

**In The Matter Of:**  
*LIVINGSTON COUNTY ZONING BOARD OF APPEALS*

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*DECEMBER 9, 2014*  
*December 9, 2014*

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L\*4747\*L\* Page 591

1 LIVINGSTON COUNTY ZONING BOARD OF APPEALS  
 2 CASE SU-7-14  
 3 PLEASANT RIDGE WIND ENERGY PROJECT  
 4 December 9, 2014  
 5 6:30 PM  
 6 Walton Centre  
 7 Fairbury, Illinois

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 10 John Vitzthum  
 11 Joan Huisman  
 12 Diana Iverson  
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1 **CHAIRMAN CORNALE:** We'll call this meeting  
 2 to order. Can I have roll call, please?  
 3 **MR. SCHOPP:** This is the December 9, 2014,  
 4 continuation hearing of the Livingston County Zoning  
 5 Board of Appeals' review of Livingston County Zoning  
 6 Case SU-7-14, Pleasant Ridge Energy, LLC, Pleasant  
 7 Ridge Wind Energy Project.

8 Roll call: Mike Cornale?  
 9 **CHAIRMAN CORNALE:** Here.  
 10 **MR. SCHOPP:** John Vitzthum?  
 11 **MR. VITZTHUM:** Here.  
 12 **MR. SCHOPP:** Richard Kiefer?  
 13 (No response.)  
 14 **MR. SCHOPP:** Diana Iverson?  
 15 **MS. IVERSON:** Here.  
 16 **MR. SCHOPP:** Howard Zimmerman?  
 17 (No response.)  
 18 **MR. SCHOPP:** Joan Huisman?  
 19 **MS. HUISMAN:** Here.  
 20 **MR. SCHOPP:** Gibs Nielsen?  
 21 (No response.)  
 22 **MR. SCHOPP:** We have a quorum.  
 23 **CHAIRMAN CORNALE:** With that, we'd like to  
 24 welcome everybody back. This is our seventh evening

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1 of this. We'll continue where we left off. I believe  
 2 Mr. Luetkehans had some questions for Mr. Loomis. If  
 3 we could get Mr. Loomis to come forward, and I'll turn  
 4 the floor over to Mr. Luetkehans.

5 I'll remind everybody to please speak into  
 6 the microphone loudly and clearly and speak clearly  
 7 enough that the court reporter can get the  
 8 transcription correct. If she has issues, she's going  
 9 to let us know so that we can keep everything moving  
 10 well.

11 EXAMINATION OF MR. LOOMIS  
 12 BY MR. LUETKEHANS:

13 Q. Good evening, Dr. Loomis. Do you have your  
 14 report with you?  
 15 A. Yes, I do.  
 16 Q. Could you go to page 11 of your report,  
 17 which is Pleasant Ridge Exhibit 115.  
 18 A. Yes, I'm there.  
 19 Q. The table 2, the second part has operations,  
 20 and then it has -- this is the employment impact for  
 21 the Pleasant Ridge Wind Energy Project, correct?  
 22 A. Correct.  
 23 Q. And there are really two columns. One is  
 24 Livingston County jobs, and one is state of Illinois

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1 jobs, correct?  
 2 **A. Correct.**  
 3 Q. I'd like to go down to operations, local  
 4 revenue and supply chain impacts. It's 56 Livingston  
 5 County jobs and 71 state of Illinois jobs.  
 6 First of all, it's 56 in Livingston County  
 7 and 71 in the state of Illinois total, correct?  
 8 **A. 71 total for the state.**  
 9 Q. You don't add up the 56 and the 71?  
 10 **A. Correct.**  
 11 Q. Do you know what types of jobs that 56 and  
 12 71 are for local revenue and supply chain impacts?  
 13 **A. Those would be indirect impacts, so anything**  
 14 **that's purchased on an ongoing basis. Replacement**  
 15 **parts, et cetera, would be in those jobs figures.**  
 16 Q. Would additional food service jobs be in  
 17 that figure?  
 18 **A. No. Those would be in the induced impact.**  
 19 **So if there were -- for example, if there's more**  
 20 **income due to, say, the 13 jobs that are created**  
 21 **during operations, that enhanced revenue if they went**  
 22 **out to eat would be in the induced impacts.**  
 23 Q. So those would be things like additional  
 24 food purchases, additional retail purchases, things

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1 like that?  
 2 **A. That's right.**  
 3 Q. So a lot more minimum-wage type jobs?  
 4 **A. I don't know whether that would be minimum**  
 5 **wage jobs; but they would be in, you know, things that**  
 6 **people spend additional income on. So it would**  
 7 **include restaurants, retail sales, and the like.**  
 8 Q. Okay. So not technical-type jobs, more  
 9 service industry?  
 10 **A. I'd have to go look and see. The way the**  
 11 **IMPLAN model works, it looks sector by sector. And**  
 12 **this is an aggregate number. So I don't know for sure**  
 13 **how much of those are food service, how much of those**  
 14 **are retail sales, et cetera.**  
 15 Q. Okay. And that would be the same case for  
 16 the 56 and the 71? Or do you know the breakdown of  
 17 those jobs?  
 18 **A. No, I don't know the breakdown of those**  
 19 **jobs.**  
 20 Q. If you go to page 14 of your report again,  
 21 we've got table 5; and then I was comparing it to  
 22 table 5 of your PowerPoint presentation, which is  
 23 Pleasant Ridge Exhibit 118.  
 24 I'm looking at the numbers there, and I

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1 assume table 5 in the PowerPoint is meant to be  
 2 corresponding with table 5 of your report, correct?  
 3 **A. Yes.**  
 4 Q. Why are the numbers not the same?  
 5 **A. I have to check for sure, but I made some**  
 6 **adjustments on the input of inflation. So in the**  
 7 **input of inflation in the printed report, it was a**  
 8 **matter of how much inflation. We assumed 2.2 percent**  
 9 **for the CPI. And it was the period since the law was**  
 10 **enacted that would value that in the state.**  
 11 Q. I'm sorry, you have to explain that to me.  
 12 The period after the law was enacted?  
 13 **A. So the law that passed -- it's on page 13 --**  
 14 **Public Act 95-0644 that set forth what the valuation**  
 15 **of a wind farm was.**  
 16 Q. Okay. So the first time, you didn't  
 17 correctly include those numbers, or you used a  
 18 different CPI rate?  
 19 **A. I used the 2.2 percent inflation rate that**  
 20 **I've used and held constant during the tables. But we**  
 21 **actually have inflation, you know, numbers to date.**  
 22 **So what I did was used the actual inflation that we**  
 23 **have right to the current moment.**  
 24 Q. Is this table predicting inflation, or is it

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1 using current inflation? I guess that's where I'm  
 2 lost.  
 3 **A. It's using current inflation up to the last**  
 4 **CPI number that we have reported. And then it's**  
 5 **assuming, from this point on, that the CPI stays**  
 6 **constant at 2.2 percent.**  
 7 Q. Okay. So you used, like, a 2013 CPI rate  
 8 because that's the last one we have?  
 9 **A. Right. I actually went down and did the**  
 10 **monthly CPI. They reported on a monthly basis.**  
 11 **So when I first did the analysis, I was**  
 12 **still using that 2.2 assumption for historical numbers**  
 13 **and then was able to get the updated CPI monthly**  
 14 **numbers and inserted that.**  
 15 Q. Staying on table 5, you can use the one from  
 16 your PowerPoint, I guess.  
 17 Have you done a present value calculation on  
 18 this?  
 19 **A. No. I have not done a present value**  
 20 **calculation.**  
 21 Q. Is this to be split among -- is this net  
 22 school revenue to one district or split among  
 23 districts?  
 24 **A. I believe that's all the projects contained**

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1 **in the one school district.**  
 2 Q. What school district is that?  
 3 **A. Prairie Central.**  
 4 Q. Page 11 of your PowerPoint, which is  
 5 Pleasant Ridge Exhibit 118, you make certain  
 6 assumptions, correct?  
 7 **A. What specifically? On page 11?**  
 8 Q. Page 11.  
 9 **A. I don't see any assumptions there.**  
 10 Q. Maybe look at a different page. I  
 11 hand-wrote pages on there. "School District  
 12 Finances," it's on your PowerPoint, not your report.  
 13 **A. It's maybe page 12 of mine. "Assumptions of**  
 14 **analysis"?**  
 15 Q. The heading is "School District Finances."  
 16 And underneath, it says, "Epilogue."  
 17 **A. Yeah, I see the school district finances**  
 18 **line.**  
 19 Q. The first assumption is that the "Illinois  
 20 financial crisis will continue"?  
 21 **A. No. My first bullet point says, "Prairie**  
 22 **Central, a financial review by the Illinois State**  
 23 **Board of Education and monitored for potential**  
 24 **downward trends."**

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1 Q. I'm looking at the page before that, the one  
 2 that says, "School District Finances" and then says  
 3 "Epilogue."  
 4 **A. Ah, okay. Yeah, that was the slide that was**  
 5 **sideways.**  
 6 Q. I don't know. All I know is what I have in  
 7 front of me, Mr. Loomis. It says, "The Illinois  
 8 financial crisis will continue"?  
 9 **A. This was the slide that was taken from the**  
 10 **Superintendent's presentation of School District**  
 11 **finances; so this was not my assumptions in using**  
 12 **this. This was the School District's assumptions as**  
 13 **they were doing their own finances.**  
 14 Q. Did you rely on this?  
 15 **A. Yes, I used this. But I did not -- to**  
 16 **characterize the School District's financial shape.**  
 17 Q. Did you rely on the fact that the Illinois  
 18 financial crisis will continue, I guess is my  
 19 question.  
 20 **A. No. I assumed that the State aid to schools**  
 21 **was going to be the same way that it has been**  
 22 **currently. There's no change.**  
 23 Q. You're the Director for the Center for  
 24 Renewable Energy at Illinois State, correct?

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1 **A. That is correct.**  
 2 Q. Could you tell us what that center is?  
 3 **A. Center for Renewable Energy is an Illinois**  
 4 **Board of Higher Education approved center. It's been**  
 5 **around -- I'd have to look -- but probably six, seven**  
 6 **years, a little bit more than that in terms of**  
 7 **planning.**  
 8 **We have three major goals. The first is to**  
 9 **support our renewable energy major. We have an**  
 10 **undergraduate major in renewable energy that's**  
 11 **interdisciplinary. We do public education and**  
 12 **outreach, and we do applied research as part of the**  
 13 **center.**  
 14 Q. So one of the goals is to employ students in  
 15 the energy business?  
 16 **A. I wouldn't say the goal is to employ**  
 17 **students. The goal is to educate students. And we do**  
 18 **hope, as a result of that education, that they get**  
 19 **jobs.**  
 20 Q. And it takes projects like this for students  
 21 to get jobs, correct?  
 22 **A. This would be -- to the extent that the wind**  
 23 **industry grows and flourishes, yes, there would be**  
 24 **more jobs for students.**

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1 Q. Okay. You estimate that there will be 13  
 2 on-site local jobs, continual local jobs, after the  
 3 construction is done, correct?  
 4 **A. Yes.**  
 5 Q. Do you know how many local jobs other types  
 6 of businesses create?  
 7 **A. No, I do not.**  
 8 Q. So you couldn't tell us what a local  
 9 Starbucks creates for a job, correct?  
 10 **A. That's correct.**  
 11 Q. You also lead the Illinois Wind Energy  
 12 Working Group; is that correct?  
 13 **A. It's the Illinois Wind Working Group.**  
 14 Q. I'm sorry. And that's composed of  
 15 approximately 200 key wind energy stakeholders in the  
 16 state of Illinois; is that correct?  
 17 **A. Correct.**  
 18 Q. Like whom? Who would be your stakeholders?  
 19 I'm not looking for a list of all of them, but just  
 20 generalities.  
 21 **A. It would include academics from other**  
 22 **schools around the state, people from state energy**  
 23 **agencies, the State Energy Office, the Department of**  
 24 **Natural Resources. It would include, you know,**

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1 **companies like Stantec. It would include companies**  
 2 **like Invenergy. Anybody who is interested in the wind**  
 3 **industry in Illinois.**  
 4 Q. So your private partners, let's call them,  
 5 or private entities involved would be people who are  
 6 in the wind energy business, correct?  
 7 **A. It's open to those who want to be a part of**  
 8 **that.**  
 9 Q. But would you agree with me that a majority  
 10 of your private partners are people like Stantec or  
 11 Invenergy?  
 12 **A. Yes.**  
 13 Q. Are there any opponents of the wind energy  
 14 business in your working group?  
 15 **A. I do not know for sure.**  
 16 Q. So you don't know of any?  
 17 **A. I don't know of any.**  
 18 Q. Have you ever done a study for -- an  
 19 economic impact study for an opponent of a wind  
 20 project?  
 21 **A. No.**  
 22 Q. Would it be fair to say that your JEDI model  
 23 does not measure the valuation of changes and quality  
 24 of life factors such as health, safety, recreation, et

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1 cetera?  
 2 **A. The JEDI model looks at investment and then**  
 3 **translates that into dollars. To the extent that**  
 4 **those other factors -- quality of life -- don't show**  
 5 **up in jobs numbers or GED numbers that are measured**  
 6 **here, that would be correct.**  
 7 Q. The cost of increased public services would  
 8 not be considered in the model either, would they?  
 9 **A. To the extent that there is additional tax**  
 10 **revenues and those would be available for additional**  
 11 **public services, I guess that additional tax revenue**  
 12 **is captured in the model, but not the services that**  
 13 **are divided out from that. It's not like there's any**  
 14 **assumptions built in of how that additional tax**  
 15 **revenue is spent.**  
 16 Q. And there's no assumptions as to the cost or  
 17 the necessity for any additional public services,  
 18 correct?  
 19 **A. That's correct.**  
 20 Q. Your JEDI model also does not include any  
 21 potential impacts on property values, does it?  
 22 **A. It does not look at property values.**  
 23 Q. You had a percentage of project materials  
 24 and labor coming from within Livingston County. Do

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1 you recall that?  
 2 **A. Yes.**  
 3 Q. Where did you obtain that information?  
 4 **A. From Invenergy.**  
 5 Q. So no outside sources?  
 6 **A. No.**  
 7 Q. Just your client.  
 8 Would you agree with me that the majority of  
 9 the economic sectors in Livingston County are  
 10 agricultural?  
 11 **A. If you look on page 7 of the report, the**  
 12 **last full line of the first paragraph says that the**  
 13 **largest industry providing employment is manufacturing**  
 14 **at 27.6 percent followed by health care and social**  
 15 **assistance at 17.6 percent. Retail trade was 14**  
 16 **percent. Accommodations and food services 7.6 and**  
 17 **then other services.**  
 18 Q. So where does agricultural fall? Do you  
 19 know the percentage?  
 20 **A. No, I do not know the percentage.**  
 21 Q. Would you agree with me that this is a  
 22 heavily agricultural area, that Livingston County is  
 23 heavily agricultural?  
 24 **A. It depends how you measure that. If you**

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1 **look at it by the number of people employed versus the**  
 2 **actual land mass that's farmed -- so if we look at the**  
 3 **area that's farmed, it is a heavily agricultural area.**  
 4 **But in the same way that manufacturing**  
 5 **sector goes up while the number employed in**  
 6 **manufacturing goes down, you are seeing some of the**  
 7 **same phenomenon over the years. And I'm sure people**  
 8 **in the agricultural industry can attest to that.**  
 9 **You get farms that are getting bigger and**  
 10 **bigger with larger equipment that are farmed by the**  
 11 **same person farming much larger areas.**  
 12 **So when you look at it in terms of**  
 13 **employment numbers, it's not necessarily the same as**  
 14 **saying it's a heavily agriculturally employed area**  
 15 **versus it's an agricultural area. So if we're talking**  
 16 **about the area, it's agricultural.**  
 17 Q. Would you agree with me that -- I'm from the  
 18 collar counties. I don't think there's any surprise  
 19 about that.  
 20 Would you agree with me that the collar  
 21 counties have a much less percentage of agricultural  
 22 uses and a higher percentage of manufacturing and  
 23 retail services than a county like Livingston?  
 24 **A. By land use, yes.**

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1 Q. And by numbers. I mean, a county like  
 2 DuPage has got to have a -- you know, the amount of  
 3 farmers in a county like that are almost nil, correct?  
 4 **A. I'd have to take a look. Sometimes it's,**  
 5 **you know, it's surprising when you look at land use.**  
 6 **An urban area is going to have fewer agricultural**  
 7 **workers.**  
 8 Q. GE or General Electric does not manufacture  
 9 turbines in Livingston County to your knowledge, do  
 10 they?  
 11 **A. No.**  
 12 Q. You used IMPLAN data for your model,  
 13 correct?  
 14 **A. Yes.**  
 15 Q. What is IMPLAN?  
 16 **A. IMPLAN is an input/output model. It's one**  
 17 **of two that are commonly used to do this type of**  
 18 **economic impact modeling. It was developed at the**  
 19 **University of Minnesota. I think the professors kind**  
 20 **of spun this off as a separate company, and they**  
 21 **produce economic multipliers in the software that goes**  
 22 **along with it.**  
 23 Q. What year of the IMPLAN data did you use?  
 24 **A. I used the latest that was available at the**

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1 **time that the study was done. It's usually a year or**  
 2 **two in arrears. So just now, in 2014, they will just**  
 3 **now release the 2013 multipliers. So I believe, when**  
 4 **this was done, it would have been the 2012 multipliers**  
 5 **that were the latest that were available.**  
 6 Q. Have you tested the JEDI model in  
 7 agricultural-based homes to gauge its accuracy?  
 8 **A. The JEDI model has been calibrated or**  
 9 **tested. It was in, actually, a peer-reviewed**  
 10 **publication recently where they did take the JEDI**  
 11 **model, looking at those input/output sectors, and**  
 12 **then, looking at actual employment numbers, I believe,**  
 13 **from the Bureau of Labor Statistics or state numbers.**  
 14 **That was not done here in Illinois. But the**  
 15 **researchers that developed the JEDI model did do that.**  
 16 **It was in a peer-reviewed publication. I believe it**  
 17 **was in Energy Policy and in Energy Economics that the**  
 18 **article appeared. So it seems to be reliable for its**  
 19 **impacts.**  
 20 Q. So someone else has tested it, but you  
 21 haven't, correct?  
 22 **A. That's correct. I don't believe we have**  
 23 **enough data to be able to test the JEDI model yet.**  
 24 Q. Did you adjust the IMPLAN data to reflect

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1 the local economy here in Livingston County?  
 2 **A. So when the JEDI model is built in, it has**  
 3 **those state multipliers. So if you just download the**  
 4 **software that the National Renewable Energy Labs has,**  
 5 **it already has built in those IMPLAN multipliers for**  
 6 **the state.**  
 7 **So in order to do a county-level analysis,**  
 8 **you have to -- we had to -- I purchased the IMPLAN**  
 9 **data for specifically Livingston County; and then I**  
 10 **took and aggregated all of those different sectors**  
 11 **down to how the JEDI model aggregates different**  
 12 **sectors and input that into the JEDI model so that we**  
 13 **could get a Livingston County specific number. So**  
 14 **it's using those multipliers for this specific county.**  
 15 Q. Do you know whether Invenergy has a contract  
 16 with a buyer for the power that it generates at this  
 17 proposed facility?  
 18 **A. I do not know.**  
 19 Q. Do you know what the current unemployment  
 20 rate for Livingston County is?  
 21 **A. No.**  
 22 Q. What's the state unemployment rate? Do you  
 23 know that?  
 24 **A. No, not off the top of my head.**

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1 Q. Do you know how many of the unemployed  
 2 workers in Livingston County are qualified to do the  
 3 type of work that -- the construction work that this  
 4 business will generate?  
 5 **A. No, I don't.**  
 6 Q. You use a multiplier to determine the number  
 7 of jobs created, correct?  
 8 **A. I used the JEDI model which, in turn, is**  
 9 **using those multipliers. Yes.**  
 10 Q. Then that also uses a multiplier to  
 11 determine the amount of economic benefit, correct?  
 12 **A. Yes.**  
 13 Q. However, the jobs and the economic benefit  
 14 you suggest are gross jobs, not net jobs, correct?  
 15 **A. That's correct.**  
 16 Q. And that's the same with the economic  
 17 benefit?  
 18 **A. That's right. All the tables of numbers, 2,**  
 19 **3, and 4, that are output from the JEDI model are**  
 20 **looking at what's the impact that this project would**  
 21 **create or sustain in terms of jobs, earnings, or**  
 22 **output, not netting out any effect that that would**  
 23 **have on anything else.**  
 24 Q. Your analysis does not take into account the

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1 reduction of agricultural production due to the  
 2 footprint being reduced of agricultural farms in the  
 3 area, does it?  
 4 **A. My understanding is that, in most wind  
 5 farms, very little land is actually taken out of  
 6 production.**  
 7 Q. Do you know how much actual land is used for  
 8 each wind turbine and the access roads that go with  
 9 it?  
 10 **A. No. I don't know the exact figure. But  
 11 after the concrete base is poured, I've seen lots of  
 12 wind farms where the land is farmed up to that base  
 13 that's there, even beyond the foundation.**  
 14 Q. There are wind energy projects already built  
 15 in Livingston County, correct?  
 16 **A. Yes.**  
 17 Q. And nearby counties as well, correct?  
 18 **A. Yes.**  
 19 Q. McLean County?  
 20 **A. Yes.**  
 21 Q. Et cetera.  
 22 You have been involved with the permitting  
 23 or the approval of some of those other wind farms,  
 24 correct?

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1 **A. Could you define "involved"?**  
 2 Q. Well, have you done economic impact studies  
 3 for some of those other wind farms?  
 4 **A. I don't believe I've done any for wind farms  
 5 in McLean County. I believe I testified here in  
 6 Livingston County, but I did not do a specific  
 7 economic impact report for that particular wind farm.  
 8 I was testifying on a state-wide report that I had  
 9 done.**  
 10 Q. Do you know how many economic impact studies  
 11 you've done for property, let's say, south of I-80 or  
 12 for projects south of I-80? That was a bad question.  
 13 **A. Economic impact studies like this one for a  
 14 particular wind farm, I'd have to count them up, but  
 15 maybe two or three.**  
 16 Q. Okay. Your report does not provide us with  
 17 any actual jobs or economic numbers from those two or  
 18 three wind projects, wind energy projects, does it?  
 19 **A. You mean to compare to those other projects?  
 20 No.**  
 21 Q. Would you agree with me that the full gamut  
 22 of retail offerings available in nearby areas such as  
 23 Bloomington, Normal, Peoria, Kankakee, that not all of  
 24 those gamut of retail stores are available here in

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1 Livingston County?  
 2 **A. I haven't taken an inventory of things; but  
 3 I would say it's generally true that there's bigger  
 4 retail outlets, for example, in Bloomington-Normal  
 5 than what I've seen so far in Fairbury. And I don't  
 6 know Bloomington all that well.**  
 7 Q. Is there a Macy's in Bloomington?  
 8 **A. Yes.**  
 9 Q. To your knowledge, there's no Macy's in  
 10 Livingston County, correct?  
 11 **A. I don't know.**  
 12 Q. One of the additional impacts you look at is  
 13 the money provided to participating landowners for the  
 14 use of their land, correct?  
 15 **A. Correct.**  
 16 Q. And this is all seen as additional income to  
 17 their existing income, correct?  
 18 **A. Yes.**  
 19 Q. Your study does not show us where that  
 20 additional money is being spent though, correct?  
 21 **A. You mean specifically what that's being  
 22 spent on?**  
 23 Q. Or even in what county.  
 24 **A. Right. You could have a payment to a**

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1 **landowner who may or may not live within Livingston  
 2 County. That's correct.**  
 3 Q. Okay. And, also, that money could be used  
 4 on local goods and services, correct?  
 5 **A. Yes.**  
 6 Q. But it could also be used on services and  
 7 goods out of a town like Bloomington?  
 8 **A. Correct.**  
 9 Q. And it could be used as additional money for  
 10 someone to buy a second home?  
 11 **A. Correct. But those things are generally  
 12 accounted for when you look at economic multipliers of  
 13 a dollar of additional income. You're looking at how  
 14 much of that leaks outside of the county.**  
 15 Q. But we don't know how much particularly  
 16 leaks outside of the county in this instance, do we?  
 17 We're taking a model and generating based on other  
 18 places and other information?  
 19 **A. I'm relying on the model, yes.**  
 20 Q. As you said, some of the people who own land  
 21 in Livingston County who are participating in this  
 22 process, so receiving money, they may or may not even  
 23 live in this county?  
 24 **A. That's correct.**

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1 Q. They may or may not live in Illinois?  
 2 A. **Correct.**  
 3 Q. So the likelihood of these people spending  
 4 their money in Livingston County is slim; would you  
 5 agree?  
 6 A. **It would depend.**  
 7 Q. On?  
 8 A. **You would think not. But if it's**  
 9 **grandparents that have retired to Florida, who knows**  
 10 **where they're going to spend that money. I mean, if**  
 11 **they're the landowner, they may have children and**  
 12 **grandchildren that still live in Livingston County.**  
 13 **So those kinds of webs of relationships I did not go**  
 14 **into.**  
 15 Q. And you have no idea what percentage of the  
 16 landowners that are participating are residents of  
 17 Livingston County, correct?  
 18 A. **Correct.**  
 19 **MR. LUETKEHANS:** Nothing further.  
 20 **CHAIRMAN CORNALE:** At this time, Counsel  
 21 would like to make a statement.  
 22 **MR. BLAKEMAN:** At this stage of the  
 23 proceedings, I would ask if there are any other  
 24 parties here represented by attorneys, other than Mr.

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1 Luetkehans.  
 2 (No response.)  
 3 **MR. BLAKEMAN:** If not, then other interested  
 4 parties not represented by attorneys will be allowed  
 5 to cross-examine the witnesses.  
 6 Let me clarify a statement that I made last  
 7 time. If you are represented by an attorney, you do  
 8 not get to cross-examine witnesses. That's one of the  
 9 reasons why you have an attorney.  
 10 However, even if you are represented by an  
 11 attorney, at a later stage of the proceedings, you  
 12 will still be able to present testimony and evidence  
 13 and/or a statement concerning a position you wish to  
 14 make.  
 15 So at this time -- last night, I believe  
 16 five people indicated that they were interested in  
 17 cross-examining witnesses.  
 18 Ms. Gerwin?  
 19 **CHAIRMAN CORNALE:** Just as a reminder, as  
 20 you're considering your questions this evening, try to  
 21 consider your questions for the experts that the  
 22 Applicant has here. So that's Blank for  
 23 shadow/flicker comprehensive plan, Loomis with  
 24 economics, VanDeWalle with bird and avian study, Baker

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1 with some technical aspects of the project, Rautmann  
 2 for decommissioning, and Parzyck. He's with  
 3 Invenergy; so he would have company-specific  
 4 questions. All right?  
 5 With that, Ms. Gerwin, are you ready?  
 6 **MS. GERWIN:** Yes. Thank you.  
 7 **CHAIRMAN CORNALE:** Can you please state your  
 8 name for the record?  
 9 **MS. GERWIN:** Carolyn Gerwin, C-a-r-o-l-y-n  
 10 G-e-r-w-i-n. Everybody hear me?  
 11 **AUDIENCE MEMBER:** Yes.  
 12 **MS. GERWIN:** I have a few questions. Most  
 13 of my questions have been answered; so it shouldn't  
 14 take too long. I guess the first person I'd like to  
 15 ask questions of is Mr. Parzyck.  
 16 **EXAMINATION OF MR. PARZYCK**  
 17 **BY MS. GERWIN:**  
 18 Q. Last night, you didn't seem to know many  
 19 details about the video that was presented early in  
 20 the presentation. I was wondering if you could get us  
 21 a list of the names and addresses and the  
 22 relationships of those people to their project that  
 23 appeared in that video.  
 24 **MR. BLAZER:** I would object to that. There

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1 is no requirement that that type of information be  
 2 provided.  
 3 **MS. GERWIN:** Well, it was presented. It  
 4 would be interesting to see if these people are  
 5 actually living inside a wind project or whether they  
 6 live 20 miles away, what state they were in.  
 7 I mean, you presented the video; so it's a  
 8 fair question, I think. It shouldn't be too hard to  
 9 dig up, should it?  
 10 **MR. BLAZER:** Again, the issue isn't whether  
 11 or not it might be interesting, Ms. Gerwin. The issue  
 12 is whether or not it's relevant or called for by the  
 13 County's ordinance.  
 14 **CHAIRMAN CORNALE:** You are correct in that  
 15 the County ordinance does not require that.  
 16 As a clarification, if they're not per se  
 17 willing to divulge that, that may weigh on our value  
 18 of that particular video clip. So we may consider  
 19 that as less valuable testimony from the Applicant.  
 20 **MS. GERWIN:** I mean, you can't really test  
 21 the -- we don't know anything about it. I just  
 22 thought you might be able to refresh your memory if  
 23 you looked at a list like that.  
 24 **BY MS. GERWIN:**



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1 Q. You mentioned the proposed Ag Impact  
2 Mitigation Agreement. I believe that was you?  
3 **A. Yes. That's correct.**  
4 Q. Okay. How does that get enforced?  
5 **A. The agreement, which would be with the  
6 County, it would be a recorded document with the  
7 County. So the requirements would be through the  
8 County. There would be a responsibility with the  
9 County that we meet those requirements.**  
10 Q. Okay. And if it appears to landowners that  
11 it is not being met and they have a problem, how does  
12 it get enforced? How do we make sure you're actually  
13 complying with this Ag Mitigation Agreement? Walk me  
14 through that.  
15 **A. It would be a -- again, the agreement that  
16 is not required in the Zoning Ordinance would be with  
17 the County. And if it's not being met, the  
18 responsible party would have to address it with the  
19 County. And then that would be part of our  
20 contractual obligation with the County.**  
21 Q. And you've offered this agreement, right?  
22 **A. Yes, we have.**  
23 Q. So it would be with the County, but it would  
24 be for the benefit of the residents of the county; is

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1 that right?  
2 **A. That's correct.**  
3 Q. Would they be able to actually take you to  
4 court?  
5 **A. As I've said three times, it's a contract  
6 with the County.**  
7 Q. Okay. Would you be willing to make  
8 residents a third party beneficiary of that agreement  
9 so that they could directly enforce it? Or do they  
10 have to rely on the County to step in? And then we  
11 have County expenses and County personnel trying to  
12 help them enforce this agreement.  
13 **MR. BLAZER:** Mr. Chairman, I have a couple  
14 of comments. Number one, this is a proposed  
15 agreement, as Mr. Parzyck indicated when he first  
16 testified.  
17 We hadn't even gotten a response from the  
18 County as to whether or not they are interested in  
19 entering into this agreement or whether or not they  
20 may be interested in proposing any or all residents on  
21 this agreement as conditions on the permit if the  
22 permit is granted.  
23 Secondly, the issue of whether or not  
24 somebody may be a third party beneficiary is a legal

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1 question beyond the scope of, number one, this  
2 witness's testimony and, number two, this witness's  
3 knowledge and experience.  
4 **MS. GERWIN:** May I respond? It certainly  
5 can be added to the contract that the contract can  
6 expressly provide for third party beneficiaries. So  
7 if the contract is not yet signed and is still being  
8 negotiated, I'm not sure who is negotiating it because  
9 we're actually in a hearing.  
10 But at any rate, that can certainly be done.  
11 I'm asking the witness, since he is a VP of the  
12 company, whether they would be willing to put that  
13 provision into the draft agreement.  
14 **MR. BLAKEMAN:** At this stage, this is not  
15 really something for this particular proceeding. This  
16 would be something that would be taken up by the  
17 County Board at such time as it deliberates on this  
18 matter or considers whether to go forward with this  
19 particular issue.  
20 Q. So does the agreement provide that the  
21 County's administrative costs will be reimbursed?  
22 **A. I don't have the particulars of that. As  
23 we've indicated, that is a document that would be and  
24 is negotiated with the County.**

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1 Q. Okay. I have some questions for you on the  
2 financial issues. Is that something that you would be  
3 knowledgeable about?  
4 **A. That's a very broad -- financial what?**  
5 Q. Specifically, the capitalization of the  
6 company and the arrangements made for financing of  
7 this project. Is that yes?  
8 **A. I'll answer your questions as best I can.**  
9 Q. Okay. Fair enough.  
10 So as part of this project, you've entered  
11 into a large number of leases; is that correct?  
12 **A. Easement agreements, yes.**  
13 Q. And you also have been talking to a few  
14 County Board members about an economic benefit  
15 agreement with the County?  
16 **MR. BLAZER:** Objection, assumes facts not in  
17 evidence that he's been talking to anyone on the  
18 County Board about an economic benefits agreement.  
19 **MR. LUETKEHANS:** He can say no.  
20 **MR. BLAZER:** First of all, Mr. Luetkehans,  
21 you are not her attorney, and you have no grounds for  
22 objecting. If Ms. Gerwin has a ground for objecting,  
23 she certainly can.  
24 **MR. LUETKEHANS:** I'm not objecting, but I

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1 have the grounds to make a position.  
 2 **CHAIRMAN CORNALE:** Mr. Luetkehans, your time  
 3 has been exhausted.  
 4 Ms. Gerwin, rephrase your question based on  
 5 testimony that he has provided.  
 6 **BY MS. GERWIN:**  
 7 Q. Has the company met with any members of the  
 8 County Board or other officials of the County to  
 9 discuss an economic benefits package?  
 10 **A. I'm not aware of any discussions that have**  
 11 **taken place with respect to that, and I have not**  
 12 **participated in any.**  
 13 Q. You're not aware of an October 1 meeting at  
 14 the historic courthouse to discuss various aspects of  
 15 this application, including an economic benefits  
 16 package?  
 17 **A. I'm not aware of the meeting, no.**  
 18 Q. Okay. So there's a variety of things,  
 19 including taxes and so on, expenses that have to be  
 20 paid, long-term liabilities associated with this  
 21 project; is that right?  
 22 **A. I'm sorry. Say that again?**  
 23 Q. You have a variety of payments that have to  
 24 be made as part of this project?

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1 **A. Yes.**  
 2 Q. You have to make lease payments. You have  
 3 to make tax payments?  
 4 **A. That's correct.**  
 5 Q. So I would like to know -- I would like to  
 6 get some assurance that the company is actually going  
 7 to be able to meet those obligations that stretch out  
 8 into decades from now. And as part of that, I would  
 9 like to know more about how the project is being  
 10 financed.  
 11 You've already been asked whether or not --  
 12 or was it Dr. Loomis, I guess, was asked. So I'll ask  
 13 you: Do you have a long-term power purchase agreement  
 14 in place for this project?  
 15 **A. That's private information, proprietary. At**  
 16 **this time, I can't speak to that.**  
 17 Q. Do you have a tax equity investor?  
 18 **A. That's private information. I can't speak**  
 19 **to that right now.**  
 20 Q. Is this project being done by a limited  
 21 liability company?  
 22 **A. Pleasant Ridge, LLC, is a limited liability**  
 23 **corporation.**  
 24 Q. Does that LLC own any other assets other

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1 than the leases and pertinent contracts with this  
 2 project?  
 3 **A. I don't know the full aspect of the**  
 4 **ownership within that LLC.**  
 5 Q. Who would know that?  
 6 **A. That would be information that would be**  
 7 **available to certain individuals at a level within our**  
 8 **corporation, but it's not available to me.**  
 9 Q. What level in your corporation?  
 10 **A. I can't say. I can't say.**  
 11 Q. Are you providing any kind of financial  
 12 assurance, any letters of credit, bonds, or anything  
 13 like that to assure your payments under these  
 14 contracts?  
 15 **A. Under which contracts?**  
 16 Q. The leases.  
 17 **A. To whom?**  
 18 Q. To the lessors.  
 19 **A. There is not --**  
 20 Q. The landowners.  
 21 **A. Under the landowners, there is not a letter**  
 22 **of credit associated with the lease payments.**  
 23 Q. Is there any security interest at all? Do  
 24 they have any security interest in the company's

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1 assets?  
 2 **A. They do not.**  
 3 Q. So they are unsecured creditors?  
 4 **A. I'm not an accountant; so I can't say what**  
 5 **-- I can't tell you what an unsecured creditor would**  
 6 **be. It is an easement agreement with a landowner.**  
 7 Q. Do you know what form of agreement will be  
 8 entered into with regard to this project? Will it be  
 9 a tax equity investor that has equity rights for ten  
 10 years, and then it flips back to Invenergy? Or what  
 11 will be the structure of the deal?  
 12 **A. The structure of the financing of the**  
 13 **project has not been established yet.**  
 14 Q. When will you know that?  
 15 **A. We'd like to get a permit first, and then we**  
 16 **will continue on with the construction and financing**  
 17 **efforts. It's very dependent upon market conditions.**  
 18 Q. Do you typically monetize the flow of tax  
 19 credits as part of your capitalization of the project?  
 20 **A. Monetize? What do you mean when you say**  
 21 **"monetize"?**  
 22 Q. Monetize, meaning you reduce it to current  
 23 cash. For example, if you know that you have ten  
 24 years -- this is how it's done with most wind

1 projects, I'm told. So I'm going to ask you. Since  
2 you're pretty high up in the company, you should be  
3 able to answer these questions.

4 So, typically, the tax credits are actually  
5 sold to this tax equity investor, and they pay some  
6 percentage on the dollar for the tax credits that  
7 they're going to get in the future. And that is  
8 monetized and reduced to a lump sum that the energy  
9 company gets and can use to capitalize the project, to  
10 buy the equipment, to pay for everything that they  
11 need to do in order to get the project started.

12 **A. The project and the financing involves debt  
13 and equity positions, and those positions would  
14 include any tax issues that are associated with the  
15 project.**

16 Q. Are you going to monetize the future tax  
17 credits?

18 **A. I'm saying that any tax credits are part of  
19 the financial structure that includes debt and equity  
20 partnerships.**

21 Q. So that benefit is going to be part of your  
22 capitalization, if I understand you correctly?

23 **A. What I'm saying is: If there are tax  
24 credits associated with it, the ownership and equity**

1 and the State of New York, Andrew Cuomo, Attorney  
2 General.

3 **A. I'm not aware of it. It appears you have  
4 something in your hands there, but I don't have  
5 anything in front of me. I'm not aware of the  
6 agreement.**

7 Q. Okay. Have you personally had discussions  
8 with any of the officials of Livingston County?

9 **A. I've spoken with Mr. Schopp. That's about  
10 it.**

11 Q. Is he the only one you've spoken to?

12 **A. I believe so.**

13 Q. When was that?

14 **A. He's been at these meetings. I've spoken to  
15 him at these meetings, said hello.**

16 Q. Just in connection with these hearings, not  
17 prior to these hearings?

18 **A. Yeah, I don't think I've spoken to him  
19 before these hearings.**

20 Q. Now, I'm going to use some terms from this  
21 Code of Conduct. I'm just asking these questions to  
22 get your response on the record; so don't be offended  
23 or anything. I'm not implying anything. I just want  
24 to have your response under oath on the record.

1 **structure of the project will utilize those credits.**

2 Q. Would you be willing to provide a balance  
3 statement for us, a balance sheet for the company?

4 **A. That's private information. No, we would  
5 not.**

6 Q. Do you have a credit rating?

7 **A. We are a private company. We are a private  
8 corporation.**

9 Q. So your financial status is not publicly  
10 known or ascertainable?

11 **A. No, it's not public knowledge. It's a  
12 private company.**

13 Q. I've got notes in several different places  
14 because I made notes when Mr. Luetkehans was also  
15 talking to you.

16 At one point, you made the comment that they  
17 attempt to conserve energy. So, in fact, turbines do  
18 use energy, or was that Mr. Baker?

19 **A. You'd have to get more specific.**

20 Q. Never mind. That was Mr. Baker.

21 Are you familiar with the Code of Conduct  
22 Agreement with the State of New York?

23 **A. An agreement?**

24 Q. It's an agreement between Invenergy, LLC,

1 **MR. BLAZER:** Could we get a copy of whatever  
2 Ms. Gerwin is using?

3 **MS. GERWIN:** I'm just going to use the  
4 verbiage in here, but I'm not entering it at this  
5 time. I understand that the contract does not apply  
6 in Illinois; so I'm not saying that it is.

7 **MR. BLAZER:** I don't even know what contract  
8 she's referring to, Mr. Chairman. If she's going to  
9 be using words from something to question this  
10 witness, I don't know if it's in context or out of  
11 context; but I think we have a right to be able to see  
12 what it is that she's using.

13 **CHAIRMAN CORNALE:** First, Carolyn, can you  
14 describe or explain to us the relevance of this  
15 particular line of questions from a document from New  
16 York?

17 **MS. GERWIN:** Well, the document from New  
18 York is the Code of Conduct dated August 19, 2009.  
19 It's basically rules for wind energy companies when  
20 they are dealing with municipal officials and county  
21 officials.

22 They have come up with some good -- I like  
23 the way it's written, and I thought I would use it to  
24 ask them questions about their contacts with our

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1 municipal officials.  
 2 It's an ethics issue on whether or not  
 3 there's any ethical concerns, conflicts of interest,  
 4 and so on.  
 5 **CHAIRMAN CORNALE:** Just so I understand  
 6 better, by asking these questions, how does it relate  
 7 to his testimony that he's previously given?  
 8 Remember, you're asking questions about his  
 9 testimony that he's given. Can you explain that to  
 10 me?  
 11 **MS. GERWIN:** I understand that our questions  
 12 need to be relevant to the decisions that the ZBA is  
 13 going to be making. It doesn't necessarily have to be  
 14 exactly questioning them on the narrow topics that  
 15 they talked about, but it should be something that you  
 16 would want to know. And I think you would want to  
 17 know if there were any conflicts of interest.  
 18 I just want it on the record under oath that  
 19 none of these things happened.  
 20 **CHAIRMAN CORNALE:** Counsel has made a point.  
 21 Those rules are applicable in Illinois -- are not  
 22 applicable in Illinois. Sorry. They are applicable  
 23 in New York.  
 24 Do we have the same applicable rules within

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1 the state of Illinois?  
 2 **MS. GERWIN:** Not yet.  
 3 **CHAIRMAN CORNALE:** So, no.  
 4 **MS. GERWIN:** You don't want to know if  
 5 there's conflicts of interest?  
 6 **CHAIRMAN CORNALE:** (Shaking head from side  
 7 to side.)  
 8 **MS. GERWIN:** Okay. I'll move on.  
 9 **CHAIRMAN CORNALE:** I promised everyone at  
 10 the first meeting or second meeting transparency. At  
 11 the same time, that's New York; and we're in Illinois.  
 12 So if you find it in Illinois, please  
 13 present it as testimony; and we'll move on, or we'll  
 14 act from that.  
 15 **MS. GERWIN:** Well, maybe I will submit this  
 16 later so that you can see what the state of New York  
 17 thought they had to guard against with regard to  
 18 Invenergy and other wind companies.  
 19 **MR. BLAKEMAN:** That would give the  
 20 opportunity for the other side to review it then.  
 21 **MS. GERWIN:** Okay. I'm surprised they don't  
 22 know about it.  
 23 **AUDIENCE MEMBER:** They do know about it.  
 24 **BY MS. GERWIN:**

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1 Q. Okay. I wanted to ask each of these  
 2 witnesses where you live.  
 3 **A. I'm sorry, I am not going to reveal where I**  
 4 **live.**  
 5 Q. Do you live in a wind farm?  
 6 **A. I do not live within a wind farm, no.**  
 7 Q. Do you live within 100 miles of a wind farm?  
 8 **A. I am not going to reveal where I live.**  
 9 Q. I'm not asking that.  
 10 **A. I am not going to reveal where I live.**  
 11 **MS. GERWIN:** Mr. Rankameyer (phonetic) did  
 12 for Iberdrola.  
 13 **MR. BLAZER:** Object to the relevance.  
 14 Object to the commentary. That's not a question.  
 15 That's testimony. If Ms. Gerwin wants to be sworn and  
 16 testify, that's a different issue; and then I can have  
 17 the opportunity to cross-examine her. Otherwise, I  
 18 suggest that she be counseled to ask questions, not  
 19 make statements.  
 20 Q. Do you have personal experience living  
 21 within a wind farm?  
 22 **MR. BLAZER:** Object to relevance.  
 23 **AUDIENCE MEMBER:** It is not a court  
 24 proceeding. It is not a court proceeding.

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1 **CHAIRMAN CORNALE:** Mr. Parzyck, can you  
 2 answer the last question that she asked?  
 3 **MR. PARZYCK:** Could you repeat it, please?  
 4 Q. Do you have personal experience living  
 5 within a wind project?  
 6 **A. I do not. And let me add to that.**  
 7 **I have family and children, and I refuse to**  
 8 **let people know where I live. And that's why I'm not**  
 9 **answering that question. And I am adamant.**  
 10 **MS. GERWIN:** Got it.  
 11 **CHAIRMAN CORNALE:** Why don't we take a ten-  
 12 minute break. It's 7:35. Everybody needs to be back  
 13 here, and we'll get going at 7:45 again. I do ask the  
 14 audience to please keep that at bay. We have to  
 15 understand both sides of this. So please be open.  
 16 We're trying to help you understand both sides.  
 17 (Recess in proceedings.)  
 18 **CHAIRMAN CORNALE:** We'll start where we left  
 19 off. Ms. Gerwin can continue.  
 20 **MS. GERWIN:** Just a couple more questions.  
 21 Is the agreement -- I didn't catch this the  
 22 other night. The agreement with the City of Forrest,  
 23 has that been put into evidence?  
 24 **MR. BLAZER:** It has. It's Pleasant Ridge

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1 Exhibit 8.  
 2 **BY MS. GERWIN:**  
 3 Q. Would it be possible to tell us how many of  
 4 the landowners do not live in the county?  
 5 **A. I don't have that information available to**  
 6 **me right here.**  
 7 Q. Not right here, but would it be possible to  
 8 get that to us so we can kind of see what the economic  
 9 impact might really be?  
 10 **MR. BLAZER:** I don't see the relevance of  
 11 what landowners live outside of the state.  
 12 **MS. GERWIN:** We're trying to figure out what  
 13 the economic benefits really would be.  
 14 **MR. BLAZER:** If you want to know what they  
 15 really would be, all you need to do is read Professor  
 16 Loomis's report.  
 17 **MS. GERWIN:** It doesn't address that though.  
 18 **MR. BLAKEMAN:** The witness has answered the  
 19 question as best he can, right?  
 20 **MS. GERWIN:** I've asked if they're willing  
 21 to make it available.  
 22 **MR. BLAKEMAN:** They've presented a case.  
 23 You're cross-examining on the evidence that's been  
 24 submitted. You should limit your questions to what

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1 has been presented, please.  
 2 **MS. GERWIN:** All right. Okay. I have no  
 3 further questions for Mr. Parzyck. Thank you.  
 4 Can we have Mr. VanDeWalle? I don't know if  
 5 I'm saying that right.  
 6 EXAMINATION OF MR. VANDEWALLE  
 7 **BY MS. GERWIN:**  
 8 Q. We're going back a little ways in time here  
 9 to remember what you testified to. Hopefully we can  
 10 reconstitute it.  
 11 I was curious about what school you went to.  
 12 You said you have a Bachelor of Science and an MA in  
 13 biology, but I didn't see the school.  
 14 **A. My Bachelor of Science is with Iowa State**  
 15 **University in animal ecology and Master of Arts in**  
 16 **biology from Drake University.**  
 17 Q. You also testified that there was 67 species  
 18 found. This was regarding, I believe, birds, right?  
 19 Or was it all animals?  
 20 **THE WITNESS:** Excuse me, let me grab my  
 21 PowerPoint.  
 22 **MS. GERWIN:** Okay.  
 23 (Pause in proceedings.)  
 24 **A. Okay. Yes, 67 species of birds.**

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1 Q. You said they are mostly adapted to human --  
 2 what was the rest of it?  
 3 **A. I said they were adapted to human**  
 4 **disturbance, a disturbance-adapted species.**  
 5 Q. How do they adapt to human disturbance?  
 6 **A. So, actually, all wildlife has a specific**  
 7 **habitat that they live within. Some species need more**  
 8 **pristine habitats than others.**  
 9 **So when it comes to birds, for instance,**  
 10 **there are species that will only live in the interior**  
 11 **of a woodland or in the interior of a prairie, let's**  
 12 **say. They won't live in a crop field or won't live in**  
 13 **fragmented landscapes, landscapes that are broken up**  
 14 **with crops and woodlands and wetlands and things like**  
 15 **that. They need these as larger blocks.**  
 16 **But there are species that will live in**  
 17 **these highly fragmented habitats. Often these are --**  
 18 **we call that "edge," where two different habitats come**  
 19 **together. So these edge-adapted species, these are**  
 20 **the disturbance-adapted species. They are adapted to**  
 21 **living in areas that are disturbed.**  
 22 **So, for example, those are the species that**  
 23 **you would find in this area, you know, in these**  
 24 **agricultural areas, things like red and black birds**

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1 **and crows. Robins often live in those areas, which is**  
 2 **why we find them in your yards in cities and towns.**  
 3 Q. Do they adapt to wind turbines?  
 4 **A. So, in this case, we're talking about**  
 5 **adapting to a habitat, right? A place where they can**  
 6 **find food, water, and shelter.**  
 7 Q. Do they adapt to a habitat with wind  
 8 turbines in it?  
 9 **A. Those species are certainly found in**  
 10 **habitats that have wind turbines in them, yes. In**  
 11 **fact, studies have shown, when you do preconstruction**  
 12 **and post construction abundance surveys for these**  
 13 **disturbance-adapted species, abundance numbers pre and**  
 14 **post construction often don't change.**  
 15 Q. But when you say "adapt," you don't mean  
 16 they learn about it, do you? You just mean they  
 17 tolerate it, right?  
 18 **A. Adaptation is not learning, that's correct.**  
 19 Q. Are you aware that there's a nesting pair of  
 20 bald eagles in Livingston County?  
 21 **A. We did not find any eagle nests when the**  
 22 **nest search was done in March or April of this year,**  
 23 **of 2014.**  
 24 Q. In this particular footprint?

1 A. We searched the project area plus a 10-mile  
2 buffer of that. So put a 10-mile buffer around the  
3 project area, and that area was searched.

4 Q. How far do bald eagles fly from their nests?

5 A. I don't know an exact number. It would be  
6 several miles. It depends on their foraging. Depends  
7 on where the food is at.

8 If you have a nest and you have food close,  
9 they are not going to go as far. If they have to go  
10 further to the food, they will fly further.

11 Q. So if you have a growing population of bald  
12 eagles, they have to move away from each other to find  
13 food?

14 A. Yes, they do, because they are territorial.  
15 So you won't have -- there is a certain distance  
16 between eagle nests. One eagle pair doesn't like  
17 another eagle pair close by; so you have to have  
18 enough space and enough habitat.

19 For bald eagles, it has to be -- where they  
20 build their nests will be a wooded area with trees  
21 large enough to support that huge nest.

22 Q. So they need enough prey to survive?

23 A. That's correct. So, again, it ties back to  
24 the habitat. The habitat will provide food, water,

1 if there isn't food close enough by, it will cost them  
2 too much to go where food is at.

3 Q. What if the cheetah is subsidized?

4 MR. BLAZER: Oh, seriously.

5 Q. Okay. Moving on, I want to ask you about  
6 Fugate Woods? Are you familiar with Fugate Woods?

7 A. Only the name.

8 MS. GERWIN: I would like to enter into  
9 evidence a map that shows the location of Fugate  
10 Woods. Is that okay to ask about where it lies in the  
11 project and how the wildlife is?

12 CHAIRMAN CORNALE: Can you describe how it  
13 -- the problem with that is -- and Mr. Luetkehans and  
14 I -- if you read through the court report, we did not  
15 accept any of those exhibits that Luetkehans provided.  
16 I did not take them into evidence. We'll take them at  
17 testimony, but we didn't take them at this point.

18 So can you describe -- or if you want to  
19 hand it out, we're not going to take it into evidence.

20 MS. GERWIN: For purposes of asking the  
21 question.

22 CHAIRMAN CORNALE: Okay.

23 MR. BLAKEMAN: You have copies for  
24 everybody?

1 shelter, and space that the species need.

2 Q. With a low quality habitat, would they have  
3 to perhaps go further to get enough food?

4 A. Well, not necessarily. The answer is maybe.  
5 It depends because, remember, there's a cost to  
6 flying. There's energy that the animal has to expend  
7 flying from its nest. And so even though they don't  
8 consciously think about this, animals have to  
9 subconsciously go through this cost-benefit analysis.

10 Q. It's like humans commuting to Bloomington or  
11 Chicago?

12 A. Well, maybe. It's more like, if you ever  
13 watched a nature show, you see that cheetah out on the  
14 Serengeti plain in Africa. It's chasing the gazelle,  
15 and it's running after it and getting closer and  
16 closer. It's almost there. Then, all of a sudden, it  
17 stops and gives up. And you think: Why? It almost  
18 had it.

19 The reason is because somewhere in its head,  
20 its body was clicking off that cost-benefit analysis.  
21 When the cost got too high, it quit. So capturing the  
22 gazelle would not have benefited it anymore at that  
23 point.

24 Same with eagles. You can build a nest; but

1 MS. GERWIN: I have 15 copies.  
2 (Map being handed out.)

3 Q. I don't know if we have a project map handy.  
4 So I was trying to place this in your footprint. It  
5 looks like it's kind of on the edge.

6 MR. BLAKEMAN: Carolyn, we've marked that as  
7 Gerwin Exhibit Number 1 for identification purposes.

8 MS. GERWIN: Thank you.

9 Q. So when you did your wildlife study, were  
10 you sensitive to the placement of Fugate Woods Nature  
11 Preserve?

12 A. That information actually would have come  
13 out in the site characterization report, which I did  
14 not do. I would have to look back in that report and  
15 see if they noted that.

16 Q. I'm sorry, who did that then?

17 A. That was Western EcoSystems Technology that  
18 did that.

19 Q. Western EcoSystems Technology?

20 A. Yes.

21 Q. So you relied on what they told you?

22 A. I reviewed their report, yeah. I don't  
23 recall whether this was noted in there or not.

24 Q. Is that report in the application?

1 **MR. LUETKEHANS:** It's an exhibit.  
 2 **MS. GERWIN:** Okay. I haven't gotten copies  
 3 of all the exhibits.  
 4 **MR. BLAZER:** We've provided 15 copies of  
 5 everything. I'm sure there's one available for you.  
 6 **MS. GERWIN:** Okay. Thanks.  
 7 **CHAIRMAN CORNALE:** Moreover, the information  
 8 is readily available on the internet, a lot easier  
 9 than these boxes that we're lugging around.  
 10 Q. So, basically, my question is: Did you  
 11 actually tromp around in the footprint yourself to  
 12 locate species, or how was that done?  
 13 **A. No, I personally didn't do it. The bird**  
 14 **surveys were done -- in fact, I was looking to see if**  
 15 **it was on the same page on the PowerPoint. The bird**  
 16 **surveys were done using standard bird survey**  
 17 **methodology. So they established bird survey points.**  
 18 **As I recall, there were 30-some in this project area.**  
 19 **Bird survey points were randomly selected**  
 20 **around the project area. Each point then was surveyed**  
 21 **once a month during most years and then several times**  
 22 **a month during migration time, so during spring and**  
 23 **fall. And they were done for a year, so a year-long**  
 24 **survey in each bird survey point.**

1 **Indiana bats are foraging either just inside**  
 2 **the woodland edge or right on the outside of the**  
 3 **woodland edge. Once you get 1,000 feet or more out,**  
 4 **you don't find bats out there anymore while they're**  
 5 **foraging.**  
 6 **As they are traveling to foraging areas,**  
 7 **they're traveling along wooded corridors; so they are**  
 8 **not going across open fields.**  
 9 Q. Okay. So how close is the nearest turbine  
 10 to the Fugate Woods perimeter?  
 11 **A. I don't know.**  
 12 Q. You don't know?  
 13 **A. Not without looking at a map.**  
 14 **MS. GERWIN:** I think that's all I have for  
 15 you.  
 16 I'd like to talk to Dr. Loomis.  
 17 **EXAMINATION OF DR. LOOMIS**  
 18 **BY MS. GERWIN:**  
 19 Q. The first thing I would like to address is I  
 20 want to make sure I understand your relationship to  
 21 all of this.  
 22 Basically, you are not here as a  
 23 representative of Illinois State University. You are  
 24 here as the owner of Strategic Economic Research, LLC,

1 Q. How far do bats travel to forage?  
 2 **A. Well, it varies by bat, by species.**  
 3 Q. Northern long-eared bats.  
 4 **A. Yes. So the two species that were listed:**  
 5 **Indiana bats are known to forage two and a half miles**  
 6 **from their maternity colonies. Bats build their**  
 7 **maternity colonies under the bark of trees where**  
 8 **females go to have pups. An individual female will**  
 9 **range out up to two and a half miles. For northern**  
 10 **long-eared bats, it's one and a half miles.**  
 11 Q. So there was a mention of a setback. Is  
 12 that relating to turbines or to the edge of the woods,  
 13 or what does that relate to?  
 14 **A. Yeah, the setback for turbines would be**  
 15 **placed a minimum 1,000 feet or more from the edge of**  
 16 **suitable Indiana or northern long-eared bat habitat.**  
 17 Q. Only a thousand feet even though they  
 18 actually travel two and a half miles from there?  
 19 **A. Sure. That's not actually apples to apples.**  
 20 **The bats may travel, say, two and a half miles during**  
 21 **foraging; but they travel along a wooded corridor.**  
 22 **From the edge of the woodland though, they only go out**  
 23 **about a thousand feet, actually less for northern**  
 24 **long-eared bats.**

1 right?  
 2 **A. That's correct.**  
 3 Q. And you're under contract with Invenergy?  
 4 **A. Correct.**  
 5 Q. Now, you are a consultant to Invenergy,  
 6 right?  
 7 **A. That's correct.**  
 8 Q. So you were given a specific task by  
 9 Invenergy, and you are fulfilling it for Invenergy?  
 10 **A. That's correct.**  
 11 Q. Not for the County?  
 12 **A. Correct.**  
 13 Q. And you are not liable to the County in the  
 14 event that you're incorrect, are you?  
 15 **MR. BLAZER:** I'll object to that.  
 16 Relevance.  
 17 **CHAIRMAN CORNALE:** We'll sustain the  
 18 objection. That's a legal opinion, the question that  
 19 you asked.  
 20 Q. So let me think if I can rephrase it for  
 21 you.  
 22 Is your report addressed to the County?  
 23 **A. My report isn't really addressed to anybody.**  
 24 **I did it on behalf of Invenergy at their request for**

1 **them to use in a manner that they see fit.**  
 2 Q. Okay. When were you retained to do this?  
 3 Was it recently?  
 4 **A. Sometime this summer.**  
 5 Q. Okay. In terms of the number of jobs that  
 6 you're mentioning, you mentioned 384 jobs. Was that  
 7 based on the JEDI model?  
 8 **A. That's correct.**  
 9 Q. There's been some questions about the JEDI  
 10 model already; so I don't want to repeat those. But I  
 11 did have a few questions.  
 12 It doesn't take into account -- if I  
 13 understand you correctly, it doesn't take into account  
 14 the percentage of absentee owners, correct?  
 15 **MR. BLAZER:** Objection, these questions have  
 16 already been asked and answered by Mr. Luetkehans.  
 17 **MS. GERWIN:** I'm just going to ask a few  
 18 clarifying questions. I will be done very quickly.  
 19 **CHAIRMAN CORNALE:** That particular question  
 20 has been asked already and answered.  
 21 Q. Okay. So does it take into account the fact  
 22 that Illinois does not impose tax on services, or does  
 23 it assume there are some taxes paid on services as  
 24 there are in many other states?

1 **bigger than in Armstrong, where a school system which**  
 2 **barely tops 200 students raked in more than a million**  
 3 **dollars in new tax dollars.**  
 4 Q. Thanks, but I'm not really that interested  
 5 in what money they made. I'm concerned about the  
 6 changes in law that are on the horizon since we have a  
 7 completely democratic-controlled state house. And  
 8 this particular bill has been getting a lot of  
 9 interest.  
 10 So I just wondered if you had considered at  
 11 all the alternative if that bill goes through.  
 12 **MR. BLAZER:** Objection.  
 13 **CHAIRMAN CORNALE:** Carolyn, what was the  
 14 question?  
 15 Q. The question is: Has he considered the  
 16 analysis of Senate Bill 16's potential impact on  
 17 school revenues?  
 18 **MR. BLAZER:** He's already answered that  
 19 question. He said no.  
 20 **CHAIRMAN CORNALE:** That is correct.  
 21 Q. Did you actually say no?  
 22 **A. We did not do an analysis of Senate Bill 16**  
 23 **and its potential impact of that passing on school**  
 24 **district revenue.**

1 **A. You mean sales tax --**  
 2 Q. Uh-huh.  
 3 **A. -- on the purchase of materials? No.**  
 4 Q. Services. Right. Okay. So do you know  
 5 whether the JEDI model assumes taxes are paid on  
 6 services rendered?  
 7 **A. No, it does not include as tax revenue sales**  
 8 **tax on services.**  
 9 Q. Okay. In terms of the analysis of school  
 10 funding, was your analysis done on the basis of  
 11 current law or on the proposed Senate Bill 16 that  
 12 we've been hearing so much about?  
 13 **A. The report assumed current law and that it**  
 14 **would continue. It did not look at Senate Bill 16.**  
 15 **But just recently, the last month, there was**  
 16 **a news article that came out pertaining to property**  
 17 **tax roles and, in particular, analyzed California**  
 18 **Ridge Wind Farm and said that, in the first year of**  
 19 **the property tax role, California Ridge Wind Farm**  
 20 **contributed more than \$2.3 million to the coffers of**  
 21 **schools, community colleges, counties, townships,**  
 22 **libraries, and fire districts in Champaign and**  
 23 **Vermilion County.**  
 24 **And nowhere was the wind farm windfall**

1 Q. Okay. And your existing analysis that you  
 2 did under current law assumes that the current law  
 3 regarding valuation of wind turbines will stay in  
 4 place indefinitely, for the 20 years that you looked  
 5 at?  
 6 **A. That's correct.**  
 7 Q. Even though it does expire in 2016, does it  
 8 not?  
 9 **A. As I mentioned in the report, in the event**  
 10 **that that law were to allow the sunset -- which it has**  
 11 **been renewed previously -- that would revert to the**  
 12 **County Assessor's Office to make a valuation.**  
 13 **It would not in any way go to zero as the**  
 14 **equalized assessed value. It would go back to the old**  
 15 **law which was before, that statewide valuation law,**  
 16 **which meant that each County Assessor has to determine**  
 17 **what the value of that wind farm is for tax purposes.**  
 18 **That's the County Assessor's job. And it was done**  
 19 **differently.**  
 20 **Now that we've had this many years of**  
 21 **experience in valuation, I would not expect the**  
 22 **valuation to be significantly different than what is**  
 23 **in the law.**  
 24 Q. But, basically, we just don't know, do we?



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1       **MR. BLAZER:** Objection, he's already  
2 answered the question.  
3       Q. You can't guarantee that though, can you?  
4       **MR. BLAZER:** Objection, he's already  
5 answered the question.  
6       **MS. GERWIN:** I'm following up on his  
7 statement, clarifying the actual impact of it.  
8       **MR. BLAZER:** There's nothing to clarify. He  
9 made it very clear what his answer is.  
10       **CHAIRMAN CORNALE:** The question was asked  
11 and answered. The question was -- his numbers are  
12 reflective of what the current law is. He can't  
13 speculate ahead.  
14       **MS. GERWIN:** Well, he kind of just did.  
15 That's what I'm trying to point out. That kind of was  
16 a speculation.  
17       **CHAIRMAN CORNALE:** Can you just move on?  
18       **MS. GERWIN:** Yes, thanks.  
19       Q. Did you have any disclaimers -- oh, one  
20 thing I wanted to get out up front: Your analysis of  
21 economic benefits, it is an analysis of the gross  
22 economic benefits, not the net economic benefits,  
23 correct?  
24       **A. That's correct.**

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1       Q. So it doesn't take into account any  
2 opportunity cost of what the money could have gone for  
3 for other business purposes?  
4       **A. There's no guarantee that if this investment**  
5 **doesn't come to Livingston County, that the same**  
6 **amount of level of investment would be used elsewhere**  
7 **in the County.**  
8       **But this is a gross economic impact, which**  
9 **is standardly done.**  
10       Q. And it doesn't take into account any of the  
11 subsidies that are given to these industries -- this  
12 industry?  
13       **MR. BLAZER:** Object to the relevance.  
14 There's no evidence in the record that the wind  
15 industry gets subsidies nor is there anything in  
16 Mr. Loomis's report that there is any such alleged  
17 subsidies.  
18       **MS. GERWIN:** There is not yet because there  
19 hasn't been a -- we are cross-examining here, and we  
20 don't have the other evidence in yet. And you're not  
21 going to allow us to put it in because he didn't talk  
22 about that.  
23       But I'm just confirming that his analysis  
24 does not take into account any of those external

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1 costs.  
2       **MR. BLAZER:** I don't know what external  
3 costs she's referring to Mr. Chairman.  
4       **MR. BLAKEMAN:** You are testifying now. This  
5 is not the place --  
6       **MS. GERWIN:** I'm not trying to testify.  
7 There is not included in his report such things as  
8 grants.  
9       Q. It does not include the cost of grants, does  
10 it?  
11       **MR. BLAZER:** Now there's a different  
12 question.  
13       There's nothing in the record about grants,  
14 and there's nothing anywhere that I'm aware of about  
15 grants to the wind industry.  
16       **MR. BLAKEMAN:** I'm going to suggest that the  
17 witness answer the question if he knows.  
18       **THE WITNESS:** Could you repeat the question?  
19       Q. The question is whether or not your analysis  
20 of economic benefits takes into account any of the  
21 costs of including things such as grants?  
22       **A. It does not include any grants.**  
23       Q. Does it include any analysis of -- have you  
24 done any analysis of what wind energy lessors actually

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1 spend the money on?  
2       **A. That's done in the model in terms of an**  
3 **input into the JEDI model. Lease payments are an**  
4 **input into the JEDI model.**  
5       Q. Right. But has there ever been a study done  
6 of what lessors, the people who are getting the money  
7 for the turbines, what they actually in real life  
8 spend the money on? Do they sock it into their  
9 retirement? Do they spend it on college funds for  
10 kids? Do they just stick it in the bank? What do  
11 they do with it? Have you ever done an actual study  
12 in real life?  
13       **A. That's what an economic impact study of**  
14 **input/output analysis is doing. You're looking at how**  
15 **people spend new additional income that they receive.**  
16       **If your question is: Did I go around and**  
17 **follow landowners somewhere in the state of Illinois**  
18 **and survey them on what they spent their additional**  
19 **lease payments on, I did not do that. But that's**  
20 **what, statistically, you're getting from an**  
21 **input/output model.**  
22       Q. When you say "statistically," you mean based  
23 on the JEDI model?  
24       **A. It's based on the IMPLAN multipliers that**

1 are specific to Livingston County. That then gives  
2 you that data that then I fed into the JEDI model.

3 Q. I don't know if you're the right person to  
4 ask about this, but is a copy of the model or the form  
5 of the lease and/or wind energy easement -- is that in  
6 the record?

7 **MR. BLAZER:** That would be Pleasant Ridge  
8 Exhibit 7.

9 **MS. GERWIN:** Okay. Not the Neighbor  
10 Agreement, but the actual -- okay.

11 **MR. BLAZER:** The Standard Easement Agreement  
12 is Exhibit 7. The Neighbor Agreement is Exhibit 11 on  
13 the County's web site available for you to download.

14 **MS. GERWIN:** Thank you.

15 Q. Does the JEDI model include any costs of  
16 enforcement or administration by the County?

17 **A. No.**

18 Q. Does it include any follow-up monitoring  
19 studies?

20 **A. No.**

21 **MS. GERWIN:** I think that completes my  
22 questions for Mr. Loomis.

23 **CHAIRMAN CORNALE:** Thank you, Mr. Loomis.  
24 Who would you like next?

1 dependent on the season of the year, on the time of  
2 the day, and the direction of the wind, which affects  
3 how the blades will be turned in relation to the  
4 object. So, generally, it's about a 20-minute window  
5 as it moves across an object.

6 Q. Aren't there some times of the year though  
7 where they're going to have more?

8 **A. Yes. And sometimes they will have  
9 absolutely none.**

10 Q. Okay. Excuse me. Let me find my place in  
11 my notes.

12 What map did you use to locate the  
13 receptors? Was it the updated map where they added  
14 some houses after the initial -- there was the initial  
15 application in August, and then there was sort of an  
16 update in October. Some additional work was done.  
17 Your study was in that update.

18 In between there, they added some houses to  
19 the map, I understand. Can you just tell me what map  
20 you used?

21 **A. We didn't use a map to locate the houses.  
22 We used several different aerial photographs such as  
23 Google Earth. We have proprietary private aerial  
24 services, aerial images that we use. We also followed**

1 **MS. GERWIN:** I would like Ms. Blank.

2 **EXAMINATION OF MS. BLANK**

3 **BY MS. GERWIN:**

4 Q. You talked about this benchmark of 30 hours  
5 per year. There was a discussion about where that  
6 benchmark came from, and I'm not going to go into that  
7 further.

8 But one question I wanted to confirm is that  
9 the 30 hours a year is not necessarily or is  
10 definitely, if I understand it correctly, not going to  
11 to be uniform across the year?

12 **A. Thirty hours is the average throughout the  
13 year.**

14 Q. But it's not going to be like one hour a  
15 week?

16 **A. Correct. Correct.**

17 Q. It's going to vary?

18 **A. Definitely.**

19 Q. What is the variability? From zero to?

20 **A. Well, that's a hard question to answer. I  
21 don't know what you mean by "the variability."**

22 **The shadow that falls on a particular object  
23 is variable depending on the location of the sun in  
24 the sky and the direction of the wind. So it's**

1 **up with a field survey. We actually had someone go  
2 out and drive all the roads and try to locate any  
3 homes that may have been missed.**

4 **I do not believe there were any receptors  
5 added between the August submission and the follow-up.  
6 I take that back. There was one. We did find one  
7 house that there was evidence that it was being built.  
8 So we did add one.**

9 Q. One of your statements that I tried to write  
10 down quickly -- I just want to confirm that you said  
11 it -- less than 30 hours per year is a nuisance but  
12 does not cause health effects.

13 **A. I didn't state that. I said that you might  
14 find under 30 hours a year as an annoyance. That's  
15 completely personal.**

16 Q. So it's an annoyance?

17 **A. Some people are annoyed by the sound of my  
18 voice. Some people are annoyed by shadow flicker, and  
19 others are not.**

20 **MS. GERWIN:** That's all I have for you.

21 **CHAIRMAN CORNALE:** Carolyn, that's all you  
22 have for any of their witnesses that they have with us  
23 this evening?

24 **MS. GERWIN:** Who did I miss? I think that's

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1 all I've got. Thanks.  
 2 **CHAIRMAN CORNALE:** With that, we'll continue  
 3 with interested parties that have questions of our  
 4 witnesses. That's anyone in the audience that would  
 5 like to question them. You'll have to come forward  
 6 and at least state your name. Come probably over to  
 7 that table.  
 8 So with that, does anyone else have  
 9 questions for the witnesses? Sir, come on up.  
 10 Can you please state your name for the  
 11 record?  
 12 **MR. ZEHR:** My name is Harvey Zehr, and my  
 13 daughter said I couldn't testify. Can I ask  
 14 questions?  
 15 **CHAIRMAN CORNALE:** You can ask questions.  
 16 **MR. BLAZER:** I'm sorry. Mr. Zehr is on the  
 17 list of clients that Mr. Luetkehans provided.  
 18 **MR. ZEHR:** You said public.  
 19 **MR. BLAKEMAN:** Again, at this stage, we're  
 20 talking about people asking questions who are not  
 21 represented by an attorney. My understanding is that  
 22 you are represented by an attorney.  
 23 At a later stage in the proceeding, you will  
 24 be able to give testimony and other evidence and/or a

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1 statement if you so choose to do. But as far as  
 2 asking questions, you don't get that opportunity.  
 3 That's why you have a lawyer.  
 4 **CHAIRMAN CORNALE:** Sorry for that confusion.  
 5 Let me try and get this right myself. Public not  
 6 represented by Mr. Luetkehans. Are there any  
 7 questions?  
 8 Just to be sure, you are not represented by  
 9 Mr. Luetkehans?  
 10 **MR. SLAGEL:** That is correct. My name is  
 11 John Slagel. I don't have any of the hard-hitting  
 12 questions here. My first person I'd like to ask  
 13 questions to would be the animal guy.  
 14 **MR. BLAZER:** Mr. VanDeWalle.  
 15 **MR. SLAGEL:** Yes.  
 16 **MR. BLAZER:** Who will forever now be known  
 17 as "the animal guy."  
 18 **MR. VANDEWALLE:** I've been called "the  
 19 animal guy" before.  
 20 **MR. SLAGEL:** I've enjoyed your testimony.  
 21 **MR. VANDEWALLE:** Thank you.  
 22 EXAMINATION OF MR. VANDEWALLE  
 23 **BY MR. SLAGEL:**  
 24 Q. The question I have for you is: You've

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1 talked about pigs and ducks. You never did mention  
 2 horses and dogs. I'm curious about horses and dogs  
 3 because I've seen videos on the internet of horses and  
 4 dogs going nuts around these things. What is your  
 5 research on this area?  
 6 **A. To my knowledge, there are no scientifically  
 7 based or peer-reviewed research or articles or papers  
 8 that indicate that there are any effects due to wind  
 9 turbines on dogs or horses.**  
 10 **We do have a -- as I mentioned, we do have  
 11 two letters from veterinarians. And, actually, I was  
 12 asked last night for the name of the one, which I did  
 13 look at afterwards.**  
 14 **That veterinarian, Dr. Cindy Durdan, DVM,  
 15 she works with small animals. She herself lives  
 16 within a wind farm, and she works with small animals.  
 17 She specifically in her letter mentions a Rottweiler  
 18 breeder who she worked with for many years who has a  
 19 number of turbines around their property. I believe  
 20 she said within a half mile. And the Rottweiler  
 21 breeder has not reported any concerns with the dogs.**  
 22 **Dr. Durdan herself indicates that she has  
 23 horses, sheep, and I believe goats on her own farm and  
 24 hasn't noticed any effects either. She has a wind**

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1 **turbine, again, close to her house. I don't recall  
 2 the distance.**  
 3 **MR. SLAGEL:** Okay. Thanks. North of  
 4 Fairbury there's some horse farms, and there's  
 5 turbines in that area. I would be concerned for the  
 6 children out riding a horse if they got startled in  
 7 any way.  
 8 That's it for you.  
 9 I would like to ask Dr. Loomis a question.  
 10 EXAMINATION OF DR. LOOMIS  
 11 **BY MR. SLAGEL:**  
 12 Q. So I'm not sure if this is with your  
 13 testimony at this time or the other times I've heard  
 14 you speak. But I want to ask you this question point  
 15 blank and get an answer out of you.  
 16 If you have two equal houses, perfectly the  
 17 same houses, one has 29.5 hours of flicker on it, the  
 18 other one doesn't, and they both sold at an auction,  
 19 would they sale at the same price?  
 20 **MR. BLAZER:** Mr. Cornale, the real estate  
 21 experts will be available for cross-examination in  
 22 January. Dr. Loomis didn't testify regarding real  
 23 estate effects.  
 24 **CHAIRMAN CORNALE:** He is correct. The real

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1 estate -- the individuals offering testimony for real  
 2 estate are not here. And we will have that  
 3 opportunity to ask them questions at that time.  
 4 Mr. Loomis spoke about the economic impact  
 5 of potential additional moneys within the local  
 6 economy.  
 7 Pull the microphone just a little closer so  
 8 everybody in the back can hear you.  
 9 **MR. SLAGEL:** Okay. Is this any better?  
 10 **CHAIRMAN CORNALE:** Yes.  
 11 Q. So then the more general question is: The  
 12 JEDI model, how does it account for taxes? In your  
 13 paper, you say there's close to a million dollars  
 14 being paid out to landowners. Some of that gets paid  
 15 as taxes by the landowners, right?  
 16 **A. The property taxes for the additional value**  
 17 **of the wind turbine on that property would be the**  
 18 **responsibility of Invenergy, not the landowner.**  
 19 Q. You know, I have a turbine on my property;  
 20 so I get an extra 15,000 a year?  
 21 **A. Right.**  
 22 Q. I have to pay taxes on that?  
 23 **A. So income tax --**  
 24 Q. Right.

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1 **A. -- to the State or federal income tax?**  
 2 Q. Right.  
 3 **A. So that's going to get treated like any**  
 4 **other income that you have in the model.**  
 5 **When we do an economic impact analysis, they**  
 6 **are looking at any additional income that you have.**  
 7 **That accounts for the fact that, you know, Illinois**  
 8 **tax rate, which is now uncertain, how that is going to**  
 9 **get accounted for.**  
 10 Q. Okay. I misread the JEDI model. I thought  
 11 the JEDI basically said: There's this money coming  
 12 into the county. And due to this model we have of the  
 13 multiplication factors, that means so many jobs are  
 14 going to be created at the movie theater, at the  
 15 restaurant.  
 16 So that million dollars that we're talking  
 17 about, is that before or after taxes? Or is that  
 18 saying the tax money goes to pay some of that?  
 19 **A. So there's this direct impact. So those**  
 20 **that are directly employed either in construction or**  
 21 **during operations, those people obviously then pay,**  
 22 **you know, taxes on their income that they receive**  
 23 **directly as a result of the project.**  
 24 **There's also the jobs and income earnings**

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1 **that are created due to those supply chain impacts.**  
 2 **Then I think we were talking about the movie theater,**  
 3 **the restaurants, and retail sales as being those**  
 4 **induced impacts.**  
 5 **Those dollars are all going to get assessed**  
 6 **those income tax rates. And that's accounted for**  
 7 **within the model and within the multipliers.**  
 8 **MR. SLAGEL:** Okay. That's it for you.  
 9 Thanks.  
 10 The Hankard sound guy?  
 11 **CHAIRMAN CORNALE:** He's not here.  
 12 **MR. SLAGEL:** Okay, JoAnne Blank.  
 13 **EXAMINATION OF MS. BLANK**  
 14 **BY MR. SLAGEL:**  
 15 Q. When you did the flicker study, you used the  
 16 Pro Wind software, WindPRO?  
 17 **A. WindPRO, right.**  
 18 Q. When you did that test, did it output -- I  
 19 assume it outputs the maximum number of hours per  
 20 household per day?  
 21 **A. Yes, it does.**  
 22 Q. Did you put that -- that wasn't in your  
 23 report, was it?  
 24 **A. No, it wasn't, because that's a number that**

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1 **is unrealistic. It can never happen. It will never**  
 2 **happen. That number is there as an output, but the**  
 3 **numbers that we provided are what is expected.**  
 4 Q. Did you notice any of those numbers as in --  
 5 is December 1st a really bad day? Or how does that  
 6 work? What's the ratio?  
 7 **A. That would totally depend on where your**  
 8 **house is in relation to a turbine and, as I mentioned**  
 9 **before, the direction of the wind, so how the blades**  
 10 **are turned. There isn't a particular day that is good**  
 11 **or bad for anyone.**  
 12 Q. Your study assumed the turbine was always  
 13 facing the house, I thought?  
 14 **A. It assumes that the turbine and the house --**  
 15 **no, it does not assume that the turbine is always**  
 16 **facing the house.**  
 17 Q. Okay. Perpendicular to the house?  
 18 **A. No. It takes into account the position of**  
 19 **the sun in the sky with relation to the turbine and**  
 20 **the house. So, no, it doesn't assume it's always**  
 21 **perpendicular.**  
 22 Q. Okay. So you're guessing at the wind  
 23 direction, like the average number of days the wind is  
 24 a certain direction?

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1 **A. The input for the wind direction is taken**  
 2 **from data that is collected from meteorological towers**  
 3 **on the site. So it breaks it down into 12 sectors of**  
 4 **wind direction.**  
 5 **MR. SLAGEL:** That's my questions for you  
 6 then.  
 7 **MS. BLANK:** Thank you.  
 8 **MR. SLAGEL:** Andrew Downey I had a couple of  
 9 questions for.  
 10 EXAMINATION OF MR. DOWNEY  
 11 **BY MR. SLAGEL:**  
 12 Q. The wires that they put in for underground  
 13 cables, are they above or below the tile level?  
 14 **MR. BLAZER:** Mr. Downey wasn't the witness  
 15 on that, Mr. Cornale.  
 16 **CHAIRMAN CORNALE:** I suppose if he knows?  
 17 Q. Do you know?  
 18 **CHAIRMAN CORNALE:** It was a Mr. Baker  
 19 question, wasn't it?  
 20 **MR. BLAZER:** Mr. Baker is here.  
 21 **CHAIRMAN CORNALE:** Would you like to  
 22 redirect your question to Mr. Baker?  
 23 **MR. SLAGEL:** Sure. But I have another  
 24 question for Mr. Downey.

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1 Q. The turbines that are west of First Street,  
 2 when did those get added to the map?  
 3 **A. I'm not sure which ones you are referencing.**  
 4 **West of First Street?**  
 5 Q. It would be, like, in the list of turbines,  
 6 the last five, WTG A13, A14, A15, basically the ones  
 7 where -- when the project was started, I was told  
 8 there will only be transmission lines west of First  
 9 Street and then, when the application was filed, there  
 10 is five turbines west of First Street.  
 11 **A. Are you referencing the turbines that are**  
 12 **along the transmission line?**  
 13 Q. Yes, those turbines.  
 14 **A. Yes. Could you restate the question?**  
 15 Q. Yeah. When were those turbines added?  
 16 **A. I'm not sure. They were added back sometime**  
 17 **after July, if I remember from the map.**  
 18 Q. Because at the beginning of the summer when  
 19 I went into your office, there was no turbines there?  
 20 **A. That's correct.**  
 21 Q. And I was told there weren't going to be  
 22 turbines there and it was just going to be the  
 23 transmission lines, correct?  
 24 **A. Yeah. At that time, I was unaware that**

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1 **there were both transmission leases, transmission**  
 2 **agreements, and there were wind leases in the same**  
 3 **area.**  
 4 **Landowners had an option then. Some of them**  
 5 **chose to sign a wind easement, which is different than**  
 6 **the overhead transmission easement.**  
 7 Q. While I have you, the transmission lines are  
 8 still following the employee road, correct?  
 9 **A. Roughly.**  
 10 Q. They are not going north of the proposed  
 11 towers right?  
 12 **A. North of those towers? I don't believe so.**  
 13 Q. Okay. Thanks.  
 14 **A. Thank you.**  
 15 **MR. BLAZER:** Mr. Slagel, do you want  
 16 Mr. Baker for that question you had about drain tiles?  
 17 **MR. SLAGEL:** Yes.  
 18 EXAMINATION OF MR. BAKER  
 19 **BY MR. SLAGEL:**  
 20 Q. So the drain tiles -- the transmission  
 21 wires, are they above or below?  
 22 **A. Below. They usually have a 48-inch minimum**  
 23 **below grade. So we're well into clay, usually, where**  
 24 **the collection system lines are.**

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1 Q. So if in, say, my field I wanted to add tile  
 2 to it, would I have to go around transmission lines?  
 3 **A. No. No. You can -- we'll work with -- like**  
 4 **if you call in a contractor, they would normally do a**  
 5 **Julie locate. We would come out and mark the lines.**  
 6 **Normally, when you're getting ready to**  
 7 **cross, we usually ask you to give us a call. We'll**  
 8 **come out there and watch the contractor unearth the**  
 9 **lines and cross them at that point.**  
 10 Q. Okay. Then the other question: Are you the  
 11 one that was talking about the labor unions, that part  
 12 of the construction, whether they get hired or not?  
 13 **A. No, I was not.**  
 14 Q. Who was that?  
 15 **A. Parzyck.**  
 16 **MR. SLAGEL:** Sorry, I'm not a professional  
 17 lawyer here.  
 18 **CHAIRMAN CORNALE:** We understand. You're  
 19 doing fine.  
 20 EXAMINATION OF MR. PARZYCK  
 21 **BY MR. SLAGEL:**  
 22 Q. This is a question I've been sitting here  
 23 thinking about ever since we were in Pontiac.  
 24 Do you know why the local labor unions stand

1 outside the buildings? Are they here to protest the  
2 people protesting the windmills or to protest you guys  
3 hiring nonlocal people or what? I don't get it.

4 **A. You know, I can't put words in their mouths.**  
5 **I mean, I can't say. I haven't coordinated anything**  
6 **with them. They talk about local jobs, but I can't**  
7 **really say.**

8 **MR. SLAGEL:** Okay. I can't either. At one  
9 time, I thought one thing. And then I thought the  
10 other thing the next time. Thanks. That's it.

11 **CHAIRMAN CORNALE:** Thank you. Any other  
12 questions from the public who are not represented by  
13 Mr. Luetkehans? Do we have anybody else?

14 Come on down, Judy. You are welcome to ask  
15 any of the witnesses.

16 **MS. CAMPBELL:** Mr. Loomis.

17 **CHAIRMAN CORNALE:** Mr. Loomis, please come  
18 forward.

19 **MS. CAMPBELL:** My name is Judy Campbell,  
20 28816 North 800 East Road, Manville, Illinois.

21 **EXAMINATION OF MR. LOOMIS**

22 **BY MS. CAMPBELL:**

23 Q. I have one question. Is the JEDI model a  
24 theoretical model or an empirical model?

1 questions from the public not represented by  
2 Mr. Luetkehans? Now is your opportunity to ask any of  
3 the witnesses they have with this evening. I  
4 understand they're not all here.

5 There is a chance that not all of them will  
6 be back after this evening. So, really, now is your  
7 best opportunity to ask these questions. We are not  
8 that intimidating up here. Anybody else?

9 (No response.)

10 **CHAIRMAN CORNALE:** All right. With that,  
11 the ZBA, the Board, will have the opportunity to ask  
12 additional questions. County staff and consultants at  
13 this time will have an opportunity to ask questions.

14 We may reserve our right. I think I have  
15 one more question for Ms. Blank. You can come  
16 forward.

17 **EXAMINATION OF MS. BLANK**

18 **BY CHAIRMAN CORNALE:**

19 Q. As I look at your overlay and I try to  
20 understand this, it shows it in a butterfly effect  
21 that we have referenced several times.

22 **A. Yes.**

23 Q. The butterfly shows the maximum amount of  
24 shadow flicker in any position of the turbine?

1 **A. The JEDI model is an empirical model that**  
2 **uses the data from the IMPLAN model and multipliers.**

3 **MS. CAMPBELL:** Thank you.

4 **CHAIRMAN CORNALE:** Thank you, Judy. Anyone  
5 else with questions?

6 Sir, come on forward. Mr. Fosdick, speak  
7 into the microphone just a little bit louder so she  
8 can hear you and restate your name.

9 **MR. FOSDICK:** Larry Fosdick. I just have  
10 one quick question. I haven't heard anybody tell.  
11 How many homes will this project actually fund? How  
12 many of our brothers and sisters are going to have  
13 homes that could be powered by this unit?

14 **CHAIRMAN CORNALE:** Oh, in terms of energy  
15 that is output?

16 **MR. FOSDICK:** Yes.

17 **CHAIRMAN CORNALE:** There's a general rule of  
18 thumb that one turbine of this size would be able to  
19 generate enough electricity to power about 500  
20 Illinois homes.

21 **MR. FOSDICK:** 500 times 130 or whatever?

22 **CHAIRMAN CORNALE:** Right.

23 **MR. FOSDICK:** That's all I have. Thank you.

24 **CHAIRMAN CORNALE:** Do I have any other

1 **A. It shows the predicted amount of flicker**  
2 **from all turbines, yes. It's a cumulative of all the**  
3 **turbines within that.**

4 Q. In any position?

5 **A. Yes.**

6 Q. Any position within the wind -- so the  
7 butterfly shows every possible position around a  
8 360-degree radius and the maximum effect that it could  
9 have?

10 **A. No. The figure that is submitted is the**  
11 **expected amount of shadow. So it takes into account**  
12 **the climatology. It is reduced by the possible cloud**  
13 **cover; so it is not the maximum amount of shadow**  
14 **flicker. It's the expected amount.**

15 Q. Does it consider the sun?

16 **A. Yes, up until the point that it is within**  
17 **three degrees of the surface. And that is because of**  
18 **the dissipation -- it doesn't throw a shadow at that**  
19 **point. It's dissipated by so much atmosphere.**

20 Q. Just out of curiosity, what is that  
21 distance? Is it three times the height of the tower?  
22 At what point is that distance -- at what point does  
23 it dissipate to the point that it's not visible?

24 **A. You're asking two different questions. The**

1 3 degrees above the ground is when the sun is that low  
2 in the sky. But as far as the shadow dissipating with  
3 distance, it is generally about 1,500 meters that is  
4 the point that it's not noticeable.

5 Now, that's not to say that there aren't  
6 instances where there could be a slight shadow  
7 perceived at that distance, but not -- you know, it  
8 would be very, very faint.

9 Q. So 1,500 feet?

10 A. Approximately.

11 Q. So five times the height of the tower --  
12 five times the height of the blade?

13 A. Let me -- I don't want to answer you  
14 incorrectly because we do quote that number. I have  
15 my numbers here.

16 It's 1,500 meters, not feet. And I think  
17 that's what I said. And I apologize if I didn't.

18 Q. No. You did say meters.

19 A. So 1,500 meters, that's the distance that it  
20 becomes pretty imperceptible. And it does depend on  
21 the height of the towers. But I'm talking the  
22 turbines that we're studying here.

23 CHAIRMAN CORNALE: Okay. All right. Very  
24 good. That was my only question.

1 within the project area today than there was four or  
2 five years ago? In other words, is there less corn  
3 and beans today than there was before?

4 If the answer is, no, there's not less, the  
5 amount of agriculture land is the same -- we don't  
6 have more woodland or more prairie -- then we wouldn't  
7 expect there to be different species here. So we  
8 would expect to get the same result.

9 Now, just to follow up on that, if we look  
10 at the measures that Pleasant Ridge is going to put in  
11 place, the cutting speeds we've talked about and  
12 things like that, all of those are already designed to  
13 take into account that those species are present. So  
14 we've assumed the species are present, whether they  
15 were caught or not.

16 For instance, Indiana bats haven't been  
17 caught within the project area, but Pleasant Ridge  
18 assumes they are there.

19 CHAIRMAN CORNALE: It appears that we went  
20 through procedure with regard to these questions.  
21 We're going to take just a five-minute break. We're  
22 going to discuss with the Applicant who will be here  
23 for next week to discuss and to answer any questions  
24 we might have for them, and we'll get back with you.

1 CHAIRMAN CORNALE: County counsel,  
2 Mr. Schopp.

3 MR. SCHOPP: Mr. VanDeWalle.

4 EXAMINATION OF MR. VANDEWALLE  
5 BY MR. SCHOPP:

6 Q. A follow-up to some earlier questions as far  
7 as you did the studies a few years ago. Since that  
8 time, we've had some drought conditions and extremely  
9 wet conditions.

10 What differences, if any, would the climate  
11 of the last few years have on your study? Would  
12 another study be of any benefit?

13 A. Sure. We had a similar question earlier.  
14 This comes up a lot. Why wouldn't we redo the  
15 studies?

16 The answer is that, again, the species are  
17 tied to their habitat. So if the habitats haven't  
18 changed, we wouldn't expect to find different species.  
19 Maybe a few more birds one year or bats one year than  
20 another.

21 So the question related to weather then:  
22 We've had some drought years. We've had some flood  
23 years. But has the land use changed? Is there reason  
24 to believe today that there's more natural habitat

1 Give us five minutes. We'll get this hammered out,  
2 and we'll let you know what we decide. All right?  
3 (Recess in proceedings.)

4 CHAIRMAN CORNALE: We have discussed with  
5 the Applicant next week, the schedule. We'll be here  
6 on Monday the 15th at 6:30 again and Wednesday the  
7 17th at 6:30 again here at this location.

8 The Applicant is prepared to have Hankard --  
9 he dealt with the sound study, everything along the  
10 lines of sound -- and Roberts for both Monday and  
11 Wednesday. Roberts was the older gentleman that  
12 talked about health effects.

13 The Applicant is also prepared to have  
14 Ellenbogen for Wednesday evening. He was the younger  
15 doctor from out East. Parzyck will also be available  
16 both of those evenings.

17 So Monday: Parzyck, Hankard, and Roberts.  
18 Wednesday: Parzyck, Hankard, Roberts, and Ellenbogen.

19 I hope I made that clear to everyone. With  
20 that, it's 9:00. Provided there's nothing else from  
21 the County Counsel, can I get a motion to recess?

22 MR. VITZTHUM: I'll make that motion.

23 CHAIRMAN CORNALE: Vitzthum makes a motion.  
24 Can I get a second?

1 Iverson seconds. All in favor? Opposed?  
2 All right. We'll see everybody back here next Monday.

3  
4 (Hearing recessed at 9:00 p.m.)  
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1  
2 CERTIFICATE OF REPORTER  
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4 I, BRENDA L. ZEITLER, CSR-RPR, License No.  
5 084-004062, do hereby certify that the foregoing  
6 transcript, consisting of pages 591 through 680, both  
7 inclusive, constitutes a true and accurate transcript  
8 of the original stenographic notes recorded by me of  
9 the foregoing proceedings had before the Livingston  
10 County Zoning Board of Appeals at Walton Centre,  
11 Fairbury, Illinois, on the 9th day of December, 2014.  
12  
13

14 Dated this 22nd day of December, 2014.  
15  
16  
17

18 \_\_\_\_\_  
19 Brenda L. Zeitler, CSR-RPR  
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