



FILE

Power Siting Board

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6

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February 8, 2013

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Executive Director
Kim Wissman

Ed Rodgers
9247 County Road 130
Kenton, Ohio 43326

Re: Hardin Wind Energy – Case Nos.: 09-479-EL-BGN; 11-3446-EL-BGA

Mr. Rodgers,

Thank you for contacting the Ohio Power Siting Board (OPSB) regarding wind energy development in Hardin County. Your February 7, 2013 letter has been filed in the dockets for case numbers 09-479-EL-BGN and 11-3446-EL-BGA.

I have attached copies of previous Board correspondence that address the three questions raised in your letter. At this time, the Board considers your questions answered in full.

Sincerely,

Kim Wissman, Executive Director
Ohio Power Siting Board

KW: mlb

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Ed Rogers
9247 CR 130
Kenton, Ohio 43326

Re:
Hog Creek Wind Farm I / Case No: 09-277-EL-BGN / 11-0757-EL-BGA
Hog Creek Wind Farm II / Case No: 10-654-EL-BGN / 11-5543-EL-BGA
Hardin Wind Energy LLC / Case No: 09-479-EL-BGN/ 11-3446-EL-BGA

Dear Mr. Rogers:

Thank you for contacting the Ohio Power Siting Board regarding public hearings for proposed wind farms for Hardin County.

In reviewing the Hardin Wind Energy and Hog Creek Wind Farm applications and procedures, we found that these applications satisfied all of the criteria established in accordance with Chapter 4906, of the Ohio Administrative Code.

On March 22, 2010 and August 29, 2011 the Board issued a certificate to Hog Creek Wind and Hardin Wind Energy respectively.

Concerning notification of public hearings before the Ohio Power Siting Board, Section 4906-5-08 (C) (3), of the Ohio Administrative Code states:

At least thirty days before the public hearing, the applicant shall send a letter describing the facility to each property owner and affected tenant. The letter shall briefly describe the certification process and shall include the date of the public hearing. The letter shall be sent by first class mail. The name and address of each landowner on the mailing list shall be submitted to the board and to each public official entitled to service of the application pursuant to rule 4906-5-06 of the Administrative Code. The letter shall be sent to each property owner and affected tenant:

(a) Within the planned site or along the preferred or alternate route(s) of the proposed facility.

(b) Contiguous to the planned site or along the preferred or alternate route(s) of the proposed facility. **This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.**
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(c) Who may be approached by the applicant for any additional easement necessary for the construction, operation, or maintenance of the facility.

(d) If the property owner's address is not the same as the address affected by the proposed facility, then the applicant shall also send a letter to the affected property.

In addition, paragraph (d) states:
Inability or inadvertent failure to notify the persons described in this rule shall not constitute a failure to give public notice, provided substantial compliance with these requirements is met.

To review the Opinion and Order and all filings associated with these siting applications and /or rules governing the installation and operation of wind energy in Ohio, visit our website at www.puc.state.oh.us or the OPSB website at www.OPSB.ohio.gov.

Thank you for your continued attention to this matter.

Sincerely,

Kim Wissman, Executive Director
Ohio Power Siting Board

KW: dgd



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May 25, 2012

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Ed Rogers
9247 CR 130
Kenton, Ohio 43326

Re: Hardin Wind Energy - Case No: 09-479-EL-BGN, 11-3446-EL-BGA

Dear Mr. Rogers,

Thank you for contacting the Ohio Power Siting Board (OPSB) regarding wind energy development in Hardin County. I appreciate the concerns that you have expressed as an area resident, and I have docketed your letter in the cases listed above. The OPSB responds to citizen inquiries as accurately as possible and provides information about Board process via our website and docketing system.

Below, I will address each of the questions and concerns outlined in your Feb. 28, 2012 letter.

1. **If wind farms are required to inform residents of local public hearings by letter, why was this not done?**
A sample of the letter sent to affected landowners and tenants was filed on January 4, 2010 in case number 09-479-EL-BGN. The sample letters can be viewed online at <http://dis.puc.state.oh.us>. Additional details regarding the notification requirements contained in Section 4906-5-08 (C) (3) of the Ohio Administrative Code were outlined in our response to you dated January 6, 2012. The applicant also published hearing notices in local newspapers.
2. **Were there local public hearings other than the one in January 2010?**
In addition to the January 5, 2010 hearing held in Kenton in case number 09-479-EL-BGN, local public hearings were held in two separate wind siting cases in Hardin County. One hearing was held in Ada on January 27, 2010 (Hog Creek Wind I, case number 09-277-EL-BGN) and another was held in Ada on July 25, 2011 (Hog Creek Wind II, case number 10-654-EL-BGN). Transcripts of these hearings are available online at <http://dis.puc.state.oh.us>.

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3. **I was listed as a cooperating landowner when I was not. My neighbor's house was not listed on the wind farm siting map.**
These two issues were previously addressed in our response to you dated November 17, 2010.
4. **Microwave transmitting.**
Microwave transmitting issues were addressed in the staff report filed on December 21, 2009 in case number 09-479-EL-BGN and the amendment filed on June 13, 2011 in case number 11-3446-EL-BGA.
5. **Setback distances concerning ice throw and adjacent property owners must be revealed.**
This issue was previously addressed in our responses to you dated November 17, 2010 and February 3, 2011. The Board determined that all turbine locations met the required setbacks.

As you know, the OPSB reviews each wind farm application to determine whether it serves the public interest, convenience and necessity, with minimal adverse environmental impact. The OPSB review process includes consideration of the impacts to area residents. Ultimately, in reviewing the Hardin Wind Energy application and procedures, testimony from the public and evidentiary hearings, the staff report, discovery and the concerns of those living within Hardin County, the Board determined that the application satisfied the criteria established in accordance with Chapter 4906 of the Ohio Revised Code.

Again, thank you for your interest in this matter. To view all filings associated with wind siting cases and rules governing the installation and operation of wind energy in Ohio, please visit the OPSB website at www.OPSB.ohio.gov.

Sincerely,



Kim Wissman, Executive Director
Ohio Power Siting Board

KW:mb

Ed Rogers
9247 CR 130
Kenton, Ohio
43326

February 7th, 2013
Hardin County Wind Farms Safety Concerns

Ms. Wissman,

There seems to be some confusion in our past correspondence concerning the letters which are required to be sent to each affected land owner. This is required by your own codes. These letters were never sent prior to the Ohio Siting Hearings for Invenergy. It is correct you replied to my letters as you were nice enough to attach them to my last correspondence.

The letter which was not attached was a copy of the letter which was NOT sent to the affected land owners prior to the Ohio Siting Hearings. As far as I can determine, since I nor my neighbors received them, they were never sent as required by your code. In not completing this requirement so the affected land owners could know their rights and possibly speak of their concerns to the Citing Board, the Ohio Power Siting Board is being unlawful and immoral in denying the same rights to the affected land owners.

My Questions which I would like answered:

1-WHY WERE THE LETTERS NEVER SENT AS REQUIRED?

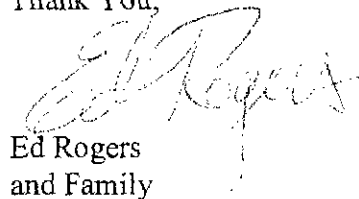
2-WHY ARE THE WIND FARM CORPORATIONS NOT HELD TO THE OHIO SITING BOARDS CODES?

3-WHEN WILL A LAWFUL MEETING BE HELD FOR THE PERMIT PROCESS WHERE THE LAND OWNERS ARE NOTIFIED?

I would like to thank you for your time and telling a sample letter, like the one which was supposed to be sent is found on the internet. This should allow the wind farms to have a proper example of a letter when they complete the requirements which they are to be held.

I will await your reply to my inquiries and thank you for the copies of my past letters.

Thank You,



Ed Rogers
and Family