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July 24, 2024

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

Re: Case Nos. 20-417-EL-BGN, 23-459-EL-BGA, and 24-96-EL-BGA
In the Matter of the Application of Grover Hill Wind, LLC for a Certificate of
Environmental Compatibility and Public Need to Construct a Wind-Powered Electric
Generation Facility in Paulding County, Ohio.

Second Amendment Compliance with Condition 2 – FAA Determination of No Hazard

Dear Ms. Troupe:

Grover Hill Wind, LLC (“Applicant”) is certified to construct a wind-powered electric generation facility in Paulding County, Ohio, in accordance with the orders issued by the Ohio Power Siting Board (“OPSB”) in the above-referenced cases.

At this time, the Applicant is filing the attached Federal Aviation Administration Determination of No Hazard letter for turbine AT01 in compliance with Condition 2 of the OPSB’s June 20, 2024 Order in Case No. 24-96-EL-BGA. This information was provided to OPSB Staff on July 24, 2024.

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

Respectfully submitted,
/s/ Christine M.T. Pirik
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 Federal Aviation Administration
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Aeronautical Study No.
 2024-WTE-2-OE

Issued Date: 07/17/2024

Alex Daberko
 Lotus Infrastructure Partners
 5 Greenwich Office Park
 Greenwich, CT 06831

**** 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: Wind Turbine GH Alternate 02
 Location: Grover Hill, OH
 Latitude: 41-02-38.69N NAD 83
 Longitude: 84-29-12.58W
 Heights: 720 feet site elevation (SE)
 656 feet above ground level (AGL)
 1376 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) 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 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

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 Air Missions (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 01/17/2026 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.

This determination is subject to review if an interested party files a petition that is received by the FAA on or before August 16, 2024. In the event an interested party files a petition for review, it must contain a full statement of the basis upon which the petition is made. Petitions can be submitted to the Manager, Rules and Regulations Group via email at OEPetitions@faa.gov, or via mail to Federal Aviation Administration, Air Traffic Organization, Rules and Regulations Group, Room 425, 800 Independence Ave, SW., Washington, DC 20591. FAA encourages the use of email to ensure timely processing.

This determination becomes final on August 26, 2024 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. Any questions regarding your petition, contact Rules and Regulations Group via telephone (202) 267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, 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.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Paul Holmquist, at (206) 231-2990, or paul.holmquist@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2024-WTE-2-OE.

Signature Control No: 608500716-627564774

(DNH -WT)

Eric F Johnston

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

Additional information for ASN 2024-WTE-2-OE

All FAA determinations and circularized cases are public record and available at the FAA's public website; <https://oeaaa.faa.gov>. The distribution for proposals circularized for public comments includes all "known" aviation interested persons and those who do not have an aeronautical interest but may become involved with specific aeronautical studies. Notification includes both postcard mailers and email notifications to those with registered FAA accounts. The FAA does not have a database for all persons with an aeronautical and non-aeronautical interest. Therefore, the public is encouraged to re-distribute and forward notices of circularized cases to the maximum extent possible. Additionally, it is incumbent upon local state, county and city officials to share notice of circularized cases with their concerned citizens.

A list of commonly used acronyms and abbreviations is available at the end of this document. A full list is available at the FAA's public website at https://oeaaa.faa.gov/oeaaa/downloads/external/content/FAA_Acronyms.pdf.

The five proposed wind turbines described below would be located approximately between 1.2 NM north northwest to 1.6 NM north northwest from the town of Grover Hill, OH. The five locations are in close vicinity of the other 21 already studied wind turbine in this project that have received favorable FAA determinations.

For the sake of efficiency, the 5 newly proposed wind turbines in this project that have similar impacts to 14 CFR Part 77 standards are included in this narrative. Separate letters for each study can be found at the OE/AAA website (<http://oeaaa.faa.gov>).

1. LOCATION OF PROPOSED CONSTRUCTION

The Aeronautical Study Number (ASNs), Structure Names, Above Ground Level (AGL) heights, Above Mean Sea Level (AMSL) heights and coordinates for each proposed structure are listed as follows:

ASN	Structure Name	AGL/AMSL	LAT/LONG
2024-WTE-1-OE	GH Alternate 01	656 / 1376	41-02-36.26N / 84-29-31.07W
2024-WTE-2-OE	GH Alternate 02	656 / 1376	41-02-38.69N / 84-29-12.58W
2024-WTE-3-OE	GH Alternate 03	656 / 1376	41-02-20.40N / 84-29-08.86W
2024-WTE-4-OE	GH Alternate 04	656 / 1376	41-02-39.23N / 84-28-59.59W
2024-WTE-5-OE	GH Alternate 05	656 / 1376	41-02-21.89N / 84-29-03.98W

2. OBSTRUCTION STANDARDS EXCEEDED

The following proposed turbines would exceed Part 77 standards as described below.

- a. Section 77.17(a)(1): Section 77.17(a)(1): Exceeds a height of 499 feet AGL at the site of the object. The five proposed structure locations would exceed this surface by 157 feet.

3. VFR ROUTE

VFR en route is evaluated in accordance with Part 77 Section 77.29 (a)(1): the impact on arrival, departure, and en route procedures for aircraft operating under visual flight rules.

At 656 feet AGL, the five structures would extend into airspace normally utilized for VFR en route flight by 157 feet. The 5 proposed structures would be located within 2 statute miles of a VFR Route as defined by FAA Order 7400.2, Section 6-3-8 and would have an adverse effect upon VFR air navigation.

4. RADAR IMPACTS

The FAA found that the 5 proposed wind turbines would have a Radar Line of Sight (RLOS) impact to the Airport Surveillance Radar (ASR) -9 at Fort Wayne, IN (FWA) and may affect the quality and/or availability of the primary signals.

The military stated the structure will be located within the confines or near a military radar line of sight.

4. CIRCULATION AND COMMENTS RECEIVED

The proposed wind turbine project was originally circulated for public comment under ASN 2021-WTE-140-OE on 02 June 2021. No comments were received by 09 July 2021. The five studies described in this narrative represent new locations that are in the close vicinity of the main project and did not cause any additional adverse effects as described in the original public notice, therefore, public notice for comment was deemed unnecessary for these 5 proposals.

5. BASIS FOR DECISION

a. IFR EFFECTS

None.

b. VFR EFFECTS

Study for possible VFR effect disclosed that the proposed structures would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The 5 proposed wind turbines in this narrative exceed the Part 77 Section 77.17(a)(1) surface by 157 feet, however, no substantial adverse effect was found and no issues were raised during the original public comment period. At 656 feet AGL, the structures would be within the altitudes commonly used for en route VFR flight. In coordination with ATC, an analysis of potential VFR Routes and available traffic data indicated that an average of less than one VFR aircraft per day may be affected by the proposed wind farm. In accordance with FAA Order 7400.2, the proposed wind farm would not affect a significant volume of aircraft and therefore it is determined it will not have a substantial adverse effect on en route VFR flight operations.

c. RADAR EFFECTS

The FAA found that the 5 proposed wind turbines would have a Radar Line of Sight (RLOS) impact to the Airport Surveillance Radar (ASR) -9 at Fort Wayne, IN (FWA). Impacts to radar only require a review by the responsible ATC facility and military services. Further study determined the structures would have no substantial adverse effect on military or air traffic operations at this time.

d. CHARTING AND CUMULATIVE EFFECT

The proposed structures would be charted on VFR sectional aeronautical charts and appropriately obstruction marked/lighted to make them more conspicuous to airmen should circumnavigation be necessary.

The cumulative impact of the proposed structures, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any substantial adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposals affect the capacity of any known existing or planned public-use or military airport.

6. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation provided the conditions set forth in this determination are met.

7. CONDITIONS

Additionally, within five days after each structures reaches its greatest height, the proponent is required to file a FAA form 7460-2, Actual Construction notification, at the OE/AAA website (<http://oeaaa.faa.gov>). This actual construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national obstruction database.

ACRONYMS & ABBREVIATIONS

AGL, Above Ground Level
AMSL, Above Mean Sea Level
ARP, Airport Reference Point
ARSR, Air Route Surveillance Radar
ARTCC, Air Route Traffic Control Center
ASN, Aeronautical Study Number
ASR, Airport Surveillance Radar
ATC, Air Traffic Control
ATCT, Air Traffic Control Tower
CARSR, Common Air Route Surveillance Radar
CFR, Code of Federal Regulations
DME, Distance Measuring Equipment
FAA, Federal Aviation Administration
FUS, Fusion
GPS, Global Positioning System
IFR, Instrument Flight Rules
LAT, Latitude
LONG, Longitude
Min, Minimum
MSL, Mean Sea Level
MVA, Minimum Vectoring Altitude
NA, Not Authorized
NAS, National Airspace System
NEH, No Effect Height
NM, Nautical Mile
NOTAM, Notice to Airmen

NPF, Notice of Preliminary Findings

OE, Obstruction Evaluation

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace.

RLOS, Radar Line of Sight

SE, Site Elevation

SM, Statute Miles

TERPS, Terminal Instrument Procedures

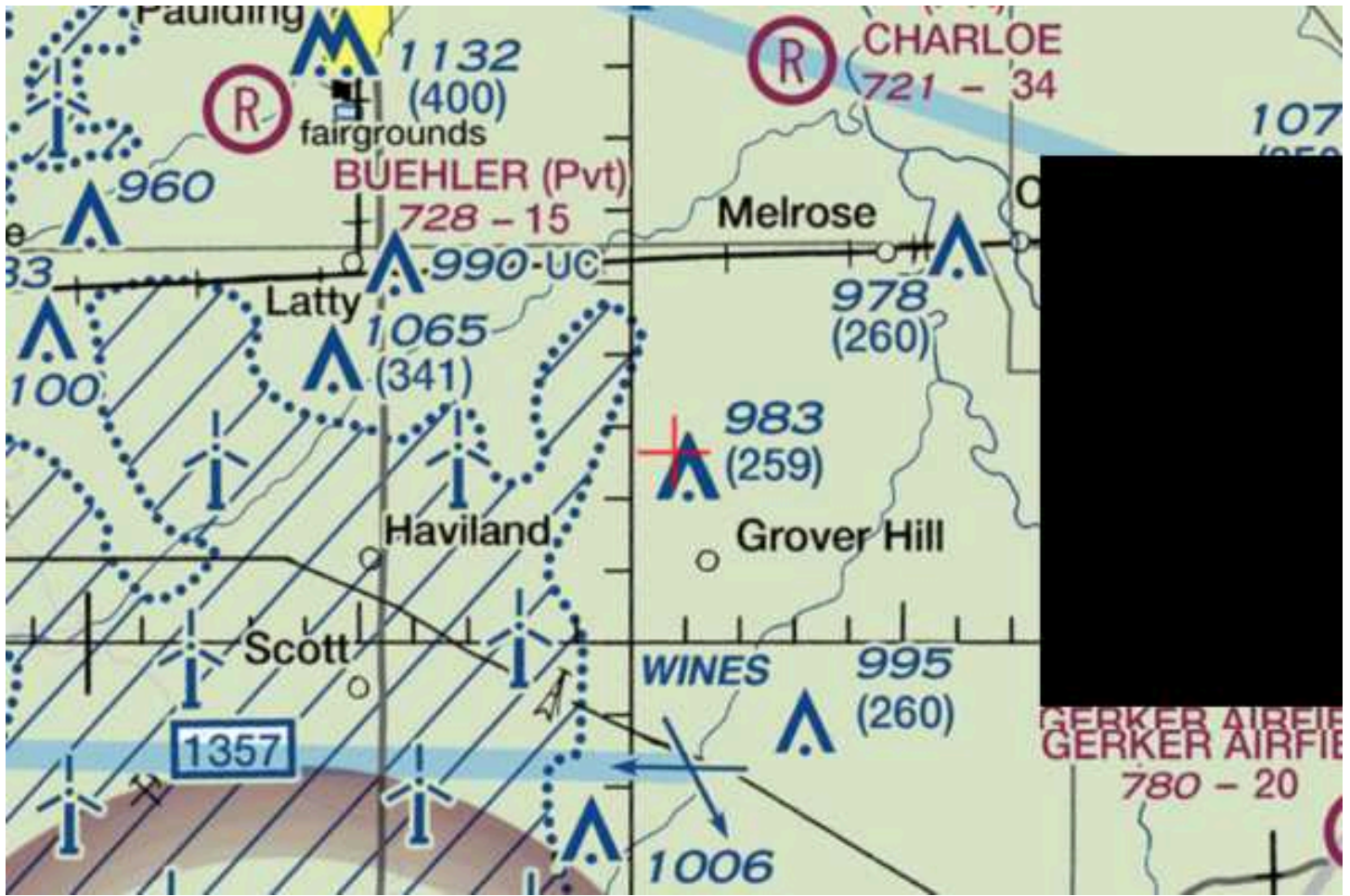
V, Victor Airway

VFR, Visual Flight Rules

WTE, Wind Turbine East

WTW, Wind Turbine West





**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

7/24/2024 4:34:26 PM

in

Case No(s). 20-0417-EL-BGN, 23-0459-EL-BGA, 24-0096-EL-BGA

Summary: Notice - Second Amendment Compliance with Condition 2 – FAA
Determination of No Hazard electronically filed by Christine M.T. Pirik on behalf of
Grover Hill Wind, LLC.