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April 18, 2017

Via Electronic Filing

Ms. Barcy McNeal
Public Utilities Commission of Ohio
Administration/Docketing
180 East Broad Street, 11th Floor
Columbus, OH 43215-3793

**Re: Hog Creek Wind Farm LLC, Case Nos. 09-277-EL-BGN,
10-654-EL-BGN, 16-1422-EL-BGA and 16-1423-EL-BGA**

Dear Ms. McNeal:

On November 29, 2016, the OPSB issued an Order on Certificate approving Hog Creek Wind Farm, LLC's ("Hog Creek") applications to amend its Hog Creek I Certificate (Case No. 09-277-EL-BGN) and Hog Creek II Certificate (Case No. 10-654-EL-BGN) subject to the conditions set forth in the Stipulation and continued compliance with the conditions set forth in the certificate orders as later amended (Order on Certificate at 9).

Within these sets of conditions, Hog Creek I Certificate **Condition No. 28** and Hog Creek II Certificate **Condition No. 47** require that:

Hog Creek must meet all FAA and federal agency requirements to construct an object that may affect existing local and/or long-range radar, and mitigate any effects or degradation caused by wind turbine operation as required by the FAA or any federal agency.

Also Hog Creek I Certificate **Condition No. 31** and Hog Creek II Certificate **Condition No. 49** require that:

Hog Creek must meet all recommended and prescribed FAA and ODOT-OA requirements to construct an object that may affect navigable airspace. This includes submitting all final turbine locations for ODOT-OA and FAA review prior to construction, and the non-penetration of any FAA Part 77 surfaces.

On October 27, 2016, in compliance with the above conditions, Hog Creek filed a copy of the Construction Permit issued by the Ohio Department of Transportation ("ODOT"), Office Aviation and a copy of the FAA Determinations of No Hazard to Air Navigation. Subsequently the height of the meteorological tower increased and Hog Creek refiled at both agencies with the updated information.

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By this letter, Hog Creek submits the new ODOT Construction Permit dated April 17, 2017 (Attachment 1) and the FAA Determinations of No Hazard to Air Navigation also dated April 17, 2017 (Attachment 2). Thus, this letter is to inform Staff that Hog Creek is in compliance with Hog Creek I Certificate Condition Nos. 28 and 31 and Hog Creek II Certificate Condition Nos. 47 and 49.

If you have any questions please call at the number listed above.

Sincerely,



Sally W. Bloomfield

Attachments

cc: Andrew Conway (w/Attachments)
Jonathan Pawley (w/Attachments)



OHIO DEPARTMENT OF TRANSPORTATION

OFFICE OF AVIATION • 2829 W. DUBLIN-GRANVILLE ROAD

COLUMBUS, OHIO • 43235-2786

JOHN KASICH, GOVERNOR • JERRY WRAY, DIRECTOR

April 17, 2017

Hog Creek Wind Project, LLC
Attn: Elizabeth King
11101 W 120th Ave.
Broomfield, CO 80021

Proposal: Wind Turbine
Lat: N40°-47'-18.72"
Lon: W83°-45'-46.55"
Height: 499 ft AGL 1435 ft AMSL

Subject: CONSTRUCTION PERMIT
Aeronautical Study No: 2016-DOT-1825 to 1854-OE (2016-WTE-3823 to 3852-OE)

To Whom It May Concern,

In response to the application received on the above date concerning the proposed construction described above, a study has been conducted under provisions of Ohio State Law Chapter 119, Section 4561.34 of the Revised Code to determine whether proposed construction would be an obstruction to air navigation. The findings of that study are as follows:

The proposed construction exceeds obstruction standards adopted under Section 4561.32 of the Ohio Revised Code, but will not affect the safe and efficient use of the airports nor effect the safety of persons and property on the ground. However, the following applies to the construction proposed:

[X] Notice is required if the project is abandoned or modified; maximum height 499 feet AGL.

[X] Obstruction Marking and/or Lighting is required.

[X] The structure should be obstruction marked and lighted per current FAA Advisory Circular (AC 70/7460-1L) Change 2 "Obstruction Marking and Lighting".

[X] Required lighting SHALL be maintained in operable condition.

[X] Compliance is mandatory with the FAA conditions of approval.

This authorization to initiate construction/alteration of the subject proposal expires on December 29, 2017 unless it is extended, revised or terminated by the Ohio State Department of Transportation. This permit does not exempt you from contacting local zoning authorities regarding compliance with local zoning ordinances.

If you have any questions, please call (614) 793-5040 or (614) 466-6804.

Respectfully,

ODOT Office of Aviation
2829 W. Dublin-Granville Road
Columbus, OH 43235



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

ATTACHMENT 2

Aeronautical Study No.
2017-WTE-1125-OE
Prior Study No.
2016-WTE-9670-OE

Issued Date: 04/17/2017

Elizabeth King
Hog Creek Wind Project, LLC
11101 W 120th Ave.
Suite 400
Broomfield, CO 80021

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Met Tower PPM-1
Location:	Dunkirk, OH
Latitude:	40-46-04.38N NAD 83
Longitude:	83-43-16.52W
Heights:	938 feet site elevation (SE) 315 feet above ground level (AGL) 1253 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 L Change 1, Obstruction Marking and Lighting, paint/red lights - Chapters 3(Marked),4,5(Red),&12.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- ☐ At least 10 days prior to start of construction (7460-2, Part 1)
☒ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 10/17/2018 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.

- (b) extended, revised, or terminated by the issuing office.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. This determination is based, in part, on the foregoing description which includes specific coordinates and heights . Any changes in coordinates will void this determination. Any future construction or alteration requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (425) 227-2625. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2017-WTE-1125-OE.

Signature Control No: 322523190-328635343

(DNE -WT)

Paul Holmquist
Specialist

Attachment(s)

Additional Information

Map(s)

Note:

As a condition to this Determination, the structure should be obstruction marked as noted below.

Painting.

The meteorological evaluation tower (MET) should be painted in accordance with the criteria contained in FAA Advisory Circular 70/7460-1L, Chapter 3, paragraphs 3.1 through 3.4, specifically, with alternate bands of aviation orange and white paint. In addition, paragraph 3.5 states that all markings should be replaced when faded or otherwise deteriorated.

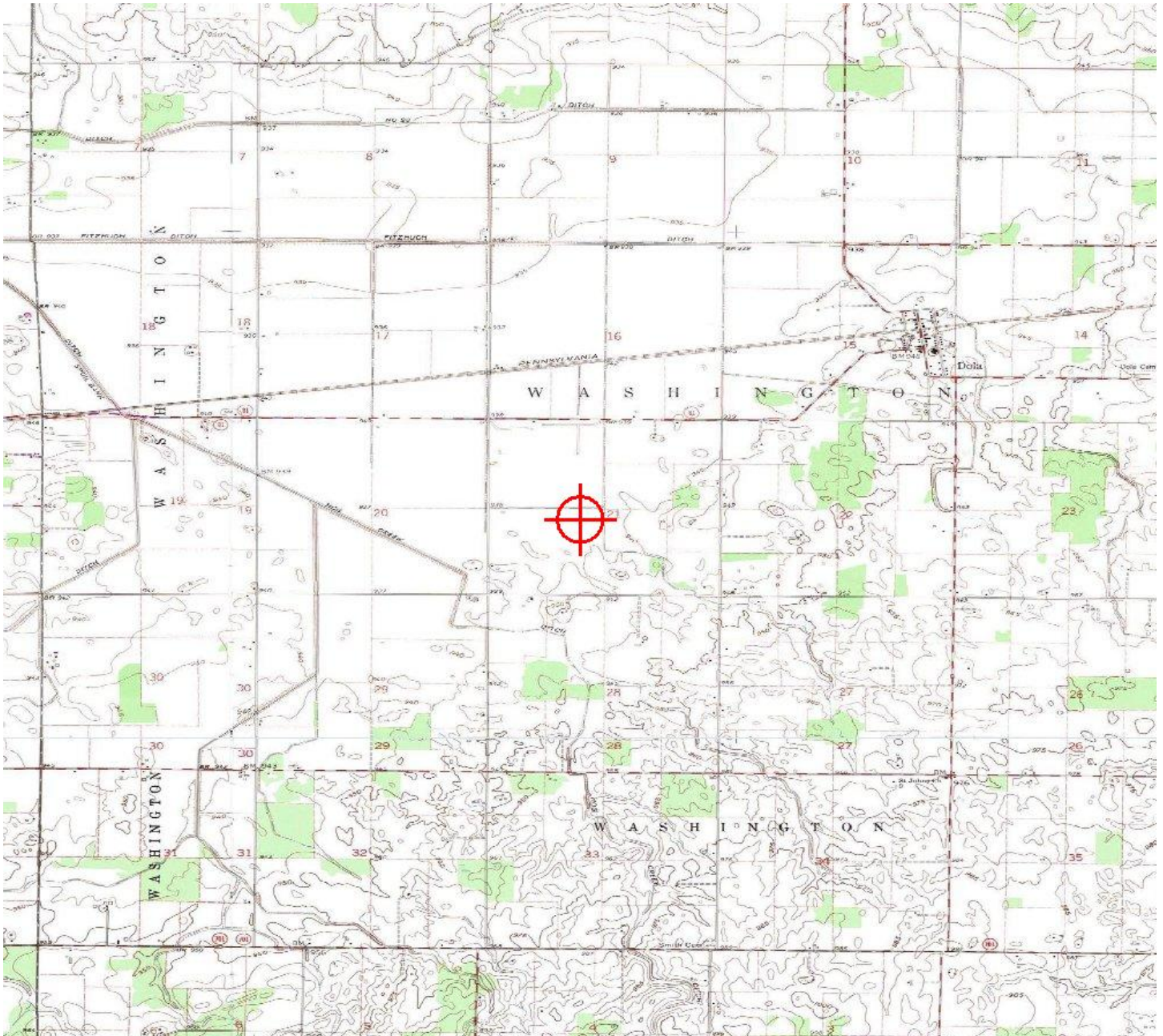
High-Visibility Sleeves.

The FAA recommends several high-visibility sleeves be installed on the MET's outer guy wires. One high-visibility sleeve should be installed on each guy wire, as close to the anchor point as possible, but at a height well above the crop or vegetation canopy. A second sleeve should be installed on the same outer guy wires midway between the location of the lower sleeve and the upper attachment point of the guy wire to the MET. The use of sleeves should not impact the placement of spherical marker balls.

Spherical Markers.

The FAA recommends that high-visibility aviation orange spherical marker (or cable) balls be attached to the guy wires. The FAA recommends a total of 8 high visibility spherical marker (or cable balls) of aviation orange color attached to the guy wires; 4 marker balls should be attached to guy wires at the top of the tower no further than 15 feet from the top wire connection to the tower, and 4 marker balls at or below the mid point of the structure on the outer guy wires.

The FAA recognizes that various weather conditions and manufacturing placement standards may affect the placement and use of high-visibility sleeves and/or spherical markers. Thus, some flexibility is allowed when determining sleeve length and marker placement on METs.





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in

Case No(s). 09-0277-EL-BGN, 10-0654-EL-BGN, 16-1422-EL-BGA, 16-1423-EL-BGA

Summary: Correspondence of Hog Creek Wind Farm LLC in Compliance with Certificate Condition Nos. 28 and 47 respectively - New ODOT Permit and FAA Determinations electronically filed by Teresa Orahoad on behalf of Sally W. Bloomfield