



150 E. GAY STREET, 24TH FLOOR
COLUMBUS, OH 43215-3192
TELEPHONE: (614) 744-2570
FACSIMILE: (844) 670-6009
<http://www.dickinsonwright.com>

WILLIAM V. VORYS
WVorys@dickinsonwright.com
(614) 744-2936

February 6, 2018

Ms. Barcy F. McNeal, Secretary
Ohio Power Siting Board
Docketing Division
180 East Broad Street, 11th Floor
Columbus, OH 43215

**Re: Case No. 13-197-EL-BGN, 16-1687-EL-BGA, and 17-1099-EL-BGA
Trishe Wind Ohio, LLC
Update to Notification of Compliance with Condition 9 of the Supplement—Federal
& State Permits**

Dear Ms. McNeal:

Trishe Wind Ohio, LLC (“Applicant”) is certified to construct a wind-powered electric generation facility in Paulding County, Ohio (“Project”), in accordance with the December 16, 2013 Opinion, Order, and Certificate (“Certificate”) issued by the Ohio Power Siting Board (“OPSB”). The Certificate is subject to the 40 conditions set forth in the December 16, 2013 Order, as well as the 26 conditions set forth in the October 1, 2013 Supplement to the original application (“Supplement”).

Condition 9 of the Supplement requires applicant to obtain and comply with any permits or authorizations required by federal or state laws and regulations. On October 25, 2017, Applicant filed a Notification of Compliance with Condition 9 of the Supplement, which included the necessary permits from the Ohio Department of Transportation (“ODOT”) related to Radi. At this time, Applicant is updating the October 25, 2017 filing to include the crane crossing permit issued by ODOT, which is attached hereto.

We are available, at your convenience, to answer any questions you may have.

Respectfully submitted,

/s/ William V. Vorys

William V. Vorys (0093479)
Christine M.T. Pirik (0029759)
Terrence O’Donnell (0074213)
Dickinson Wright PLLC
150 East Gay Street, Suite 2400
Columbus, Ohio 43215
Phone: (614) 591-5461
Email: wvorys@dickinsonwright.com
cpirik@dickinsonwright.com
todonnell@dickinsonwright.com

Enclosure

COLUMBUS 73809-1 83888v1

Attorneys for Trishe Wind Ohio, LLC

Permit Number: U 1797 18
 County: Paulding
 Route: 127
 Section: 3.8
 Access Category: _____

**STATE OF OHIO
 DEPARTMENT OF TRANSPORTATION
 PERMIT**

Subject to all terms, conditions, and restrictions printed, written below and on the reverse side hereof, or attached,

Name: Trisha Wind Ohio
 Address: 11874 SR-114
 City, St Zip: Haviland, OH 45851
 Phone: 812-264-3592

is hereby granted under Section 5515.01 and 5515.02 of the Ohio Revised Code and permission to perform work necessary in the manner described or attached at the location indicated. This permit does not relieve the applicant from obtaining other Federal, State or Local permits, approvals, or authorizations required by law that may be applicable to the proposed work described herein.

To: Temporarily establish crane crossing along SR-127. Traffic Control MT 101.60 at work area. Utilize two (2) feet minimum depth of sand bedding between road surface and matting. Crossing permitted on Tuesday, Wednesday or Thursday (6:00PM-10:00PM), Sunday (10:00AM-2:00PM). Crossing shall be confined to four (4) hours minimum. TRAFFIC PLAN: Detour installed by ODOT -SB SR-127 traffic detoured east on SR-613, south on SR-637, west on SR-114 and reversed for NB 127.

Location: In Paulding County along State Route 127, 2,000 feet North of TR-48 on the South side of the road. Work to commence between February 27 - March 1, 2018 weather permitting and will require one (1) day to complete.

To the extent applicable, this permit shall be in the possession of employees on site at all times who are in charge of the work and shall be shown, upon request, to any employee of the Ohio Department of Transportation.

No work authorized by this permit shall begin until the permittee has contacted and received instructions from

Duane Hackworth, Utilities Relocation Tech

Phone 419-549-6584

Note: EMAIL: michael.kreuzman@lea.net ross.laukhuf@dot.ohio.gov

This permit shall be void if the work described herein does not comply with the conditions, terms, and requirements applicable to this permit, and if the work is not completed by:

Friday, August 31, 2018

All work requiring persons or vehicles within ODOT right of way shall comply with all applicable requirements of the Ohio Manual of Uniform Traffic Control Devices and Item 614 (Maintaining Traffic) of the Construction and Material Specifications, latest editions, and be NCHRP 350 compliant. Failure to comply with these requirements will be cause for immediate revocation or suspension of the permit until the proper traffic control devices have been provided.

The permittee accepts the conditions, terms, and requirements printed, written on, or attached to this permit and understands that failure to comply fully with those conditions, terms, and requirements or any change in the use of the permit inconsistent with its terms and conditions will be considered a violation and cause for suspension, revocation, or annulment of the permit thereby rendering the permit illegal and subject to appropriate Department action, up to and including removal of the installation at the permittee's expense.

Performance Bond Required? No Company _____
 Effective Date _____ Expiration Date _____ Amount \$ _____

Director: _____

[Signature]
2-5-18

General Provisions Applicable to All Permits

(Sections 5515.01 and 5515.02 of O.R.C.)

- [1] This permit is not a substitute for satisfying the rights or obligations of any other party who may have an interest in the underlying fee interest.
- [2] The granting of this permit does not convey to the permittee or to the property served any rights, title, or interest in state highway rights of way or in the design or operation of the state highway; or in any way abridge the right of the Director of the Department of Transportation in his jurisdiction over state highways. If, in the process of any future work or for the benefit of the traveling public, it becomes necessary, in the opinion of the Director of Transportation to order the removal, reconstruction, relocation, or repair of any of the fixtures, or work performed under this permit, said removal, reconstruction, relocation, or repair shall be wholly at the expense of the owners thereof or the permittee and be made as directed by the Director of Transportation. Such changes in the state highway design or operation, necessary for improved safety and operation or for the benefit of the traveling public, shall not require a permit modification since the permit confers no private rights to the permittee over the control of the state highway.
- [3] The District Deputy Director acts for and on behalf of the Director in issuing and carrying out the provisions of all permits. The District Deputy Director has full authority to ensure that all provisions of the permit are met and to reject any materials, design, and workmanship that do not meet applicable Department standards. The District Deputy Director, at his/her discretion, may require a performance bond or certified check as a prerequisite to the issuance of a permit.
- [4] Failure on the part of the permittee to comply fully with the provisions and conditions of the permit will be cause for suspension, revocation, or annulment of the permit thereby rendering the permit illegal and subject to appropriate Departmental action. By accepting the permit, the permittee agrees to comply with all conditions, terms, and restrictions printed or written on or attached to the permit. If the permittee performs any work contrary to the conditions of the permit or to the instructions of the District Deputy Director and, after due notice, fails to correct the problem, the Department of Transportation may, with or without notice, correct such work and the permittee shall reimburse the Department for the costs.
- [5] The permittee shall indemnify and hold harmless the State of Ohio, Department of Transportation, its officers, representatives and assigns, from any and all loss, liability, damages, litigation costs, and claims for injury or death to any person, property, or business caused by or resulting from any act, omission, event, consequence, or occurrence, negligent or otherwise of the permittee, his employees, or assigns as a result of the issuance of this permit.
- [6] All work authorized under the permit shall be performed to the Department's satisfaction, and the entire expense shall be borne by the permittee. No work shall be performed until the permittee has contacted the Department's appointed representative named on the permit and received instructions. The Department's representative may inspect all work covered by the permit, or the Department reserves the right, during the time any or all of the work is being performed, to appoint an inspector over the work who shall represent the interest of the State on the work and any compensation arranged for shall be paid wholly by the permit holder. Work not in compliance shall be halted and the District Deputy Director shall be notified of the cause. The permittee shall be notified of the Department's action and its causes, and given an opportunity to correct the problem.
- [7] Failure to complete all work within the time specified on the permit shall void the permit, thereby making the permit illegal and subject to appropriate Departmental action. The permittee may request an extension in writing from the District Office, explaining why the extension is necessary and when the work is expected to be completed.
- [8] All work infringing on the pavement or shoulders shall comply with applicable standards and requirements regarding traffic control devices. Failure to comply will be cause for revocation or suspension of the permit. Any closure of lanes or shoulders shall be described in terms of location, duration, time of day, etc. Such work shall not begin until all traffic control devices are in place.
- [9] If any grading, sidewalk, or other work allowed by a permit interferes with the drainage of the highway in any way, such catch basins and outlets as necessary shall be constructed to take proper care of said drainage.
- [10] Upon completion of the work, the permittee shall leave the highway clean of all rubbish, excess materials, temporary structures and equipment, and all parts of the highway shall be left in a condition acceptable to the Department. Upon satisfactory completion of the work authorized by the permit, the Department's appointed representative shall complete the Permit Inspection Certificate, Form No. MR 678 certifying that the permittee has complied with the terms of the permit.
- [11] Except as herein authorized, no excavation shall be made or obstacle placed within the limits of the highway so as to interfere with the travel over the road.
- [12] All pole lines are to be built in accordance with Rule 4901:3-1-08 of Ohio Administrative Code promulgated and enforced by the Public Utilities Commission of Ohio.
- [13] The permittee shall comply with the Air Pollution requirements of Rule 3745-17-08 of the Ohio Administrative Code promulgated and enforced by the Ohio Environmental Protection Agency.
- [14] The permittee certifies that he or she is fully authorized to sign this permit. This permit shall apply to and be binding upon the permittee and his/her successors in interest. No change in ownership of the underlying property or of the facility owned by permittee shall in any way alter the permittee's obligations under this permit.

[15] The permittee(s) for herself/himself/themselves/itself, her/his/their/its personal representatives, and her/his/their/its successors in interest and assigns, as a part of the consideration hereof, do/does hereby covenant and agree that:

- (1) No person on the grounds of race, color, national origin, sex, age, or disability shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of the above described property.
- (2) In the construction of any improvements on, over, or under the above described property and the furnishing of services thereon, no person on the grounds of race, color, national origin, sex, age, or disability shall be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination.
- (3) The above described property shall be used in a manner that at all times is in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. DOT, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. DOT – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.
- (4) In the event that this instrument grants a lease, license, or permit and any of the above nondiscrimination covenants is breached, then the State of Ohio, Department of Transportation, shall have the unfettered right to terminate the lease, license or permit and to re-enter and repossess the above-described property and hold the same as if said lease, license or permit had never been made or issued.
- (5) In the event that this instrument grants a fee or easement interest and any of the above nondiscrimination covenants is breached, the State of Ohio, Department of Transportation, shall have the unfettered right to re-enter the above described property, and said property will thereupon revert to and vest in and become the absolute property of the State of Ohio and its successors and assigns for the use and benefit of the Department of Transportation.
- (6) In the event that this instrument grants a lease, fee or easement interest, all of the foregoing nondiscrimination covenants shall be and are covenants running with the land.

State of Ohio
Department of Transportation
RIGHT-OF-WAY USER PERMITS
Instructions

PLEASE READ:

- 1) A valid permit to use or occupy the highway right-of-way must be obtained **before any** construction takes place within the right of way. No work will be initiated on or off State right-of-way at any commercial site until the site plans have been approved by the Department of Transportation.
- 2) Application for permits can be made in person or sent by mail to the local Department of Transportation District office in care of the District Deputy Director (ATTN: Permit Department). Signatures by contractor are not acceptable and will be returned.
- 3) Applications for public roads, commercial accesses, or residential driveway approaches shall only bear the signature of the property owner, the company owner, or the corporate official responsible for construction and maintenance of the installation placed in the highway right-of-way.
- 4) Permits cannot be issued to developers, contractors, property owners, etc. for any utility service installation, ie; sewer taps, water taps service drops, etc. Applications for these installations must be submitted by the local governing utility company that services the requested area.
- 5) Commercial developments are required to submit the following as a minimum: 1 copy of detailed plans showing all proposed construction, possible effect of traffic movement and trip generation in and out of the proposed site, and drainage calculation based on the post-developed peak flow not exceeding the pre-developed peak flow for the same year storm. All local storm management requirements must also be satisfied. Additionally a separate site plan showing all accesses on both sides of the highway within 1000 feet of the proposed access is required.

The following information should also be included with your application.

- A) Location of the proposed work should be indicated in feet at a distance north, south, east, west, from the nearest intersection indicating which side of the road you will occupy.
 - B) Staking is required for all residential property, showing the exact location of the proposed access, as well as the property lines.
 - C) Total width of through pavements, and if a divided highway, the width of median and location of existing median crossovers.
 - D) Record the width of the pavement and from the edge of a pavement and to the edge of the right-of-way line, keeping in mind the edge of the right-of-way is usually the utility line. If there is no utility line present, the rule of thumb for the edge of right-of-way is for the most part 30' or 33' from the center line of the road. If there is doubt, please contact ODOT for right-of-way information.
 - E) The proposed width of the new access including the width and radii of any existing access.
 - F) Dimensions and type of construction of any proposed islands between approaches.
 - G) The location and dimensions of proposed buildings and parking area.
 - H) The location and description of any existing and all proposed drainage structures within the highway right-of- way.
 - I) The location and type of all landscape items.
- 6) Include a maintenance of traffic plan
 - 7) You must contact the County Manager or his associate 24 hours in advance of starting any work, **or follow notification instructions in the permit.**
 - 8) A copy of the permit and approved plan(s) must be in on site at all times while work is being performed within the State's right-of-way.
 - 10) You may be required to submit additional documentation as listed on the reverse side of the M&R 505. Check with the issuing authority for these details
 - 11) A performance bond will be required for proposed Commercial Drives, Bore, and Road Improvements.

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

2/6/2018 3:41:38 PM

in

Case No(s). 13-0197-EL-BGN, 16-1687-EL-BGA, 17-1099-EL-BGA

Summary: Notice of Update to Notification of Compliance with Condition 9 of the Supplement
—Federal
& State Permits electronically filed by Mr. William V Vorys on behalf of Trishe Wind Ohio, LLC