



Vorys, Sater, Seymour and Pease LLP
Legal Counsel

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

614.464.6400 | www.vorys.com

Founded 1909

Miranda R. Leppla
Direct Dial (614) 464-8335
Direct Fax (614) 719-4647
Email mrleppla@vorys.com

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 Milo Schaffner

Dear Ms. McNeal:

Please find attached a copy of the deposition transcript of Milo Schaffner 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)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

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 Milo Schaffner, 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 11:37 a.m.

- - -

ARMSTRONG & OKEY, INC.
222 East Town Street, 2nd Floor
Columbus, Ohio 43215
(614) 224-9481 - (800) 223-9481
FAX - (614) 224-5724

- - -

1 APPEARANCE:

2 Vorys, Sater, Seymour & Pease, LLP
3 By Ms. Miranda R. Leppla
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. Jack Van Kley
10 132 Northwood Boulevard, Suite C-1
11 Columbus, Ohio 43235

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. Werner L. Margard
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 Ohio Power
23 Siting Board.

24 - - -

INDEX

- - -

WITNESS

PAGE

Milo Schaffner

Cross-examination by Ms. Leppla

5

- - -

DEPOSITION EXHIBITS

IDENTIFIED

A - Direct Testimony of M. Schaffner

9

B - 4/30/12 e-mail chain

22

C - 7/22/11 letter from M. Schaffner

31

D - 12/30/10 Hoaglin Township
Trustees meeting minutes

33

E - 7/11/11 letter from K. Wissman

35

F - 6/30/11 letter from M. Schaffner

35

- - -

1 Tuesday Morning Session,
2 November 6, 2012.

3 - - -

4 MS. LEPPLA: Mr. Schaffner, the court
5 reporter is going to go ahead and swear you in and
6 we're going to do this telephonically in agreement
7 with all the parties for the convenience of everyone.

8 (Witness sworn.)

9 MS. LEPPLA: Mr. Schaffner, we're here
10 pursuant to a revised deposition notice filed on
11 October 30th, 2012. It's been noticed for 11:30
12 a.m. and we're taking it telephonically for the
13 convenience of the witnesses. I just want to quickly
14 take appearances.

15 This is Miranda Leppla for Champaign
16 County with Vorys, Sater, Seymour & Pease.

17 MR. VAN KLEY: This is Jack Van Kley with
18 Van Kley & Walker on behalf of Union Neighbors
19 United, Diane and Bob McConnell, and Julie Johnson.

20 MR. MARGARD: And this is Vern Margard,
21 Assistant Attorney General, on behalf of the Board
22 staff.

23 MS. LEPPLA: Okay.

24 - - -

1 MILO SCHAFFNER

2 being by me first duly sworn, as hereinafter
3 certified, deposes and says as follows:

4 CROSS-EXAMINATION

5 By Ms. Leppla:

6 Q. Mr. Schaffner, I'm going to go ahead and
7 ask you to say your full name and spell it for the
8 court reporter.

9 A. Milo Schaffner. M-i-l-o
10 S-c-h-a-f-f-n-e-r.

11 Q. And do you pronounce that "Schaffner"?

12 A. Correct.

13 Q. Okay.

14 A. Schaffner.

15 Q. I just don't want to butcher your name
16 the entire deposition.

17 Have you ever been deposed before,
18 Mr. Schaffner?

19 A. No, I have not.

20 Q. Okay. Well, I'm going to ask you a
21 series of questions. If you don't understand
22 something that I'm asking you, just let me know and I
23 will explain what I mean or rephrase my question.
24 I'll try, since especially this is telephonic, I'll

1 try not to talk over you when you're answering and
2 I'd ask the same when I'm asking you a question, just
3 wait until I'm finished for you to answer.

4 If you have any questions while we go
5 through the deposition or anything I say confuses
6 you, just let me know.

7 A. Okay.

8 Q. Okay. Can you state for the record what
9 your occupation is.

10 A. I'm a grain farmer and general manager at
11 Schaffner Tool and Die. I'm also a township trustee
12 for Hoaglin Township in Van Wert County.

13 Q. And can you tell me your address where
14 you live.

15 A. 16525 Wetzel, that's W e-t-z-e-l, Road,
16 Van Wert, Ohio, 45891.

17 Q. Okay. Can you tell me a little bit about
18 your occupation as a grain farmer.

19 A. Yeah. We raise corn, beans, and wheat.
20 We farm around 1,100 acres all total.

21 Q. And where is that property located?

22 A. We farm in Jackson Township, Van Wert
23 County; Hoaglin Township, Van Wert County; Pleasant
24 Township, Van Wert County; and Union Township in

1 Van Wert County.

2 Q. Okay. And what do you do as the general
3 manager of Schaffner Tool and Die?

4 A. Basically, I go in there from time to
5 time and order material that they may need, or if
6 they have problems with setups, or just general
7 helping to see how they want to do the work, the
8 process that we're going to use in completing the
9 parts that we make.

10 Q. And what types of parts do you make?

11 A. Mostly right now would be prototypes for
12 automotive. You know, engineers are always trying to
13 redesign things so we do a lot of prototypes. We
14 used to do a lot of hydraulic fittings. We do a lot
15 of repair parts for automated machines, so it's just
16 a general job shop.

17 Q. Okay. And do you own Schaffner Tool and
18 Die?

19 A. Yes. My wife and I own it together.

20 Q. How long have you owned that?

21 A. I founded it in 1985.

22 Q. Okay. And you've owned it ever since, I
23 assume?

24 A. Yes.

1 Q. All right.

2 A. And the reason I'm general manager is our
3 attorney advised due to estate planning. My wife
4 owns 60, I think 67 percent, and I own 33 or
5 something like that.

6 Q. Okay. And how long have you been a
7 township trustee for Hoaglin Township?

8 A. I'm on my eleventh year.

9 Q. Okay. And what are your responsibilities
10 as trustee for Hoaglin Township?

11 A. We take care of our cemeteries as well as
12 our roads and the right-of-ways.

13 Q. Anything else?

14 A. Well, we also have to look out for the
15 health and safety of our individuals and provide, you
16 know, fire protection, EMS protection, those types of
17 things.

18 Q. Okay. Are you familiar with any wind
19 turbines in your township?

20 A. Would you rephrase that? I didn't hear
21 the first part.

22 Q. Sure. Are you familiar with any wind
23 turbines in your township?

24 A. Yes. Thirty-eight turbines in Blue Creek

1 Wind Farm have been installed and are being operated
2 in Hoaglin Township. One of these wind turbines is
3 located approximately a mile from my house.

4 MS. LEPPLA: Okay. I'm going to go ahead
5 and mark Mr. Schaffner's direct testimony as Exhibit
6 A.

7 (EXHIBIT MARKED FOR IDENTIFICATION.)

8 Q. Mr. Schaffner, do you have a copy of your
9 testimony in this case in front of you?

10 A. Yes, I do.

11 Q. Great.

12 A. Yes, I do.

13 Q. All right. You mention in your direct
14 testimony, I believe it's question 4, that you have
15 received complaints about the operation of Blue Creek
16 Wind Farm, and you note that at least 14 families
17 have complained to you about noise from the wind
18 turbines. Can you tell me a little bit more about
19 those complaints?

20 A. Basically, the complaints are that they
21 were told these wind turbines would not be any louder
22 than a refrigerator. Well, they are so loud that
23 people cannot hear their TVs inside their house and,
24 as my testimony states, some people can hear them

1 when they're trying to sleep and they prevent them
2 from sleeping.

3 When you go outside, one neighbor just
4 yesterday was complaining again, he said "I'm tired
5 of hearing -- it sounds like ten jets are trying to
6 land in my garage, and I'm tired of it." So it's
7 those type of complaints.

8 Q. Okay. And when did these complaints take
9 place?

10 A. They started right after the turbines
11 started turning.

12 Q. And when was that?

13 A. Here in Hoaglin Township it was October
14 of last year. Now, over in Union Township I believe
15 they started in June or July turning.

16 Q. Okay. Can you tell me the names of these
17 families that have complained?

18 A. No, I would not, because they don't want
19 their names known.

20 Q. Okay. But they've been making complaints
21 to you as a public official with Hoaglin Township,
22 correct?

23 A. Correct.

24 Q. So you cannot tell me the names of these

1 families?

2 A. Some of them would not want me to, so I'm
3 not going to give any names out.

4 Q. Okay. We might revisit that. Thank you.
5 Can you tell me how close these families
6 are to the turbines?

7 A. Anywhere from approximately 1,600 feet to
8 a mile.

9 Q. And what are you basing that distance off
10 of?

11 A. Measured with a wheel.

12 Q. What kind of a wheel?

13 A. A measuring -- I have a measuring wheel;
14 most farmers have. And one person that was
15 complaining in Union Township, we just went and
16 measured it, how far it was from their house.

17 Q. And when did you measure this?

18 A. I measured that probably, oh, I would
19 guess about a year ago.

20 Q. And did you measure all 14 families'
21 homes from the distance of a turbine?

22 A. No, I have not.

23 Q. Okay. How many of the families have you
24 measured the distance from their house to the

1 turbine?

2 A. One in Union and one here in Hoaglin.

3 Q. So you've measured two homes --

4 A. Correct.

5 Q. -- that have had complaints.

6 A. Correct.

7 Q. And those two homes are, your estimation
8 is 1,600 feet to one mile.

9 A. Yes. No. Let me explain.

10 Q. Sure.

11 A. The one home in Union Township was 1,600
12 feet.

13 Q. Okay.

14 A. The one home that I measured here in
15 Hoaglin Township was a little over 3,600 feet, and
16 that person is one that is being woke at night from
17 the sound of the wind turbines.

18 Q. And you said that's --

19 A. Here in this part of Ohio all of our
20 roads are square, a mile square. We have one-half
21 mile markers, we have one-quarter mile markers, so
22 it's very easy to tell the distance just by driving
23 down the road and looking at where a 40 acre field
24 stops, 80 acre field stops, so you don't have to

1 | measure a lot of that stuff.

2 Q. Okay. And did you say, just correct me
3 if I'm wrong, did you say the home in Hoaglin was
4 3,600 feet?

5	A. Correct.
---	-------------

6 Q. Okay. And do you know if any of these
7 families have submitted their complaints to the Ohio
8 Power Siting Board?

9 | A. No, I do not.

10 Q. In your testimony you stated that the
11 Blue Creek Wind Farm has a complaint resolution
12 process, correct?

13	A. Correct.
----	-------------

14 Q. So these families haven't called the Ohio
15 Power Siting Board to use that complaint resolution
16 process set up by Blue Creek?

17 A. Not to my knowledge, no.

18 Q. Okay. So my next question was going to
19 be whether there was any resolution of the
20 complaints, but if they haven't complained to the
21 Ohio Power Siting Board, I'm going to assume they
22 haven't had any resolution. Is that correct?

23	A. Correct.
----	-------------

24 Now, with that I might add that some of

1 these people that have complained about TV reception,
2 I have given them not only Ohio Power Siting Board's
3 complaint resolution number, but they tell me --
4 whether they called or not I don't know, but I also
5 give them the Blue Creek project manager Dan
6 Litchfield's number.

7 Q. Okay.

8 A. And he called them -- or, they called him
9 directly.

10 Q. So you've given the people who call and
11 complain of Hoaglin Township, you've given them
12 numbers they could use --

13 A. Yes.

14 Q. -- to file further complaints.

15 A. Yes.

16 Q. All right.

17 A. But that was only with TV reception.
18 They haven't asked for any numbers for the noise,
19 although I tell them they should do that, but they
20 don't.

21 Q. Okay. And how many of those 14 families
22 were complaining about TV reception, in your
23 estimation, Mr. Schaffner?

24 A. Yeah, I was going say the five families,

1 not all of them have complained about the noise yet.

2 Q. Okay.

3 A. I would say three of those families have
4 complained about reception also complained about the
5 noise.

6 Q. Okay. So is there a total of 14 families
7 that have complained or is it a total of 14
8 complaints?

9 A. I guess I'm confused there.

10 Q. That's okay. I guess what I understood
11 you to mean was that people had called, the same
12 family had called to complain about a TV reception
13 issue and also called to complain about a noise
14 issue.

15 A. Yes. There was three of those.

16 Q. Three of those, okay. So my question is
17 you said there were 14 families who had called to
18 complain and I was just --

19 A. Correct.

20 Q. -- trying to figure out if it was 14
21 total families or 14 total complaints, if that makes
22 sense.

23 MR. VAN KLEY: I'm going to object to
24 that question because you said that his testimony

1 says that 14 families have called to complain, but
2 his testimony says 14 families have complained about
3 noise.

4 MS. LEPPLA: Oh, okay. Thank you, Jack.

5 Q. Okay, so, Mr. Schaffner, are these
6 complaints about TV reception in addition to the 14
7 complaints about noise?

8 A. Out of the 14 families that complained
9 about noise, 3 of those complained about TV
10 reception.

11 Q. Okay. Thank you. I just was confused
12 about what you were saying. Thank you.

13 A. Yeah.

14 Q. Okay.

15 A. There was two more families that
16 complained about reception that have not complained
17 about the noise yet.

18 Q. Okay. Thank you, Mr. Schaffner. That
19 makes sense to me. Thank you.

20 A. You're welcome.

21 Q. You state in your direct testimony that
22 there has been some road damage to the township
23 roads, can you explain that to me?

24 A. Yes. When Iberdrola --

1 Q. Mr. Schaffner.

2 A. Pardon?

3 Q. Our court reporter was having a hard time
4 hearing you, she wants you to repeat your answer from
5 the beginning.

6 A. Okay. When Iberdrola came to Hoaglin
7 Township, the roads that we have problems with did
8 not have any patches on. They were asphalt roads
9 that we had chipped and sealed. Normally we chip and
10 seal roads several years after we put down the
11 asphalt.

12 Well, when Iberdrola got done, these
13 roads had lots of patches on them. The edges were
14 broke down, so these will turn into potholes up here
15 in northwest Ohio because water will get in them and
16 soft spots, so we have those issues that, well, did
17 not get resolved.

18 Q. Do you know if there's a road use
19 agreement in place with the county?

20 A. There is a road agreement in place with
21 the Van Wert County engineer, yes.

22 Q. Between the Blue Creek Wind Farm and the
23 Van Wert County engineer?

24 A. Correct.

1 Q. Okay. And has the Van Wert County
2 engineer, to your knowledge, taken any action for
3 breach of that agreement?

4 A. Repeat the last part of that, please.

5 Q. To your knowledge, has the Van Wert
6 County engineer taken any action because they think
7 that Blue Creek Wind Farm has breached the road use
8 agreement?

9 A. Yes. He wrote a letter to the Ohio Power
10 Siting Board which they did not think was strong
11 enough, so he asked to speak to the chairman of the
12 Ohio Power Siting Board, which he did, and got a
13 letter in return. He stayed with his commitment that
14 our roads were not as good as they were until
15 pressure was put on him and he was told that he might
16 have to testify in Columbus and so forth and at that
17 point he caved in to the politics.

18 Q. Okay. Has the township sought any
19 further action regarding the roads?

20 A. Well, we would love to, but the reason
21 the county engineer came into the politics was he
22 wanted legal representation and our county prosecutor
23 said "I will not represent you in this issue." And
24 the same for us trustees. What are we going to do if

1 our county prosecutor will not back our county
2 engineer when he does his job. I'm sure he's not
3 going to back us.

4 Q. And do you know why the county prosecutor
5 wouldn't represent the county engineer?

6 A. I cannot give you a definite answer other
7 than if you go to landaccess.com, you'll find that
8 the prosecutor is a trustee for a lot of land in
9 Van Wert County and he signed it up with Iberdrola in
10 '08 and '09, I believe, and if you sign that
11 agreement with them, it says specifically in that
12 agreement that you must support them and you cannot
13 go out and talk against them. So he's basically, if
14 he's an honorable man, he can't go against them or
15 he's -- the agreement he signed, I guess that would
16 be perjury.

17 Q. Okay.

18 A. So is that the real reason? I don't
19 know.

20 Q. Okay. That's just your opinion. Was
21 that a yes, Mr. Schaffner? I'm sorry.

22 A. Is what a yes?

23 Q. It's your opinion that that is the reason
24 the prosecutor would not represent the county

1 engineer?

2 A. I don't know if it's my opinion. It's
3 just the only thing I can come up with as to why he
4 would not represent the county engineer for doing his
5 job.

6 Q. Okay. Are you familiar with the Timber
7 Road 2 wind farm in Paulding County?

8 A. Yes.

9 Q. How far is Paulding County from your
10 house?

11 A. From my house it is one, two, three
12 miles.

13 Q. Okay. And what date did you go down to
14 Paulding County to observe damage to one of the
15 turbines from a storm?

16 A. Yes, I did.

17 Q. And what date was that?

18 A. It was in April sometime. It was right
19 after the turbine blades blew apart.

20 Q. Do you remember the date you were there?

21 A. No, I don't.

22 Q. Why did you go down there?

23 A. Well, that was big talk in the community
24 and so some neighbors wanted to go see it and so we

1 just hopped in a vehicle and went up there and looked
2 at it.

3 Q. Okay. And I'm going to go ahead and mark
4 an e-mail from you, Mr. Schaffner, to, I believe it's
5 addressed to someone -- Mike Burton and copied to
6 Julie Johnson and Jack Van Kley, it's dated April
7 30th of 2012 and it has two attachments. Do you
8 have a copy of that, Mr. Schaffner? That would be
9 the e-mails that you were sent earlier just before
10 this deposition.

11 A. Well, I'd have to go back and find it. I
12 don't have it in front of me.

13 Q. Okay. Can you go ahead and open that up
14 on your computer and let me know when you have that
15 open in front of you?

16 MR. VAN KLEY: Milo, if it helps you,
17 it's one of the ones I just sent you just prior to
18 the deposition.

19 A. Okay. Will it just be a question about
20 the drawing or --

21 Q. Yeah, there's an e-mail from you to Mike
22 Burton and your drawing is attached and also a photo
23 of a turbine.

24 A. Okay. You said it was April when?

1 Q. Well, it was April 30th, but Jack just
2 sent you the e-mail I think maybe a half hour ago
3 that should have that attached.

4 A. Okay.

5 Q. Hopefully that's an easier way to locate
6 it.

7 A. Okay. I'm with you now. I was in
8 another . . .

9 Q. Okay. Great. So we're going to mark
10 that as Exhibit B for the deposition.

11 A. Okay.

12 (EXHIBIT MARKED FOR IDENTIFICATION.)

13 Q. I just wanted to talk to you about how
14 you calculated the distance that you say that the
15 pieces of the turbine flew.

16 A. Okay. Most farmers have what we call
17 measuring wheels, you probably seen people walking
18 along the road that looks like a bicycle wheel,
19 they're pushing it.

20 Q. Yes.

21 A. Those things calculate how many feet you
22 go, so what I done was I took and measured from the
23 turbine to the piece that was laying next to the
24 creek and then went -- that was the north and south

1 direction, then the east and west I measured from a
2 90-degree angle going west from that piece to the
3 wind turbine.

4 Q. Okay.

5 A. Then I used the simple pythagorean
6 theorem, the old A squared plus B squared equals C
7 squared, which everyone uses. Carpenters use what's
8 called 3-4-5 or any multiple thereof or a right angle
9 to get the distance of the hypotenuse, and that's how
10 we came up with the 1,158 feet to that large piece.

11 Q. Okay. Tell me about your measuring
12 wheel. When did you get your measuring wheel?

13 A. Oh, actually my son bought this measuring
14 wheel because we used to build ponds and we used it
15 to mark off the size of the ponds, and I'd say that
16 has been maybe eight years ago. And we only built
17 about six or seven ponds, so it has not been used
18 very much.

19 Q. And have you had that calibrated at any
20 time recently?

21 A. No, I have not.

22 Q. Okay. Did you actually go onto the
23 property where the turbine was located to make this
24 measurement?

1 A. No, I did not.

2 Q. How did you come to these conclusions if
3 you were not on the property --

4 (Mr. Reilly joined.)

5 MS. LEPPLA: Hi, Steve.

6 MR. REILLY: Hi. I guess you must have
7 cut us off.

8 MS. LEPPLA: Oh, I'm sorry. I didn't
9 know we lost you guys. I apologize. We're just in
10 the middle of Mr. Schaffner's deposition. We're
11 talking about an e-mail he sent to Mike Burton
12 discussing --

13 MR. REILLY: Thank you.

14 MS. LEPPLA: -- a blade throw incident in
15 Paulding County.

16 MR. REILLY: Thank you.

17 MS. LEPPLA: Uh-huh.

18 Q. (By Ms. Leppla) So, Mr. Schaffner, how
19 did you go about getting this -- coming to this
20 conclusion if you were not actually on the property
21 with your measuring wheel?

22 A. Well, as I explained, up here almost all
23 our roads run straight at 90-degree angles, so I went
24 directly east of the piece along the road and

1 measured to a line directly in line with the turbine
2 to the west and that gave me the 868 feet. Then --
3 if you were up here, you'd see that all us farmers
4 plant along the roads, so our rows run parallel to
5 the roads.

6 So I was able to see which rows from the
7 farmer's cornfield lined up with that piece, so I set
8 the wheel in line with that part based upon the
9 straight rows of the farm field and measured from the
10 turbine to the east and west blade which was 767
11 feet.

12 Q. Okay. So you did not physically go onto
13 this property, correct?

14 A. No.

15 Q. Okay.

16 A. We consider that trespassing up here.

17 Q. I think most places you're right.

18 So how could you tell for sure that this
19 was a 90-degree angle?

20 A. You're talking about the intersection of
21 the roads?

22 Q. What you measured, how could you tell for
23 sure it's a 90-degree angle?

24 A. Well, based upon the fact that all our

1 roads are at 90-degree angles up here. You know,
2 there's a few that are not, but this was a section
3 laid out which is 640 acres, one mile by one mile by
4 one mile.

5 Q. Okay.

6 A. So they're square. They're not going to
7 be very far off.

8 Q. And did you have an engineer with you
9 when you did this measurement?

10 A. No, I did not.

11 Q. And are you trained as an engineer?

12 A. No, but I'm trained as a tool and die
13 maker and I worked with engineers all my life.

14 Q. Okay.

15 A. So, you know, I have a lot of opinions
16 about engineers.

17 Q. Well, I won't get into those, though.

18 Give me just a second, Mr. Schaffner. Do
19 you have a copy of the photo attached to this e-mail
20 in front of you?

21 A. Yes, I do.

22 Q. Can you identify for me where you believe
23 a piece of this blade was located?

24 A. Okay. Let me blow it up. Are you

1 looking at the picture also right now?

2 Q. Yes, I am.

3 A. All right. If you look at the picture
4 and look in the ditch, you'll see white pipes
5 sticking out. If you count to the fourth pipe, it's
6 not quite that far to the piece that we're talking
7 about.

8 Q. Okay. This is on the left side of the
9 page?

10 A. The pipes are on the left side of the
11 page and, yeah, the part is also left of center, yes.

12 Q. Okay. When you went down here to look at
13 this turbine, was it the same day that the turbine
14 blade incident -- throw incident happened?

15 A. No, it was not.

16 Q. How many days after it was it?

17 A. I would guess the -- I took the
18 measurements probably four or five days, no longer
19 than a week, after the turbine parts flew apart.

20 Q. Okay. And do you know the property owner
21 that the turbine is located on?

22 A. No, I do not.

23 Q. And do you know if the property was
24 secured after the turbine incident?

1 A. There was tape on the drive going back to
2 the turbine, but there was no tape around the
3 property.

4 Q. Okay. So you do not know whether other
5 individuals went to look at this property in the four
6 to five days after the blade throw before you visited
7 the property.

8 A. Yes, a fellow township trustee went up
9 and looked at it and that was one of his complaints
10 when I told him the measurements I took, he said
11 "Milo, there was pieces clear down to that house.
12 You didn't go far enough." And I explained I was
13 trying to be fair and honest and not go to the
14 smaller piece, just to the larger piece, but my
15 fellow trustee knows there was pieces down there to
16 the house.

17 Q. Who is the trustee you're referring to?

18 A. Al Osting. He's a fellow Hoaglin
19 Township trustee.

20 Q. Okay. And you refer in your testimony to
21 a relative of the occupants of a nearby house in
22 question 10. Do you know who the occupants of the
23 house were? Do you know their names?

24 A. No, I don't.

1 Q. Do you know their relative's name?

2 A. No, I don't.

3 Q. And when did you talk to this person?

4 A. I believe it was Monday. I went up and
5 done the second measurement and I seen her car pull
6 into the driveway, and so I pulled up and told her
7 who I was and what I was doing, and she told me that
8 she was the, I believe mother of the young man that
9 lives there, the young couple.

10 Q. Okay.

11 A. And she's the one that talked to me and
12 told me that there were pieces laying even behind
13 their house farther to the east.

14 Q. Okay.

15 A. So she would be the mother and
16 mother-in-law and grandma. She told me she comes
17 there and picks up the kids after school at times.

18 Q. I think you just said that you were doing
19 that, when you talked to her, you were taking your
20 second measurements.

21 A. Yes.

22 Q. You took two sets of measurements, then?

23 A. Yes. The second set is where the small
24 pieces were.

1 Q. Okay.

2 A. That, in my testimony, was Exhibit B.

3 Q. Okay. And do you know if the landowner
4 at that house, the young couple you're referring to,
5 are they participating or nonparticipating
6 landowners?

7 A. I have no idea.

8 Q. Okay. Give me just one second. Was that
9 Exhibit B, Mr. Schaffner?

10 A. Yes.

11 Q. Okay. I just wanted to double-check. I
12 thought you might have said "C" and I didn't see
13 that.

14 A. I want to note on that Exhibit B this
15 lady told me there were pieces laying in the yard
16 that I did not go in their yard and measure. So
17 there were pieces even farther than what this drawing
18 shows.

19 Q. And you don't know that lady's name?

20 A. No, I do not.

21 Q. Okay. I'm going to direct your attention
22 to a set of letters that I believe Jack or Chris
23 forwarded to you.

24 MS. LEPPLA: Is that right, Jack?

1 MR. VAN KLEY: That's correct.

2 MS. LEPPLA: Okay.

3 Q. And I'm going to go ahead and mark -- the
4 first one is dated Friday, July 22nd of 2011, and
5 I'll mark that as Exhibit C.

6 (EXHIBIT MARKED FOR IDENTIFICATION.)

7 Q. Do you have a copy of that,
8 Mr. Schaffner?

9 A. Okay. I'm looking. One second. Yes, I
10 do.

11 Q. Okay.

12 MR. VAN KLEY: What was the number for
13 this exhibit?

14 MS. LEPPLA: C.

15 Q. Mr. Schaffner, do you recognize this
16 letter?

17 A. Yes, I do.

18 Q. Okay. What is this letter?

19 A. I wish I had Sally's letter in front of
20 me, she -- basically, we had written as trustees some
21 letters to the Power Siting Board as well as one of
22 the farms that I farm for where they have trespassed,
23 and when I took off my crops this fall, I seen they
24 trespassed again.

1 We had some problems with the fact that
2 they wanted to put roads on these farms that this
3 farm owner did not want them to, which I had called
4 attention to it to the Ohio Power Siting Board, as
5 well as some of the concerns we had as trustees, and
6 in her letter she wrote that I was just someone,
7 implied I was just someone, basically a envy and
8 that's what prompted this letter; that I was trying
9 to get the Ohio Power Siting Board to understand that
10 I was doing this as a farmer, that they had
11 trespassed, they had no right to be there, and she
12 was basically saying it was all me.

13 But as a trustee we had done other things
14 with full consent, all three of us trustees, in the
15 letters we had sent as support so it was not just me.
16 Everything I had done was as a trustee and as a
17 farmer who did not want Iberdrola on their farm or
18 their -- my landowners did not.

19 Q. Okay. And did you write this letter?

20 A. I was trying to justify and get them to
21 understand. This is not an envy letter, it was just
22 explaining why those letters were written.

23 Q. Okay. And did you write that letter,
24 Mr. Schaffner?

1 A. Yes, I did.

2 Q. Okay. I'll move you to the next letter
3 which should have been in that same e-mail, it's from
4 the Hoaglin Township trustees dated December 30th
5 of 2010.

6 A. Yes.

7 Q. Did you assist in writing this letter?

8 A. No, I did not.

9 Q. Okay.

10 A. Our clerk wrote that letter. Fiscal
11 officer.

12 Q. And it was written on behalf of the
13 board?

14 A. Yes, it was.

15 Q. So did you approve of what was written in
16 this letter?

17 A. Yes.

18 Q. Okay. I want to mark that as Exhibit D.

19 (EXHIBIT MARKED FOR IDENTIFICATION.)

20 A. That's actually a copy from our minutes.

21 Q. Okay. All right. There is another
22 letter dated July 11th of 2011 that is directed to
23 you, I believe, from Kim Wissman. Do you have a copy
24 of that, Mr. Schaffner?

1 A. I'm hunting it. No, I don't have that.

2 Q. Okay.

3 MS. LEPPLA: Jack, that should have been
4 in that same set of documents we sent you yesterday.

5 MR. VAN KLEY: The ones you sent me
6 yesterday? You sent me some this morning.

7 MS. LEPPLA: What it this morning? I'm
8 sorry.

9 THE WITNESS: I found it. I'm sorry, I
10 found it.

11 MS. LEPPLA: Yeah, it was this morning,
12 Jack, you're right.

13 Q. (By Ms. Leppla) Do you recognize this
14 letter, Mr. Schaffner?

15 A. Not right offhand.

16 Q. Okay.

17 A. I'll look at it.

18 Q. Sure, go ahead and read over it. Let me
19 know when you're ready.

20 A. Okay. This was his letter being sent
21 back to me.

22 Q. Okay. Whose letter? I'm sorry.

23 A. This is a letter that was sent back to me
24 from Kim Wissman, right?

1 Q. I believe Kim Wissman.

2 A. Yeah.

3 Q. And so do you recognize this letter?

4 A. Yes.

5 Q. Do you remember receiving it from Kim?

6 A. Yes, I do.

7 Q. Okay. All right. And one more letter
8 we've got, should be dated Thursday, June 30th of
9 2011?

10 A. Okay.

11 MS. LEPPLA: I'm sorry. That last letter
12 from July 11th, 2011, to Mr. Schaffner from Kim
13 Wissman should be marked E.

14 (EXHIBIT MARKED FOR IDENTIFICATION.)

15 Q. Okay, Mr. Schaffner, do you have the
16 letter dated June 30th of 2011 in front of you?

17 A. Yes, I do.

18 Q. Okay. We'll go ahead and mark that as
19 Exhibit F.

20 (EXHIBIT MARKED FOR IDENTIFICATION.)

21 Q. Did you write this letter, Mr. Schaffner?

22 A. Yes, I did.

23 Q. Okay. I just have a few more follow-up
24 questions, Mr. Schaffner. Have you ever farmed

1 before?

2 A. Yes.

3 Q. Okay. Do you regularly plant crops?

4 A. Yes, I do.

5 Q. And do you use any kind of device when
6 you are planting your crops to ensure that the lines
7 between crops are completely straight?

8 A. I'm not sure what that question means.

9 Q. Okay. Let me -- go ahead.

10 A. You're saying completely straight? Is
11 that what you're saying?

12 Q. Sure. Do you use any kind of device to
13 ensure that the crops are planted in straight rows?

14 A. No, I do not use any GPS.

15 Q. Okay. And I just want to ask one more
16 time, Mr. Schaffner, I know you said you didn't want
17 to disclose the names of those families that have
18 complained about the noise from the winds but it's
19 not privileged information and so we would ask that
20 you would go ahead and tell me the names of those
21 families, again.

22 A. Well, I guess I don't know what that
23 means, but let me put it to you this way, one of the
24 families that complained is fearful of reprisals from

1 Iberdrola. I could use his words exactly, but I
2 don't think they would be quite appropriate. But
3 what he told me and shared with me he wanted
4 completely anonymous. He does not want his name and
5 so, I'm sorry, I just cannot in good conscience share
6 those names with you.

7 Q. Okay. Can you tell me any of the
8 families' names?

9 A. No.

10 MS. LEPPLA: Okay. Jack, we just want to
11 put on the record that that's not privileged
12 information so we might talk to you about obtaining
13 those names after this.

14 MR. VAN KLEY: Well, you can talk to me,
15 but I don't represent Mr. Schaffner so I have no
16 ability to counsel him. I have no right to counsel
17 him to produce that information. You know, I can
18 talk to him, but he can either regard or disregard
19 what I say. So I just want to make that clear, that
20 I'm not representing Mr. Schaffner.

21 MS. LEPPLA: Okay. I guess I'm just
22 saying it because he's your witness. I understand.
23 Okay.

24 Let me just take a minute to review my

1 notes. I think that's probably all I've got for you,
2 Mr. Schaffner, but give me one second.

3 Q. Can you tell me what these families are
4 fearful of reprisals from Iberdrola from; what
5 they're concerned about?

6 A. Some of them have signed contracts with
7 Iberdrola and the contract says they can't do things
8 like this, talk to me or to you.

9 Q. Okay. Any other concerns?

10 A. One person, some of their family works
11 for Iberdrola and they're concerned they'll be fired
12 if their names are brought forth.

13 MS. LEPPLA: Okay. Well, I think that is
14 all I have for you, Mr. Schaffner. Thanks for your
15 time today.

16 THE WITNESS: You're welcome.

17 MS. LEPPLA: Would you like to review
18 your transcript of your deposition after this before
19 signing it?

20 THE WITNESS: Yeah, if you would send me
21 that, I can sign it.

22 MS. LEPPLA: Okay. Would you like to
23 review it before that?

24 THE WITNESS: Okay. Ask me that again.

1 Would I do what?

2 MS. LEPPLA: You would like to review it
3 before you sign it?

4 THE WITNESS: Yes, I would.

5 MS. LEPPLA: Okay. Well, I think --

6 Do you have any questions for
7 Mr. Schaffner, Jack?

8 MR. VAN KLEY: No, I do not have any
9 questions.

10 MS. LEPPLA: And, Steve, hopefully you're
11 still there, do you have any questions for
12 Mr. Schaffner?

13 MR. REILLY: Thank you for asking. No.

14 MS. LEPPLA: Okay. All right. Well,
15 thank you for your time, Mr. Schaffner.

16 THE WITNESS: All right. You're welcome.

17 (The deposition concluded at 12:27 p.m.)

18 - - -

19

20

21

22

23

24

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

3 I, Milo Schaffner, 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 Milo Schaffner

11 I do hereby certify that the foregoing
12 transcript of the deposition of Milo Schaffner 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 _____, _____.
21
22
23
24

- - -

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 Milo
7 Schaffner was by me duly sworn to testify to the
8 whole truth in the cause aforesaid; that the
9 testimony was 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 12th 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-4078B)

20 - - -
21
22
23
24

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

11/15/2012 1:38:08 PM

in

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

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