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October 7, 2016

**VIA HAND-DELIVERY**

Jon Whitis  
Public Utilities Commission of Ohio  
180 East Broad Street, 11th Floor  
Columbus, OH 43215-3793

Re: Condition compliance  
Case No. 13-1177-EL-BGN  
Case No. 13-1767-EL-BSB  
Case No. 13-1768-EL-BTX

Dear Jon:

Hardin Wind LLC ("Hardin") has reviewed all of the Conditions and Commitments related to the Certificates of Environmental Compatibility and Public Need for the Scioto Ridge Wind Farm, the Scioto Ridge Transmission Line and the Scioto Ridge POI Substation. While Hardin fully intends to comply with each applicable Commitment and Condition, Hardin does not intend to make compliance filings based on the nature of the following Commitments and Conditions:

Scioto Ridge Wind Farm (Case No. 13-1177-EL-BGN)

- Commitment 6 – Commence construction within five years of the date of the Certificate.
- Commitment 10 – Notification of endangered species.
- Commitment 11 – Adherence to seasonal cutting dates of September 30<sup>th</sup> through April 1<sup>st</sup> for removal of Indiana bat habitat trees.
- Commitment 13 – Restrict public access to the facility.
- Commitment 15 – Temporal limitation of general construction activities.
- Commitment 20 – Adhere to FCC requirements.
- Commitment 25 – Removal of temporary gravel and construction staging area and access road materials after completion of construction activities.
- Commitment 26 – Removal and disposal of all construction debris and contaminated soil in accordance with Ohio EPA regulations.

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- Commitment 27 – Compliance with fugitive dust rules.
- Commitment 32 – Lighting of structures and construction equipment in accordance with FAA requirements.
- Commitment 34 – Proposed wind turbine site(s) not built are available for Board review in future cases.
- Commitment 35 – Restoration of non-viable turbine location sites where construction has commenced.
- Commitment 37 – Abatement of vandalism to facility structures.
- Commitment 39 – Compliance with turbine manufacturer's most current safety manual and maintenance of same in facility's O&M building.
- Commitment 43 – Ice hazard instruction.
- Commitment 44 – Installation and utilization of ice warning system.
- Condition 1 – Installation of the facility as presented in the application.
- Condition 2 – Utilization of equipment and construction practices as described in the application.
- Condition 3 – Implementation of the mitigation measures as described in the application.
- Condition 9- Avoidance of the Upland Sandpiper nesting habitat during the species' nesting period.
- Condition 11 – Adherence to the prohibition of construction in the Northern Harrier preferred nesting habitat during the species' nesting period.
- Condition 12 – Adherence to a setback distance of at least 1.1 times the total height of the turbine structure from any natural gas or hazardous liquid pipeline.
- Condition 13 – Adherence to noise limits.
- Condition 16c-f – Completion of the following decommissioning activities: removal of buildings, cabling, access roads, electrical components (with the exception of improvements made to electrical infrastructure unless approved by regional transmission organization and/or interconnection utility), transportation of wind turbines off site; and the proper disposal of recyclable and non-recyclable materials.
- Condition 17 – Relocation of Turbine 169 according to the applicable setback requirement of 541 feet and relocation of the collection line between Turbine 169 and the POI Substation.
- Condition 18 – Relocation of the collection line system and access road from Township Highway 200 to Turbine 129 parcel.

Scioto Ridge POI Substation (Case No. 13-1767-EL-BSB)

- Commitment 6 – Commence construction within five years of the date of the Certificate.
- Commitment 8 – Notification of endangered species.
- Commitment 9 – Restrict public access to the facility.
- Commitment 11 – Temporal limitation of general construction activities.

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- Commitment 14 - Removal of temporary gravel and construction staging area and access road materials after completion of construction activities.
- Commitment 15 - Removal and disposal of all construction debris and contaminated soil in accordance with Ohio EPA regulations.
- Commitment 16 - Compliance with fugitive dust rules.
- Condition 18 – Installation of the facility at the Applicant's Preferred Route and POI Substation site as presented in the application filed on September 30, 2013, and as modified/or clarified by the Applicant's supplemental filings and further clarified by recommendations in the December 24, 2013 Staff Report of Investigation.
- Condition 19 – Utilization of the equipment and construction practices as described in the application and modified in supplemental filings and the December 24, 2013 Staff Report of Investigation.
- Condition 20 – Implementation of the mitigation measures as described in the application and modified in supplemental filings and the December 24, 2013 Staff Report of Investigation.
- Condition 25 - Avoidance of the Upland Sandpiper nesting habitat during the species' nesting period.
- Condition 26 -- Adherence to the tree clearing restriction of those trees within 660 feet of a bald eagle nest or any woodlot supporting a nest tree.
- Condition 27 – Minimize lighting at operation and maintenance facilities and substations.

Scioto Ridge Transmission Line (Case No. 13-1768-EL-BTX)

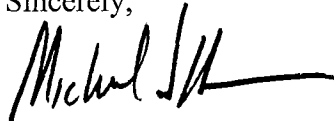
- Commitment 6 – Commence construction within five years of the date of the Certificate.
- Commitment 11 - Notification of endangered species.
- Commitment 12 - Adherence to seasonal cutting dates of September 30<sup>th</sup> through April 1<sup>st</sup> for removal of Indiana bat habitat trees.
- Commitment 15 - Temporal limitation of general construction activities.
- Commitment 18 - Removal of temporary gravel and construction staging area and access road materials after construction.
- Commitment 19 - Removal and disposal of all construction debris and contaminated soil in accordance with Ohio EPA regulations.
- Commitment 20 -- Compliance with fugitive dust rules.
- Condition 22 - Installation of the facility at the Applicant's Preferred Route and POI Substation site as presented in the application filed on September 30, 2013, and as modified/or clarified by the Applicant's supplemental filings and further clarified by recommendations in the December 24, 2013 Staff Report of Investigation.
- Condition 23 - Utilization of the equipment and construction practices as described in the application and as modified and/or clarified in supplemental filings, replies to data requests, and recommendations in the December 24, 2013 Staff Report of Investigation.

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- Condition 24 - Implementation of the mitigation measures as described in the application and as modified and/or clarified in supplemental filings, replies to data requests, and recommendations in the December 24, 2013 Staff Report of Investigation.
- Condition 29 - Avoidance of the Upland Sandpiper nesting habitat during the species' nesting period.
- Condition 30 - Adherence to the tree clearing restriction of those trees within 660 feet of a bald eagle nest or any woodlot supporting a nest tree.
- Condition 31 - Minimize lighting at operation and maintenance facilities and substations.

Please call if you have any questions.

Sincerely,



Michael J. Settineri  
Attorney for Hardin Wind LLC

MJS/mjs

cc: Barcy McNeal, PUCO

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**10/7/2016 11:48:20 AM**

**in**

**Case No(s). 13-1177-EL-BGN, 13-1767-EL-BSB, 13-1768-EL-BTX**

Summary: Correspondence Regarding Condition Compliance electronically filed by Mr. Michael J. Settineri on behalf of Hardin Wind LLC