane McConnell, and Julia F.
Johnson, intervenors.

MR. PETRICOFF: Anybody else on the phone
who wants to make an appearance?

(No response.)

MR. PETRICOFF: With that, would you
swear in the witness.

- - -

MICHAEL S. MCCANN
being by me first duly sworn, as hereinafter
certified, deposes and says as follows:

CROSS-EXAMINATION

By Mr. Petricoff:

1 Q. Good afternoon, Mike. This is Howard
2 Petricoff. I'm going to ask you a number of
3 questions mainly about your prefiled testimony. Do
4 you have a copy of the prefiled testimony nearby?

5 A. I do.

6 Q. Good. As we're going along if you have
7 any trouble hearing me, let me know and I'll speak
8 up. Likewise, if you don't understand one of my
9 questions, just please tell me that you don't
10 understand and I'll try to make -- I'll try to
11 clarify it or rephrase the question.

12 A. Okay.

13 Q. First question for you, I see that, just
14 taking a brief look at your testimony here, and you
15 have a professional biography, but I didn't see any
16 educational items down there. Did you go to college?

17 A. I did.

18 Q. And where did you attend?

19 A. College of DuPage.

20 Q. And that's in Illinois?

21 A. It is.

22 Q. And did you graduate?

23 A. I did not.

24 Q. Okay. And how many years did you attend?

1 A. Part-time over the course of three years.

2 Q. Did you reach a status level? Were you a
3 freshman or a sophomore when you left?

4 A. I don't recall what they were labeling me
5 when I left.

6 Q. Okay. That's fine.

7 And while you were in college did you
8 have an opportunity to take a statistics course?

9 A. Not in college, no.

10 Q. Have you taken a course after college?

11 A. I have taken appraisal courses that
12 included elements of statistical analysis.

13 Q. Tell me about the appraisal courses that
14 you've taken.

15 A. Well, a wide variety of courses that
16 includes real estate appraisal principles, appraisal
17 procedures, residential valuation, capitalization
18 theory and techniques, several different elements of
19 that, of course the standards of professional
20 practice for appraisers, case studies in real estate
21 valuation, highest and best use market analysis,
22 advanced income capitalization, subdivision analysis,
23 special purpose properties, eminent domain, and
24 condemnation and valuation of detrimental conditions,

1 and a variety of continuing education courses and
2 seminars.

3 Q. Is continuing education a requirement to
4 keep your license in Illinois?

5 A. It is.

6 Q. And just out of interest, how many hours
7 do you have to take a year to keep your license?

8 A. Oh, from memory, I believe it's 28.

9 Q. Okay. Now, you are licensed in Illinois.
10 Are you licensed in any other state?

11 A. I have an Ohio temporary license.

12 Q. If I understand this correctly, that's
13 just for the purpose of this case?

14 A. It is.

15 Q. Okay. What do you have to do in Illinois
16 to get a license? What's the licensing procedure?

17 A. Well, it's been a few years, so I may
18 forget something, but it starts with having several
19 years' worth of experience, rated and approved; it
20 requires a certain number and type of courses
21 depending on what license one is seeking, you know,
22 ranging from residential appraisal courses, if one is
23 seeking to be limited to being a residential
24 appraiser, and also income type courses and other

1 more advanced courses for the general real estate
2 appraiser license, which I hold; of course, an exam
3 to satisfy their requirements for general knowledge
4 of the subject matter.

5 Q. And I assume that Illinois, like Ohio,
6 insists on payment of a fee.

7 A. That goes without saying, yes.

8 Q. Okay. Tell me about this Ohio general
9 appraiser temporary permit that you got. What
10 process is that, and what does that entitle you to
11 do?

12 A. Well, it entitles -- the process is
13 essentially fill out the application form, send in
14 the check, disclose any prior licenses or existing
15 licenses, rather, and it has requirements that you
16 disclose whether or not you've ever been found to be
17 in any violation of the standards or ethical
18 requirements or words to that effect. And,
19 essentially, it's a reciprocal license if you're in
20 good standing in your own state, which I am, and it
21 is.

22 Q. And is this limited only just to this
23 case?

24 A. It was specific for this case, yes.

1 Q. I note that you have 30 years of
2 experience which means we are probably of like age.
3 Did you have it all running your own business or have
4 you worked as an appraiser for others?

5 A. I've been running my own business since
6 early-2008. Prior to that my entire career was spent
7 at William A. McCann & Associates, a family firm that
8 was started in 1962.

9 Q. Was your father the principal?

10 A. He was.

11 Q. Great.

12 Now, you note on page 2 that you've done
13 a wide range of appraisals in 21 states. Have you
14 done any appraisal work in Ohio prior to this
15 employment?

16 A. Yes, I have.

17 Q. Tell me about that.

18 A. Oh, one that comes to mind is a matter I
19 worked on, and I'm thinking what year it was, it must
20 be around 1990 for the appraisal of a hazardous waste
21 landfill east of Cincinnati known as the Aber Road
22 facility, and that was a matter -- that assessment
23 was appealed by the property owner and operator and I
24 believe the name of the body was the Ohio tax court.

1 Q. Okay. On whose behalf did you do the
2 appraisal?

3 A. I did that appraisal on behalf of the
4 property owner which was CECOS, C-E-C-O-S.

5 Q. It's a corporation or a firm?

6 A. It was a subsidiary of Browning Ferris
7 Industries at the time.

8 Q. Okay. Any other work in Ohio that comes
9 to mind?

10 A. Not that's coming immediately to mind,
11 no, sir.

12 Q. Then down on line 20 on page 2 you talk
13 about 12 years ago you were appointed by the Northern
14 District Federal Court -- and I assume that's the
15 northern district in Illinois?

16 A. Yes.

17 Q. -- as a condemnation commissioner.

18 A. Correct.

19 Q. Tell me about that. What did you do as a
20 condemnation commissioner?

21 A. Well, as a condemnation commissioner I
22 was appointed by a federal judge, Judge Paul
23 Plunkett, to serve on the commission along with a law
24 professor and an attorney, and what our role was was

1 to hear the evidence presented through a number of
2 witnesses, including real estate appraisers,
3 regarding a high pressure natural gas pipeline that
4 was being routed through quite a few different
5 properties in Will County, Illinois, through a rural
6 section of Will County, Illinois, and then to make a
7 recommendation to the court as to the just
8 compensation that should be awarded to each of the
9 individual property owners.

10 Q. And how long did you serve on this
11 commission?

12 A. Oh, I believe that was ongoing for part
13 of two years. Better part of two years.

14 Q. Just of interest, what was the criteria
15 that was used to determine the value of the taking
16 for the pipeline?

17 A. Can you be more specific by what you mean
18 by "the criteria"?

19 Q. Sure. I may have to redo the question
20 because it may not be an adequate question, but it
21 says that it was establishing a high pressure gas
22 pipeline. I assume that the utility company was
23 exercising some form of eminent domain as a right to
24 lay the pipeline.

1 A. Correct.

2 Q. Okay. And your task was to determine --
3 your task, you the Commission, "you" plural, to
4 determine the value of the taking of those property
5 rights from the landowner?

6 A. Well, it was to make a informed judgment
7 within the range of the evidence that was presented
8 by both the condemnor and the condemnees. In other
9 words, we couldn't expand outside the range of the
10 evidence per the court's order.

11 Q. Okay. So basically you were sitting more
12 or less as a judge with the law professor and the --
13 I'm sorry, who was the third member?

14 A. An attorney.

15 Q. -- an attorney to determine, based on the
16 evidence presented, what the value of the property
17 taken was?

18 A. Well, the impact on value, correct.

19 Q. Okay. Now I want to go on, on page 3 it
20 says that you've evaluated or consulted with property
21 owners and attorneys, government committees,
22 regarding over 20 utility or industrial scale wind
23 projects. Is one of the 20 or more than one of the
24 20 these gas pipelines?

1 A. No. No. These are all industrial scale
2 wind projects, not -- it excludes any pipelines --

3 Q. Okay.

4 A. -- other types of power plants or any
5 other use.

6 Q. Okay. So you've consulted on 20
7 different wind projects, then.

8 A. Correct.

9 Q. Great. Well, tell me about those if you
10 could, just list as many of the 20 as you can recall
11 and tell me a bit about them including their
12 location.

13 A. Let's see. I have to pull up a list here
14 to aid my memory, but while I'm doing that I'll
15 begin. The first wind project I ever evaluated or
16 even inspected was in Illinois in approximately 2005
17 at a point in time when there had only been one
18 project already approved and built in Illinois, and
19 that was in the context of a zoning hearing seeking,
20 with the developer, applicants seeking a special use
21 for approval of a large scale industrial wind energy
22 project. I gave testimony at that hearing in Ogle
23 County I believe also in 2005.

24 I have conducted many such evaluations of

1 the location and compatibility and property value
2 impacts in numerous other counties in Illinois
3 including Livingston County, Stephenson County,
4 DeKalb County, Tazewell County, Logan County, Adams
5 County, Bureau County, and I think that's pretty
6 inclusive.

7 I have also conducted evaluations and
8 provided testimony for matters involving large-scale
9 turbines such as we're talking about here in
10 Connecticut, Massachusetts, New Hampshire, Michigan,
11 and have given testimony in matters that I've just
12 described at anything ranging from zoning hearings to
13 siting valuation committees and other bodies that are
14 at the state level as opposed to at the county level
15 such as the case in Illinois.

16 Q. In Illinois it is the county that does
17 the siting for wind turbines?

18 A. Yes.

19 Q. Okay. And let's go back to this first
20 one in 2005. On whose behalf did you provide
21 testimony?

22 A. It was on behalf of the objectors, the
23 property owners that were not participating property
24 owners, but -- there were quite a few of them, I

1 don't remember the exact number, but they were in or
2 very near the footprint of the proposed project.

3 Q. Moving on, you mentioned Connecticut.
4 What year did you participate in hearings in
5 Connecticut?

6 A. It was last year, if I recall correctly.
7 2011.

8 Q. And, once again, was that a state or a
9 county zoning authority?

10 A. That was at the state level. The
11 Connecticut Siting Council I believe was the name of
12 the governmental body, the state body.

13 Q. Okay. Once again, were you representing
14 the interests of the landowner or landowners?

15 A. Well, I was retained by the neighboring
16 residential property owners.

17 Q. In fact, maybe we can save some time, is
18 that true for all of your -- all 20 of these cases,
19 that you gave testimony or consultation for the
20 adjoining landowners?

21 A. No. That's really two questions, and for
22 those that I've given testimony it is true that I
23 have been retained by the neighboring property owners
24 and/or their attorneys. For those that I have not

1 given testimony that has included, for example, the
2 town of Cape Vincent in upstate New York and I was
3 retained on that matter by the, I can't remember the
4 formal name of the committee that was formed by the
5 town but I believe it was the Economic Impact
6 Committee for the town of Cape Vincent.

7 Q. Okay. Let's go back, then. Thank you,
8 that was very helpful.

9 So Connecticut was 2011. How about
10 Massachusetts, what was the forum in Massachusetts
11 and the year?

12 A. Well, there's been several that I've
13 evaluated and have consulted on, provided written
14 studies and so forth. I've testified in
15 Massachusetts, in Wareham, Massachusetts, and I'm
16 trying to remember if that was late-2010 or
17 early-2011, but I don't specifically recall the date
18 that I gave testimony there.

19 Q. I think the next one down was New
20 Hampshire.

21 A. New Hampshire, and what is your question?

22 Q. Oh, yeah. The first is what was the
23 forum in New Hampshire that you testified in?

24 A. I believe that was the New Hampshire site

1 evaluation committee, siting evaluation committee,
2 SEC, at the state level.

3 Q. And the year?

4 A. I believe that was 2010.

5 Q. Okay. And then our neighbor to the
6 north, Michigan, in what forum did you testify in
7 Michigan?

8 A. I testified in the circuit court in
9 Leelanau County in Michigan. That was a somewhat
10 different matter.

11 Q. Tell me about that matter.

12 A. Well, that was a single turbine and the
13 only question really at hand was whether or not the
14 turbine on a neighboring property had any impact on
15 my client's single-family residence market value.

16 Q. And had the turbine in Michigan, had the
17 turbine already been built?

18 A. It had.

19 Q. And did the court make an award to the
20 adjacent landowner?

21 A. It did not.

22 Q. Let's go back. In New Hampshire on the
23 state siting committee, was that project eventually
24 built?

1 A. I don't know.

2 Q. How about in Wareham, Massachusetts, was
3 that project built?

4 A. To the best of my knowledge, it has not
5 been built.

6 Q. Was it permitted to be built?

7 A. I don't think so, no.

8 Q. And how about the one in Connecticut, the
9 state siting council, did they issue a permit to
10 build the wind farm in that case?

11 A. Not the one I testified in, no.

12 Q. Did they deny the permit?

13 A. They did.

14 Q. Do you remember the ground on which the
15 permit was denied?

16 A. Generally, yes.

17 Q. And what was that?

18 A. What I recall reading in the decision was
19 the lack of compatibility with surrounding
20 properties, the residential properties more
21 specifically, and the height of the turbines that
22 were being proposed.

23 Q. Okay. I guess finally that brings us
24 back, I know you said you had a number of them in

1 Illinois, but let's just look at the one in 2005.

2 What was the outcome of that proceeding?

3 A. To the best of my knowledge, it was
4 approved with some conditions and it is still tied up
5 in litigation as far as I know.

6 Q. Okay, great. Thank you.

7 Now I want to direct your attention to
8 page 4 of your testimony and we're going to talk
9 about the Buckeye Wind II -- the Buckeye II Wind
10 project. You call it Buckeye II Wind, I think we've
11 named it the or called it the Champaign County Wind,
12 so I'll try to use the name here but if I'm
13 talking -- if I say something about Champaign, I
14 think you and I will agree that Buckeye II and
15 Champaign are synonymous.

16 A. Okay.

17 Q. With that in mind, do you recall what the
18 proposed setbacks are in the application for
19 Champaign?

20 A. I don't recall specifically all of them.
21 I know there's a minimum of 1.1 times the height to
22 the tip of the blades plus, if I recall correctly, a
23 couple hundred feet. But there's a variety of
24 setbacks that while within, you know, I mean, the

1 range goes up to -- depending on what property you're
2 measuring from. So it's as near as that but a great
3 many of them in the quarter mile to half mile range.

4 Q. Now, you indicate on lines 10 through 12
5 that you looked at these to see if the protective
6 measures would minimize the impact. Were there any
7 that you thought the setbacks were sufficient to
8 minimize the impact?

9 A. Not within the project footprint. Every
10 home within the project footprint is proximate enough
11 to any home or any number of homes that the setbacks
12 alone are not a protective measure.

13 Q. And in your mind how far would the
14 setbacks have to be in order to be protective?

15 A. Well, there's no hard-fast answer for
16 that. There's several ways really to answer that,
17 but from a property value perspective and based on
18 the studies that I've reviewed, the value impacts
19 tend to be minimal beyond two to three miles. So
20 from a property value perspective that would be the
21 appropriate setback without any consents or grant of
22 easements on the part of neighboring property owners.

23 Q. To your knowledge, has any wind farm ever
24 been built with a two to three mile setback for

1 nonparticipating landowners -- from nonparticipating
2 landowners?

3 A. As I understand it, in Oregon, and I
4 don't recall the name of the county, they did pass an
5 ordinance requiring a minimum of a two-mile setback,
6 and one of the Australian provinces that is the
7 minimum setback, again, without consent of any
8 landowners within that two mile range.

9 Q. Is this correct, you don't remember what
10 the district was in Oregon that had that setback?

11 A. Not off the top of my head, no. It was a
12 county.

13 Q. A county. Are there any wind turbines in
14 that county?

15 A. I don't know if there was any projects
16 that were approved prior to that ordinance, approved
17 and built prior to that ordinance being passed.

18 Q. Do you know if there are any that have
19 been approved since the ordinance was passed?

20 A. No, I don't know.

21 Q. Okay. I'm now looking down from lines 14
22 to 24 on page 4 and you talk about, this is the
23 preparation that you did in order to prepare your
24 testimony, and you indicated that you did look at the

1 testimony of Thomas Sherick in the Buckeye I case.

2 Did you read any of the other testimony in Buckeye I?

3 A. I had skimmed through the testimony of,
4 I'm trying to remember the woman's name, but I don't
5 recall it, I'm sorry.

6 Q. Okay. That's fine.

7 Then you indicated that you looked at the
8 homes of several property owners and the Johnsons,
9 well, let's just start there, do you recall any of
10 the other property owners' homes that you looked at
11 other than the ones that are listed between lines 17
12 and 20?

13 A. Well, I saw probably 80 percent or more
14 of the homes in the project footprint. I did not
15 meet any of the other individuals or owners within
16 the project footprint.

17 Q. Okay. And this is, you sort of drove the
18 area; is that how you saw 80 percent of the homes?

19 A. Approximately 80 percent. Yes.

20 Q. Did you actually go into the homes of
21 Mr. Johnson, McConnell, and Gordon?

22 A. Yes, to Mrs. Johnson and Mrs. McConnell,
23 and I did not go inside the home of Mr. Gordon but I
24 was on site.

1 Q. And are all three of these named
2 plaintiffs members of the UNU?

3 A. I'm not sure about Mr. Gordon, but I
4 believe Julie Johnson and the McConnells are members
5 of UNU.

6 Q. You also said that you reviewed the Staff
7 Report on two separate Ohio wind energy facilities.
8 And I'm at the top of page 5 of your testimony.
9 Could you tell me which two you looked at, which two
10 staff reports you looked at?

11 A. The staff reports for the Iberdrola and
12 Horizon projects in Van Wert and Paulding Counties.

13 Q. Why did you select those two staff
14 reports to review?

15 A. Well, because they are existing wind
16 energy projects with the turbines constructed and I
17 just wanted to see what the Ohio staff had said about
18 those projects to see if there was anything that was
19 relevant to me or that would create an area of
20 inquiry that I should, you know, undertake.

21 Q. I see on line 8 that you inspected the
22 facilities in Van Wert and Paulding County. Tell me
23 about that inspection you made on October the 25th.
24 What did you see, and how did you see it?

1 A. Well, primarily by automobile. I got out
2 of my car a couple times to get better vantage points
3 of the view of some of the homes adjacent to the
4 turbine facilities or structures. I traversed the
5 area south to north and then from east to west and
6 covered a good part of the ground where the turbines
7 were visible and present and, you know, kind of
8 dominated the landscape.

9 Q. Okay. How far were the turbines set back
10 from the residences that you observed in Van Wert and
11 Paulding County?

12 A. I didn't measure them specifically but,
13 as I recall, that included a similar minimum setback
14 of 1.1 times the height to the tip of the blade plus,
15 you know, some relatively nominal number of feet
16 above that for nonparticipating property owners, and
17 I believe there was some flexibility for
18 participating property owners to limit it to 1.1
19 times the height, if I recall correctly.

20 Q. Did you consider the setbacks that you
21 observed to be suitable or adequate?

22 A. Well, again, from a real estate
23 perspective no, I don't. No, I didn't.

24 Q. Have you done any studies on sales of

1 property in Van Wert or Paulding Counties?

2 A. I did conduct a little bit of research.

3 Q. Tell me about that.

4 A. Well, I obtained information on the sale
5 of properties in two townships in northern Van Wert
6 County, namely Union and Hoaglin Townships, and then
7 also two townships at the far south end of the county
8 in Liberty and York Townships and I reviewed that
9 sale data.

10 Q. How many properties sold in the northern
11 part of the county that you reviewed?

12 A. In 2012 I believe the total number was
13 15.

14 Q. And in the south?

15 A. I believe the number was 11.

16 Q. And, relatively speaking, where are the
17 wind farms in the county, are they north or south?

18 A. North in the, predominantly in Union and
19 Hoaglin Townships.

20 Q. And what was the -- did you draw any
21 conclusions from looking at these I guess it's 27
22 sale documents?

23 A. Well, there were some indications of a
24 disproportionate number of foreclosures in the two

1 townships with turbines present, by my calculations
2 it was 47 percent of all the transactions in those
3 two townships where the turbines are were foreclosure
4 sales, whereas in the two townships to the south, you
5 know, Liberty and York, the percentage of foreclosure
6 activity was 9 percent of the total. So roughly a
7 38 percent difference.

8 Q. Based on that is it your opinion that the
9 wind turbines caused the foreclosures?

10 A. I don't have an opinion on that. I don't
11 have enough information to draw that conclusion.

12 Q. Okay. How did the value of the -- did
13 you look at any sale data of an earlier period, a
14 period before the turbines came to Van Wert and
15 Paulding County?

16 A. No.

17 Q. So you're not in a position to talk about
18 before and after values.

19 A. Not in that location, no.

20 Q. Okay. In the -- well, actually I think
21 I'll save that for later.

22 I see that you met with Milo Schaffner
23 while, I take it that -- was that part of your trip
24 on October 25th?

1 A. Well, I did not meet with him, to be
2 clear. I spoke with him by telephone.

3 Q. Oh, I see. You say "contacted" so I just
4 misinterpreted that to mean meet.

5 Why did you call Mr. Schaffner?

6 A. Well, I had heard that he was a township
7 trustee in Van Wert County and that he had been
8 involved with or otherwise had knowledge of, you
9 know, not only the process but what the feedback from
10 citizens and property owners were following the
11 construction and operation of Van Wert County
12 project.

13 Q. And who gave you that information that
14 Mr. Milo is the township trustee who is
15 knowledgeable?

16 A. I don't remember specifically if it was
17 Mrs. Johnson, one of the McConnells, or Mr. Walker, I
18 just believe it came up in discussion and I indicated
19 I would like to speak with him.

20 Q. Fair enough, though, to say that the
21 suggestion to call Mr. Schaffner came from your
22 clients?

23 A. Well, I don't know that it was at their
24 suggestion. As I recall it, it was I expressed a

1 desire to speak with him when I learned that, you
2 know, he had some experience in that area.

3 Q. Okay. Did you talk to any other either
4 township trustees or county commissioners in Van Wert
5 or Paulding County?

6 A. No. I should say not to my knowledge.

7 Q. Okay. We'll take that as a given. In
8 fact, I think your counsel would probably object if I
9 asked you to tell me what you don't know.

10 A. Okay.

11 Q. Now I want to take you down to line 19
12 where on page 5, we're talking about your review of
13 current and recent literature and documentation
14 regarding the impact on residential property values.
15 The first question is: Why residential property
16 values as opposed to looking at commercial or
17 industrial?

18 A. Well, we'll start with the easiest. The
19 industrial uses tend to be compatible with each
20 other. Commercial properties trade or sell primarily
21 on the basis of, you know, the income that can be
22 generated or the business that can be conducted
23 therein, it's not as sensitive as residential real
24 estate values to external forces or influences or

1 detrimental conditions.

2 Residential property values tend to be
3 the most sensitive and where most of the concerns,
4 objections, and impacts have been documented.

5 Q. You say "A bibliography of the documents
6 I reviewed are set forth in Table A, below," and I
7 guess I didn't see a table until I got to, actually,
8 I didn't see a table until, what looked like a table
9 until -- I may be able to cut this short. Can you
10 tell me on what page I can find table A?

11 A. Sure, and I'm sorry I neglected to label
12 that as table A, but it's on page 17.

13 Q. Okay.

14 A. And 18. But it starts on 17.

15 Q. Ah, yeah. Okay. Good. Well, we're on
16 the same, literally on the same page then, because
17 that's what I assumed when you said "Table A, below,"
18 that that's where it was.

19 Tell me how you assembled this group of
20 studies.

21 A. Well, over time and, as I mentioned, the
22 first wind project I worked on evaluating was in
23 2005, and I have just been collecting and finding and
24 locating and in some cases just being forwarded to me

1 different studies that have been prepared by
2 different individuals or organizations or on behalf
3 of the wind industry and so forth.

4 Q. Okay.

5 A. I think I answered your question.

6 Q. Yes, you did.

7 A. Okay.

8 Q. Let's turn to 17, then, and sort of go
9 through them. So, and correct me if this is not an
10 accurate summary of what you just told me, so
11 basically these are the collection of the studies
12 that you have found in your, well, at least since
13 2005 when you started working with wind projects that
14 you have come across that you thought were
15 significant.

16 A. Well, I guess you'd have to define what
17 you mean by "significant," but they are studies that
18 I have considered and have continued to build on the
19 body of knowledge and research that has been
20 developed on this area of study.

21 I did not look at the older studies and
22 other types of studies or consider them to be
23 reliable for a number of reasons, you know, including
24 some of the older studies were primarily based on

1 evaluating the impacts or ostensibly evaluating the
2 impacts for much smaller, older generation turbines
3 and the more recent studies I felt were more relevant
4 to the, or at least compared to much smaller turbines
5 than to the current generation of turbines that are
6 approaching 500 feet.

7 Q. Well, let's take a walk through these
8 studies and you can tell me about them. The first
9 one is Lansink. How did you come to get a copy of
10 the Lansink study?

11 A. He had forwarded it to me.

12 Q. And who is Mr. Lansink?

13 A. He is an appraiser based in London,
14 Ontario, Canada.

15 Q. Is he a personal acquaintance, or did you
16 meet him through professional outings? How do you
17 know Mr. Lansink?

18 A. Well, he's not a personal acquaintance
19 per se. I did meet him initially, never in person,
20 only by telephone in regard to another matter in
21 Canada that I've been asked to consult on.

22 Q. So I take it you contacted him, then,
23 because you were working on a project in Canada.

24 A. No, that's not quite right.

1 Q. How did he come to send you a study?
2 What events led to him sending you a study?

3 A. He and I were both on the phone with an
4 attorney in Canada and before concluding our
5 telephone conference traded contact information and
6 then he provided his draft report and final report to
7 me to see if I had any thoughts or comments and so
8 forth.

9 Q. And this was a report on behalf of
10 nonparticipating landowners?

11 A. No. His study was done completely
12 without compensation or without any retention by any
13 party. He did it, as I understand it, simply as a
14 matter of continuing education, fulfilling
15 educational requirements.

16 Q. Okay. Tell me about, I'm reading the
17 footnote now, it says a resale study uses resales of
18 developer to private properties -- let me retract
19 this. This may be easier.

20 Tell me about the study. What did he
21 study, and how was this study conducted?

22 A. Well, the report that you have is
23 essentially two different studies, one in Melancthon,
24 which was really his first study and project

1 location, and the second being in the Clear Creek
2 area of Ontario along the north shore of Lake Erie.

3 The Melancthon study was essentially
4 following up on news reports of a developer, I
5 believe the name of the developer is Canadian Hydro,
6 that had developed a wind project in Melancthon and
7 then, as I understand it, based on complaints and so
8 forth from neighboring property owners regarding the
9 impacts ended up buying out five of these property
10 owners.

11 Then over time and through the use of the
12 multiple listing service and realtor services and so
13 forth they disposed of each of those properties in an
14 orderly manner, had sold them to individual buyers
15 who as part of -- the most significant condition of
16 the transaction was that the buyers had to grant
17 easements back to the wind developer and -- as
18 reflected in recorded instruments in Canada that are
19 titled Easement in Gross, and what those easements in
20 gross allowed for was for the wind energy facility to
21 continue to broadcast its various impacts including
22 noise, vibration, flicker, dust, heat, or any other
23 impacts that may impact the living environments of
24 those residences.

1 So the buyers bought them subject to the
2 very conditions that large scale wind energy projects
3 often create in close proximity to residential
4 dwellings. That's significant to me because that
5 meets the criteria for market value of a
6 fully informed buyer as well as a fully informed
7 seller and everybody acting in their own best
8 interests. So the prices that were paid were with
9 the acknowledgment of those impacts.

10 Q. And there's an impact percentage here.
11 Tell me about the impact percentage. How was that
12 calculated?

13 A. Well, in general terms, it was based on a
14 comparison of the original buyout price to what the
15 typical or median prices were at the point in time
16 that they were bought, and that was important to
17 establish that they were bought at market value which
18 the purchase prices by the developer were right in
19 line with the market at the time that they bought
20 them out.

21 Then when they resold, Mr. Lansink
22 updated the overall market trend research regarding
23 what the, you know, median prices were at the point
24 in time those properties were resold, and that

1 enabled him to measure the difference in value just
2 based on time, the change in market conditions
3 outside the project, and then compare that to what
4 the properties actually sold and resold for to
5 determine the net difference or, in this case, in all
6 five cases in the Melancthon study a value loss.

7 And for the Melancthon study it worked
8 out to just under 39 percent average value loss
9 ranging from 23 to 59 percent.

10 Q. And what was the valuation you said that
11 Mr. Lansick adjusted for changes in market condition?
12 Do you recall what that market condition adjustment
13 was?

14 A. I'll have to turn to the report. Bear
15 with me while I find that particular adjustment.

16 Q. Sure.

17 A. Well, you really have to look at each
18 individual one because they all sold on different
19 dates, but on Exhibit F, which is page 13 of the
20 Lansink report, the percentage change between the
21 sale dates for the market overall was 11-1/2 percent.
22 Not to be confused with the value diminution that was
23 the, just the percentage change in the market.

24 Q. Right. So using Mr. Lansink's approach,

1 if the resale price was the same as the buyout price,
2 it would be considered a loss of 11 percent.

3 A. Well, he didn't make that analysis, but I
4 follow your --

5 Q. Right. I'm not putting those words in --
6 I'm just looking for the mechanics. That's the basic
7 mechanic.

8 A. Well, yes. It's the only adjustment that
9 was made and, frankly, that's what makes it superior
10 to many other studies is that it's an easily
11 discernible and measurable number for a given market
12 area.

13 Q. Okay. Let's go on, then, and look at the
14 Sunak study. How did you come to possess a copy of
15 the Sunak study?

16 A. I think I just found that on the
17 internet. I don't recall anybody forwarding that to
18 me.

19 Q. And where does this study take place?

20 A. Germany.

21 Q. Germany, okay.

22 And the next one is the Heintzelman
23 Tuttle. How did you come to a copy of the
24 Heintzelman Tuttle?

1 A. I really don't recall. It was not
2 forwarded to me by Professor Heintzelman or the
3 student that assisted him; Tuttle. I don't recall
4 how I came into possession of that originally.

5 Q. Okay. How about, well, now we get to the
6 McCann one. You've had contact with Mr. McCann?

7 A. Well, I am Mr. McCann.

8 Q. I know. I'm sorry. We're an hour into
9 this, I'm looking for some levity.

10 A. Okay.

11 Q. Tell me about your 2009 study.

12 A. Well, it's updated through 2009. It was
13 originally done a few years earlier, and the Illinois
14 study was conducted in 2008 regarding the first wind
15 project that was built in Illinois known as the
16 Mendota Hills project which is in Lee County,
17 Illinois.

18 And what I did in that study was, you
19 know, of course inspected the project area and
20 obtained a complete listing of all the sale
21 transactions for residential property in Lee County
22 and then via site inspection, you know, field
23 inspection of each of the sales in the project area I
24 was able, as well as reviewing maps, I was able to

1 determine what the proximity of any homes were in
2 relation to any turbines.

3 And I separated that data into two
4 groups, the two groups being within two miles of any
5 turbine, and the second group being a somewhat larger
6 number but not all inclusive for the whole county,
7 but from beyond two miles out to about five miles,
8 and then just compared the datasets as to what the --
9 any indicated difference was in the sale price per
10 square foot and the overall sale price.

11 And what that study revealed was that on
12 average the properties within two miles of any
13 turbines sold for 25 percent lower than the
14 properties in the two to approximate five mile range.

15 Q. Let's go back. First, did someone
16 commission this study? Were you paid to make this
17 study for anyone?

18 A. I believe I undertook that research as
19 part of one of the Illinois, I'm sure I did it as one
20 of the Illinois zoning matters; I don't recall which
21 one.

22 Q. Okay. And you at that point were
23 providing it on behalf of the nonparticipating
24 landowners.

1 A. And their attorney, yes.

2 Q. And their attorney, right.

3 And in the -- first of all, if this
4 terminology, if you're not comfortable with it, let
5 me know because I'll change it, but it sounds like
6 you broke this up into two groups, a control group
7 that's sales beyond -- control group that's more than
8 two miles from a turbine and the study group which is
9 less than two miles to a turbine.

10 A. That's essentially correct. And that
11 terminology is fine with me.

12 Q. Okay. Good. Now let's talk about the
13 control group. How many houses were in the control
14 group?

15 A. From memory, about 38. Thirty-eight or
16 39.

17 Q. Okay. And over what period of time did
18 the sales take place?

19 A. From early-2003, beginning of the year
20 2003, through the first quarter of 2005.

21 Q. And did you make any adjustment for the
22 change in the general market for housing during that
23 period?

24 A. No. Both datasets were from the same

1 period of time.

2 Q. Well, obviously from the same period of
3 time, but, unlike Mr. Lansink, you did not do a
4 market adjustment.

5 A. I made no adjustments. I just reported
6 the factual empirical sale price information.

7 Q. Okay. And that's fine. I'm just trying
8 to make sure that I understand the mechanics.

9 And so then you took the sale price,
10 then, and divided it by the square footage of the
11 house to come up with a price per square foot?

12 A. Correct.

13 Q. Okay. In both the control group and the
14 study group.

15 A. Yes.

16 Q. Were these houses the same in terms of
17 the number of bathrooms that they had or, well, let's
18 just start there. Did they all have the same number
19 of bathrooms?

20 A. They all had the same range of number of
21 bathrooms, but no, they did not all have the same
22 number of bathrooms.

23 Q. And, let's see, how about updated
24 kitchens? Did you make any adjustments for updated

1 kitchens?

2 A. I did not.

3 Q. But you'd agree with me that if we're
4 looking at like properties in order to tease out a
5 price attributable to the proximity to wind turbines,
6 those are the kinds of things that you would normally
7 tease out in property. You wouldn't call a house
8 with three bathrooms, you wouldn't value that the
9 same as a house with one bathroom.

10 A. Well, first of all, I didn't value any of
11 the houses. Those were the actual sale prices. So I
12 did not come up with an opinion of value for any one
13 of these houses. If I had been appraising any one of
14 these houses and using comparable sales, the
15 adjustment process you're describing would be
16 appropriate.

17 As a homogenous dataset including a
18 similar number or amount of older homes to newer
19 homes, you know, ranches and two-stories. This, you
20 know, but for the turbine project this was a
21 homogenous market area and so what I was doing in
22 this particular study was eliminating any -- How
23 shall I put it? -- any potentially unsupported
24 adjustments or assumptions and just reflecting this

1 homogenous dataset overall near and far.

2 Q. How did you -- I'm sorry. Have you
3 finished?

4 A. Yes.

5 Q. Okay. I didn't mean to -- that's one of
6 the problems in a telephone deposition is it's
7 sometimes hard to tell when someone's through.

8 A. I understand.

9 Q. How did you determine that it was a
10 homogenous area?

11 A. By inspecting every property in those
12 project areas. In that project area.

13 Q. So you looked at all, you went around and
14 looked at all 38 houses.

15 A. Well, it was a total of I think 56. Was
16 it -- 15 or 16 nearer, you know, within two miles,
17 and then the 39 or so beyond the two-mile range.

18 Q. Right. In what we called the control
19 group, okay.

20 A. Right.

21 Q. Thanks for clearing that up.

22 Okay. Now, the next one down, you have a
23 2012 study Michigan, Wisconsin, and I guess that's
24 Massachusetts, "MA"?

1 A. Yes.

2 Q. Tell me about that study.

3 A. Well, these are individual examples of
4 case studies and paired sales which are contained in
5 my appraisal institute presentation which is marked
6 as, I have labeled as Exhibit D.

7 Q. And that was, the study was done for the
8 Institute presentation?

9 A. Well, no. The Massachusetts prepared
10 sale analysis was done as one of the properties
11 nearer the little cluster of three turbines in
12 Falmouth that had been on the market for a while
13 sold, and I did that as part of an evaluation for, I
14 believe it was a project in Nantucket.

15 Q. I'm sorry. If you don't mind, I want to
16 go back to your Illinois study for just a moment.
17 When was the wind farm put in in the Illinois
18 project?

19 A. It was operational and I think part of it
20 was still under construction in late-'02 but it
21 became operational in early-'03. So right at the
22 beginning of this two-and-a-quarter year period of
23 time that the sales were transacted.

24 Q. Okay. Let's move down now to the

1 Gardner study. Tell me about the Gardner study. How
2 did you come to possess a copy of the Gardner study?

3 A. Again, I don't recall specifically how it
4 came to me so I don't recall.

5 Q. Okay. Good chance that that could be an
6 internet find as well?

7 A. That's possible.

8 Q. How about, and I'm probably going to
9 mispronounce this, Keelisch?

10 A. Kielisch, yeah.

11 Q. Okay. How did you come to a copy of the
12 Kielisch study?

13 A. That was either sent to me by Kurt
14 Kielisch, the author, or a citizen in Wisconsin that,
15 again, I don't recall.

16 Q. Was that part of working on a case in
17 Wisconsin?

18 A. No.

19 Q. How about the Lumexburger?

20 A. Okay.

21 Q. How did you come to a copy of the
22 Luxemburger study?

23 A. I don't recall specifically.

24 Q. Lincoln Township.

1 A. I believe I read about that one and then
2 searched for it on the internet and found it.

3 Q. Okay. Just flipping the page here to 18,
4 how about the Canning & Simons?

5 A. Canning & Simmons. Again, I don't recall
6 specifically. I just generally recall downloading it
7 from the internet.

8 Q. Okay. And that brings us to the Hinman.

9 A. Okay. Would you like to know --

10 Q. Yeah, how you came to have a copy of
11 the -- came to possess a copy of the Hinman study.

12 A. Oh, she sent it to me.

13 Q. Okay. And what was the occasion that she
14 sent it to you? Did you make a request?

15 A. No. No. It was completely out of the
16 blue. She just took it upon herself to send it to
17 me.

18 Q. Okay. And the last one is the Hoen and
19 that's the Berkeley-Livermore study?

20 A. Correct. That one was sent to me by Ben
21 Hoen initially in draft form with the request that
22 I -- an agreement that I do a peer review on it, and
23 then of course the final report he either sent to me
24 or I downloaded.

1 Q. I'd like to focus your attention now on
2 page 9. And there you have a --

3 A. Hold on. Let me get to 9, please.

4 Q. I'm sorry. Tell me when you're ready.

5 A. I'm ready.

6 Q. Okay. I'll call this one the Hoen as
7 well just so we're all on the same page.

8 A. Okay.

9 Q. Explain to me, you put in the figure ES-1
10 from the Hoen report. Explain to me what you
11 interpret that figure to be telling us. What
12 information do you get from that chart?

13 A. Well, what it clearly shows is that
14 despite a very broad range of reference category
15 data, meaning from more than five miles from the
16 nearest turbine and out to ten miles, it occurred
17 after construction began on the wind facility, that
18 within the range of 3,000 feet and then between 3,000
19 feet and one mile that there was a lower indicated,
20 you know, sale price by 5.3 percent, negative
21 5.3 percent within 3,000 feet and negative
22 5.5 percent in the range of 3,000 feet to one mile.

23 Q. And is your understanding, is that the
24 adjusted impact, or is that just what the dataset was

1 on sale price?

2 A. Could you please ask that question again?

3 Q. Okay. First we'll talk -- let's go back
4 a step and make sure we're all on the same page.

5 A. Okay.

6 Q. Is the basis of the Hoen study a
7 multivariable regression?

8 A. Yes.

9 Q. And what is your definition of a
10 multivariable regression?

11 A. Well, I don't really define it.
12 There's -- my understanding of it is essentially that
13 it's intended to include a series of variables or
14 variations in the data that attempts to isolate the
15 nominal contribution of each category that they
16 selected, you know, but, again, across a very broad
17 range of property location, values, and settings.
18 You know, really 24 projects in I believe nine
19 different states.

20 So what it purports to be is an analysis
21 that isolates out, in this particular case, nuisance
22 stigma.

23 Q. Okay. And that brings us up to our
24 question now. Does the minus 5.3 percent within

1 3,000 feet represent the impact of distance or is
2 that the overall price, overall prices in that group
3 was minus 5.3?

4 A. Well, this is their base model results
5 and this particular analysis, again, attempts to
6 break out the sale prices of, really from a
7 statistical standpoint only within 3,000 feet and
8 then again 3,000 feet to one mile.

9 Q. But this is just showing you what the
10 sale prices were in that area. It's not the sales
11 prices controlled for other factors.

12 A. I don't recall exactly without reading
13 that section of the study again. There was a few,
14 two or three, of their many models that they created
15 that revealed, as they stated in their report, that
16 there was some limited number of indications or
17 significance of there being an adverse impact.

18 Q. Okay. That's fine. This is a difficult
19 area, I don't expect you to have all the details
20 committed to memory, so if you don't recall, that's
21 fine.

22 Now let's turn to page 11, and tell me
23 the information you think is being conveyed in chart
24 ES-2.

1 A. Well, ES-2 is, as it's titled, is
2 intended to reflect scenic vistas, and what you can
3 see on this chart is the average percentage
4 differences in sale prices as compared to the
5 reference category, the reference category being the
6 center column in this chart that by their field
7 evaluations constituted an average vista, meaning the
8 vista at a given property which they, again, purport
9 to have inspected in all of these sales, the average
10 category constituted approximately 1247 sales. Well,
11 specifically that's what it says.

12 What it also goes on to show is that when
13 vistas are below average or poor, it has a
14 discernible and they claim statistically significant
15 decrease from the average percentage or the average
16 sale price as measured shown in the chart at minus
17 8 percent for below average vista and minus
18 21 percent for a poor vista.

19 This is in contrast to, again, their
20 findings that an above-average vista will increase
21 the value of the property by 10 percent above that
22 reference category with an average vista and by
23 13 percent with a premium vista above the average
24 vista.

1 So what it recognizes is pretty much
2 consistent with much other real estate literature,
3 knowledge, experience, and just really general
4 understandings, accepted understandings, that the
5 more premium a property is as far as its setting and
6 its view, it adds value, and the more that that is
7 impaired or cluttered or industrialized, as is shown
8 in some of their vista example photographs, which I
9 also have my own understanding, that those values on
10 average are as much as 21 percent lower than the
11 average.

12 Q. So it's fair to say, then, that basically
13 those properties that had a premium vista basically
14 sold for 13 percent more than the reference category.

15 A. Correct.

16 Q. Okay. And this has nothing to do with
17 wind turbines or no wind turbines, it's just we're
18 establishing the fact about what a vista is worth.

19 A. That's what they intended it to show.
20 What I also recognize it to be is a pretty reasonably
21 accurate summation of values by those categories, and
22 there's certainly a reasonable range, you know, that
23 reasonable people could agree or disagree as to what
24 constitutes a poor vista or an average vista or a

1 premium vista.

2 But big picture what it shows is, as it
3 relates to turbines, is if you take an average or
4 above-average vista, you know, say for example in
5 Champaign County, some of the views from the
6 properties are rather nice, others are pretty
7 average, but then introduce, you know, 56 500-foot
8 turbines, that is going to, in my opinion, constitute
9 a poor vista.

10 And perhaps that's an unintended result
11 of their analysis, but to me what this scenic vista
12 figure ES-2 can confirm is that when a vista is
13 impaired from a prior superior rating or ranking,
14 then it follows that the property values also are
15 lower.

16 Q. Okay. So let me make sure that we're all
17 on the same page. So that you were looking at the
18 data that said that from the highest of the premium
19 vista to the lowest of the poor vista was 34 percent
20 differentiation in price, and what you're supplying
21 is that you think that that's what you could see if
22 we added wind turbines because wind turbines could
23 give you that much of a price depressing -- that much
24 of a price depressing impact.

1 A. Fair enough.

2 Q. Right.

3 A. Yes.

4 Q. So they supplied the amount, and you're
5 supplying what you think that wind turbines would
6 generate -- actually, let me withdraw that question.

7 MR. WALKER: Objection.

8 MR. PETRICOFF: Yeah, I agree. As well
9 as a terrible pun on generation.

10 Q. I think we're on the same page here, I'm
11 ready to move on.

12 A. Okay.

13 Q. Well, I want to take you now to page 11,
14 lines 12 to 14. This is where you did some
15 independent research to determine what the effect was
16 on properties that had been excluded from the LBNL
17 study or, I'm sorry, we're call it the Hoen, the Hoen
18 study; is that correct?

19 A. It is.

20 Q. What is your understanding as to why
21 these properties were not included in the study?

22 A. Well, what they claim in the report is
23 that it was because they were related-party
24 transactions, but my research has disclosed that they

1 were not, in fact, related-party transactions by the
2 correct use of that term that is found in the
3 assessor's manual that's also cited, which is to say
4 that related-party transactions are, you know, blood
5 relatives or through marriage, but not through prior
6 business arrangements.

7 For example, the property that showed an
8 80 percent decline when the developer resold it, he
9 sold it to an existing neighbor who had leased part
10 of his land for the development of turbines on it
11 and, you know, again, a business relationship
12 preexisting but no -- not a related-party
13 transaction.

14 Q. Okay. You'd agree with me, though, that
15 if we were doing a study and there was a sale that
16 wasn't at arm's length, we shouldn't be using that
17 data.

18 A. Well, as a general proposition I would
19 agree. If it's -- it depends on what "arm's length"
20 means and there's more than one way to interpret
21 that. But when both parties are acting in their own
22 best interests, you know, that is -- and they're not
23 under any compulsion to sell or buy, then that's an
24 arm's-length transaction, and from everything I was

1 able to discern these were arm's-length transactions.

2 Q. And the reason we throw relatives out,
3 because if that's a relative transaction, that may
4 not be arm's length. There may be nonmonetary
5 factors at work.

6 A. Well, there might be if they're related,
7 sure. That's not a given, but it's a --

8 Q. Not a given.

9 A. -- it's assumed to be.

10 Q. Right. It was something we would be
11 concerned about if we were doing research. And then,
12 now, you indicate here that it was a resale to a
13 property owner who was already participating? That
14 was one of the properties that were thrown out?

15 A. Yes.

16 Q. Okay. Isn't it possible that there could
17 be some compensation that's associated with the prior
18 business transaction that would make this less than
19 arm's length?

20 A. Well, I'm sure there was some prior
21 compensation as part of the lease's consideration
22 but, again, in a separate transaction, a separate
23 matter, a prior business arrangement that it doesn't
24 have anything to do with what price the developer was

1 willing to sell to a neighbor for.

2 Q. Well, but this is a neighbor with which
3 the developer has an ongoing business relationship.

4 MR. WALKER: Objection. Calls for
5 speculation.

6 Q. Okay. You can answer the question if you
7 can.

8 A. I don't know if the lease still exists or
9 has been canceled, so I don't know that for sure.

10 Q. Okay. Give me a moment here. I want to
11 see if there's anything else I need to ask you. If
12 not, I think I might be through.

13 MR. PETRICOFF: I don't think I have any
14 additional questions. Thank you very much for your
15 time and effort. And, with that, I guess I'll turn
16 it over to staff counsel if they have any questions.

17 THE WITNESS: Thank you, Howard.

18 MR. REILLY: Thank you, Howard. We don't
19 have any questions.

20 MR. PETRICOFF: Chris, do you want any
21 redirect or shall we wrap up the session?

22 MR. WALKER: Hold on just a second,
23 Howard. No, I have no further questions either.

24 MR. PETRICOFF: Okay. Once again, thank

1 you for your time and I guess we'll be seeing each
2 other in the next week or so.

3 THE WITNESS: Okay. Looking forward to
4 it. Have a good day.

5 (The deposition concluded at 2:27 p.m.)

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1 State of _____ :
2 County of _____ : SS:

3 I, Michael S. McCann, do hereby certify that I
4 have read the foregoing transcript of my deposition
5 given on Tuesday, November 6, 2012; that together
6 with the correction page attached hereto noting
7 changes in form or substance, if any, it is true and
8 correct.

9 _____
10 Michael S. McCann

11 I do hereby certify that the foregoing
12 transcript of the deposition of Michael S. McCann was
13 submitted to the witness for reading and signing;
14 that after he had stated to the undersigned Notary
15 Public that he had read and examined his deposition,
16 he signed the same in my presence on the _____ day
17 of _____, 2012.

18 _____
19 Notary Public

20 My commission expires _____, _____.
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- - -

1 CERTIFICATE

2 State of Ohio :
3 County of Franklin : SS:

4 I, Maria DiPaolo Jones, Notary Public in and
5 for the State of Ohio, duly commissioned and
6 qualified, certify that the within named Michael S.
7 McCann was by me duly sworn to testify to the whole
8 truth in the cause aforesaid; that the testimony was
9 taken down by me in stenotypy in the presence of said
witness, afterwards transcribed upon a computer; that
the foregoing is a true and correct transcript of the
testimony given by said witness taken at the time and
place in the foregoing caption specified and
completed without adjournment.

10 I certify that I am not a relative, employee,
11 or attorney of any of the parties hereto, or of any
12 attorney or counsel employed by the parties, or
financially interested in the action.

13 IN WITNESS WHEREOF, I have hereunto set my
14 hand and affixed my seal of office at Columbus, Ohio,
on this 9th day of November, 2012.

15 _____
16 Maria DiPaolo Jones, Registered
17 Diplomate Reporter, CRR and
Notary Public in and for the
State of Ohio.

18 My commission expires June 19, 2016.

19 (MDJ-4078C)

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Commission of Ohio Docketing Information System on

11/14/2012 4:12:54 PM

in

Case No(s). 12-0160-EL-BGN

Summary: Deposition Deposition Transcript of Michael McCann electronically filed by Ms. Miranda R Leppla on behalf of Champaign Wind LLC