

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Paulding)
Wind Farm IV LLC for a Certificate of)
Environmental Compatibility and Public Need) Case No: 18-91-EL-BGN
to Construct a Wind-Powered Electric)
Generation Facility in Paulding County, Ohio)

AMENDMENT TO DECEMBER 11, 2018
JOINT STIPULATION AND RECOMMENDATION

On December 11, 2018, all of the parties in the above-captioned matter, Paulding Wind Farm IV LLC ("Applicant"), the Ohio Farm Bureau Federation ("OFBF"), and the Staff of the Ohio Power Siting Board ("Staff") (jointly referred to as the "Stipulating Parties"), filed a Joint Stipulation and Recommendation ("Stipulation") for adoption by the Ohio Power Siting Board ("Board"). Ohio Adm.Code 4906-2-24(A) provides that any two or more parties to a proceeding may enter into a written stipulation covering the issues presented in such a proceeding.

On December 14, 2018, the Board held the evidentiary hearing in this matter. At the hearing, the Stipulating Parties presented the Stipulation, which was accepted into evidence by the Administrative Law Judge.

Subsequent to the hearing, it came to the Stipulating Parties' attention that there was an inadvertent error in Condition 19 of the Stipulation. Specifically, Condition 19 of the Stipulation states:

At least 30 days prior to construction, a noise study shall be submitted showing that cumulative nighttime sound levels will not exceed 44 dBA at any nonparticipating sensitive receptor.

It is the intent of the parties that the study should focus on not exceeding 5 dBA over the nighttime ambient sound level at the critical wind speed for the turbine(s) chosen by the Applicant. The

purpose of such study is to assure compliance with Ohio Adm.Code 4906-4-09(F)(2), that provides in pertinent part that:

[t]he facility shall be operated so that the facility noise contribution does not result in noise levels at any non-participating sensitive receptor within one mile of the project boundary that exceed the project area ambient nighttime average sound level (L_{eq}) by five A-weighted decibels (dBA). During daytime operation only (seven a.m. to ten p.m.), the facility may operate at the greater of: the project area ambient nighttime L_{eq} plus five dBA; or the validly measured ambient L_{eq} plus five dBA at the location of the sensitive receptor.

Ambient sound levels, as well as turbine sound power levels, vary with wind speed. Thus, the critical wind speed, where the difference between the ambient sound levels and the wind turbine sound power level is greatest, should be the focus of the study. Therefore, the Stipulating Parties propose to amend the December 11, 2018 Stipulation, Condition 19 to read:

At least 30 days prior to construction, a noise study shall be submitted showing that cumulative nighttime sound level at any nonparticipating sensitive receptor within one mile of the project boundary will not exceed 5 dBA over the project area ambient nighttime average sound level (L_{eq}) at the critical wind speed for the turbine(s) chosen by the Applicant, except during daytime operation that is in accordance with Ohio Adm.Code 4906-4-09(F)(2).

The Stipulating Parties assert that Condition 19, as amended herein, accurately reflects the intent of the Stipulating Parties to allow the Applicant to select any of the of turbine models set forth in the Application and agreed to by the Stipulating Parties in Condition 1 of the Stipulation. In addition, the Stipulating Parties note that this amendment to Condition 19 of the Stipulation, clarifies that the Applicant will comply with the Board's rules addressing the allowable level of sound at nonparticipating sensitive receptors for all turbine models proposed in the Application and agreed to by the Stipulating Parties (See also Stipulation Condition 1; Application at 8-9, 185).

The amendment to the Stipulation proposed herein is very limited in nature and is agreed to by all the parties in this matter. Therefore, the Signatory Parties request that this amendment to the Stipulation be considered by the Board without the need for further hearing in this matter.

The undersigned hereby stipulate and agree and they represent that they are authorized to enter into this Amendment to the December 11, 2108 Joint Stipulation and Recommendation.

Respectfully submitted on behalf of,

**THE STAFF OF THE OHIO POWER PAULDING WIND FARM IV LLC
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Summary: Notice - Amendment to December 11, 2018 Joint Stipulation and Recommendation electronically filed by Christine M.T. Pirik on behalf of Paulding Wind Farm IV LLC