

In The Matter Of:
LIVINGSTON COUNTY ZONING BOARD OF APPEALS

December 8, 2014

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1 LIVINGSTON COUNTY ZONING BOARD OF APPEALS
 2 CASE SU-7-14
 3 PLEASANT RIDGE WIND ENERGY PROJECT
 4 December 8, 2014
 5 6:30 PM
 6 Walton Centre
 7 Fairbury, Illinois

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 12 Joan Huisman
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1 (Commencing at 6:31 p.m.)
 2 **CHAIRMAN CORNALE:** All right, if we can go
 3 ahead and call this meeting to order. Chuck, roll
 4 call please.
 5 **MR. SCHOPP:** This is the December 8, 2014,
 6 Livingston County Zoning Board of Appeals review of
 7 Livingston County Zoning Board Case SU-7-14,
 8 Pleasant Ridge Energy LLC, Pleasant Ridge Wind
 9 Energy project. Roll call. Michael Cornale.
 10 **CHAIRMAN CORNALE:** Here.
 11 **MR. SCHOPP:** John Vitzthum.
 12 **MR. VITZTHUM:** Here.
 13 **MR. SCHOPP:** Rich Kiefer. Diana Iverson.
 14 **MS. IVERSON:** Here.
 15 **MR. SCHOPP:** Howard Zimmerman.
 16 **MR. ZIMMERMAN:** Here.
 17 **MR. SCHOPP:** Joan Huisman.
 18 **MS. HUISMAN:** Yes.
 19 **MR. SCHOPP:** Gibs Nielsen. We do have a
 20 quorum. I would like to start by entering two more
 21 county exhibits. First one, County Exhibit No. 9, a
 22 map that was mentioned at the last meeting which
 23 would be indicating the proposed turbine locations
 24 for the LNTE blades which will be used on those

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1 particular turbines.
 2 And County Exhibit No. 10 is
 3 correspondence addressed to Livingston County
 4 government from the Bell Prairie Drainage District
 5 Commissioners and this pertains to their desire for
 6 protection of the drainage systems.
 7 **CHAIRMAN CORNALE:** All right. So the
 8 county will accept County Exhibit 9, the map
 9 indicating the proposed turbine locations for the
 10 LNTE blades, and County Exhibit 10, the
 11 correspondence to the Livingston County government
 12 from Bell Prairie Drainage District Commissioners.
 13 With that, I believe counsel has a few
 14 things that he would like to add.
 15 **MR. BLAKEMAN:** At this time, those things
 16 I mentioned before have been taken care of, so we're
 17 going to get started.
 18 **CHAIRMAN CORNALE:** All right. I believe
 19 the applicant this evening has Blank, the individual
 20 that dealt with shadow flicker; Loomis,
 21 VanDeWalle -- Loomis was with economics. VanDeWalle
 22 spoke about the birds and avian study. Baker was
 23 more the technical aspects of the project. Rautmann
 24 spoke of decommissioning. And Parzyck was the

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1 company representative. They're all here this
 2 evening with us for questions.
 3 With that, I believe we left off the other
 4 evening with Mr. Luetkehans. He was talking to
 5 VanDeWalle. I believe you were real close on
 6 finishing up VanDeWalle, if you weren't already done
 7 with him.
 8 **MR. LUETKEHANS:** A few more, but not more
 9 than five or ten minutes.
 10 **CHAIRMAN CORNALE:** If you can turn your
 11 mic on for us.
 12 **MR. LUETKEHANS:** A few more. Not more
 13 than five to ten minutes.
 14 **CHAIRMAN CORNALE:** All right, why don't
 15 you go ahead then.
 16 **QUESTIONS BY**
 17 **MR. LUETKEHANS:**
 18 Q. Good evening, Mr. VanDeWalle. One
 19 question, I'm not sure if it's best for you or
 20 someone else, but you talked about the feathering of
 21 blades. Who's going to audit that? How will that
 22 be audited?
 23 **A. Yeah, that's not for me. That would be**
 24 **operations.**

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1 Q. Okay, fair enough. Are you aware of any
 2 studies of effects on deer or their movements due to
 3 wind turbines?
 4 **A. No, I'm not aware of it.**
 5 Q. Okay. So you're not aware of any study as
 6 to whether the harvest of deer has been reduced in
 7 areas that have wind farms, correct?
 8 **A. I'm not aware of any, no.**
 9 Q. Last week you said you had received a
 10 letter from one Dr. Kimberly Stevens who is a
 11 veterinarian, correct?
 12 **A. Yes.**
 13 Q. Have you discussed or received any other
 14 correspondence from any other veterans -- or
 15 veterinarians, excuse me?
 16 **A. Yes, we have since received another.**
 17 Q. And when did you receive that?
 18 **A. That would have been received last week.**
 19 **I was out -- I was out of town at the time, but that**
 20 **came last week. That's the first time I saw it.**
 21 Q. And who was that from?
 22 **A. You know, I don't have a copy. I haven't**
 23 **been home to print it since I --**
 24 Q. Okay, that was the second correspondence

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1 you received from veterinarians?
 2 **A. Yes, yes.**
 3 Q. Okay. And that one was not received until
 4 after your Power Point presentation, correct?
 5 **A. That is correct.**
 6 Q. Okay. Did you have any conversations with
 7 any other veterinarians prior other than the two
 8 letters that we discussed?
 9 **A. No.**
 10 **MR. LUETKEHANS:** Okay. Nothing further.
 11 **CHAIRMAN CORNALE:** Thank you. Which
 12 representative of the applicant would you like next,
 13 Mr. Luetkehans?
 14 **MR. LUETKEHANS:** Mr. Rautmann.
 15 **CHAIRMAN CORNALE:** Mr. Rautmann, all
 16 right. He originally spoke of the decommissioning
 17 plan. Mr. Rautmann, if you can come forward.
 18 **QUESTIONS BY**
 19 **MR. LUETKEHANS:**
 20 Q. Good evening, Mr. Rautmann.
 21 **A. Good evening.**
 22 Q. How long have you been with Stantec?
 23 **A. Since 1988.**
 24 Q. Okay. And how often during that time

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1 period has your company been hired by Invenergy?
 2 **A. Most of that time was spent with a company**
 3 **called Northern Environmental, which was acquired by**
 4 **a company called Boonestroo, which was acquired by**
 5 **Stantec. So I really have only been with Stantec**
 6 **for three years per se. And I honestly don't know**
 7 **how many projects we've done for Invenergy because**
 8 **it's done out of any number of offices.**
 9 Q. Okay. Do you know how many times your
 10 company has been hired by other wind companies or
 11 turbine companies?
 12 **A. I don't know that either.**
 13 Q. Okay.
 14 **A. We're a very large company.**
 15 Q. To your knowledge, has your company ever
 16 been hired in an attempt to stop a wind farm or to
 17 speak against a wind farm?
 18 **A. Not to my knowledge.**
 19 Q. Do you know what Stantec's role in the
 20 building of this wind farm is, the totality of its
 21 role?
 22 **A. Yes.**
 23 Q. Okay. Is it partially -- I assume it's
 24 design?

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1 **A. We are not doing design work on this, no.**
 2 Q. Okay. Who's doing design work?
 3 **A. I don't know.**
 4 Q. Okay. You're obviously doing permitting
 5 including the -- or at least the zoning part of it.
 6 **A. We are doing permitting, yes.**
 7 Q. Okay. Are you doing any other buildings,
 8 building permitting too, or not?
 9 **A. No.**
 10 Q. Okay. Construction services, who's doing
 11 that?
 12 **A. Don't know.**
 13 Q. So you don't know?
 14 **A. No.**
 15 Q. You don't know if Stantec or someone else?
 16 **A. No.**
 17 Q. Okay. Do you know whether construction
 18 drawings/designs have already been put out on the
 19 street for bidding?
 20 **A. No.**
 21 Q. In your Power Point on page 6, which is
 22 Pleasant Ridge Exhibit 29, you state that, quote,
 23 Real world costs for wind farm decommissioning do
 24 not exist (no turbines have been removed). I assume

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1 that's a correct statement, correct?
 2 **A. I would say that no commercial utility**
 3 **turbines have been removed.**
 4 Q. Okay. So individual turbines have been,
 5 is that what you're trying to say? They're owned by
 6 individuals or --
 7 **A. I believe there have been a few small,**
 8 **old -- old, 1970sish turbines removed.**
 9 Q. You wouldn't consider those to be
 10 comparable --
 11 **A. No.**
 12 Q. -- to what's here, correct?
 13 **A. No.**
 14 Q. Okay, I'm going to ask one thing. For her
 15 sake, if you can, try -- I know half the time you
 16 know what my question's going to be before I finish
 17 it, so try and wait until I finish it for her sake.
 18 And I will try to do the same. I will fail probably
 19 more often than you, but it just makes it a lot
 20 easier for the young lady.
 21 **CHAIRMAN CORNALE:** Mr. Luetkehans, you
 22 need to speak in the microphone as you lecture him.
 23 And if you can raise your microphone. Thank you.
 24 Q. Do you know what the oldest wind farm

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1 turbine in Illinois is?
 2 **A. No.**
 3 Q. In your Power Point, again Pleasant Ridge
 4 Exhibit 29, page 6, you say that, "Extensive real
 5 world data exists for decommissioning in other
 6 industries." What industries?
 7 **A. Decommissioning/deconstruction has been**
 8 **going on for hundreds of years of industrial**
 9 **facilities. The ones in particular that I'm aware**
 10 **of, we've done power plants, we've done paper mills,**
 11 **we've done incinerators, and a lot of**
 12 **industrial-type buildings.**
 13 Q. Okay. What has your actual involvement
 14 been in any of those decommissionings?
 15 **A. I have been involved in a number of those**
 16 **doing specs, doing cost estimates, reviewing**
 17 **construction, reviewing pricing.**
 18 Q. Have you ever overseen the actual
 19 decommissioning of any of those?
 20 **A. Yes.**
 21 Q. Okay. Which ones?
 22 **A. Industrial buildings.**
 23 Q. Okay. So industrial more?
 24 **A. Yeah.**

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1 Q. Nothing like a power plant? You didn't do
 2 a power plant?
 3 **A. Not start to finish, no.**
 4 Q. Okay.
 5 **A. I've done pieces.**
 6 Q. Okay. So when you say an industrial
 7 building, it could be anywhere from a manufacturing
 8 to a distribution site, that kind of concept?
 9 **A. Yes.**
 10 Q. Okay. 100,000, 200,000 square foot
 11 building kind of, correct?
 12 **A. Yeah.**
 13 Q. I mean, it may be smaller or bigger, I'm
 14 not trying to hold you to square footage, but --
 15 **A. Yes.**
 16 Q. Okay. I assume none of those involve 430
 17 foot long blades, correct?
 18 **A. Correct.**
 19 Q. What industry would you see as analogous
 20 to decommissioning a wind turbine farm?
 21 **A. I would say any industrial decommissioning**
 22 **is similar --**
 23 Q. Okay.
 24 **A. -- in that -- I'll leave it at that.**

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1 Q. Okay. Those industrial decommissionings
 2 you're talking about, did any of them have a -- have
 3 130 some locations?
 4 A. No.
 5 Q. You said that you compared your -- this is
 6 again on your Power Point, page 6. You said you
 7 compared your numbers to other wind farm
 8 decommissioning plan reports for reasonableness,
 9 correct?
 10 A. Correct.
 11 Q. Which other plan reports?
 12 A. I don't have that information with me.
 13 I'd have to go back and look at my files.
 14 Q. Okay. Do you know who did them? Do you
 15 know who did those other reports?
 16 A. Not off the top of my head, no.
 17 Q. Did you compare your reports to any
 18 reports that were not done by the wind industry or
 19 their consultants?
 20 A. No.
 21 Q. You didn't build any inflation into your
 22 numbers, correct --
 23 A. Correct.
 24 Q. -- for your presentation? You said you

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1 suspect, you suspect -- I think suspect was the word
 2 you used -- costs will go down as additional
 3 efficiencies are found. Do you remember saying
 4 something to that effect?
 5 A. Yes.
 6 Q. Okay. So you suspected. We're not sure
 7 though, are we?
 8 A. No.
 9 Q. In fact, we're not sure if those costs
 10 you're utilizing are correct because they've never
 11 been tested in real world wind farm decommissioning
 12 numbers; is that true?
 13 A. Yes.
 14 Q. You state in your Power Point on page 10
 15 that, "Given growing demand and declining
 16 availability of raw materials, relative price for
 17 established materials will increase." Do you
 18 remember that?
 19 A. Yes.
 20 AUDIENCE VOICE: Sir, can you turn up the
 21 volume a little bit? How do you expect us to hear
 22 back here?
 23 MR. VANDEWALLE: Mine or his?
 24 AUDIENCE VOICE: Well, if you can't talk

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1 louder than that, why are you here for? You can do
 2 better than that if you try. Maybe you don't want
 3 us to hear it.
 4 MR. LUETKEHANS: I think he's trying to
 5 fix it.
 6 CHAIRMAN CORNALE: Go ahead, Mr.
 7 Luetkehans.
 8 MR. LUETKEHANS: Okay.
 9 BY MR. LUETKEHANS:
 10 Q. You're not an economist, are you?
 11 A. I'm not a what?
 12 Q. An economist.
 13 A. No.
 14 Q. Okay. Have you tracked prices for steel
 15 over the past five years?
 16 A. No.
 17 Q. So I guess the answer would be the same
 18 for 20 or 25 years, correct?
 19 A. Correct.
 20 Q. Okay. Have you tracked the prices for
 21 copper over the past five years?
 22 A. No.
 23 Q. Same answer for 10 or 25 years, correct?
 24 A. Correct.

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1 Q. Okay. Let's go to your actual report. Do
 2 you have that handy?
 3 A. I do.
 4 Q. I'll get mine too. And for the record,
 5 this is Pleasant Ridge Exhibit 28. Do you have that
 6 in front of you now, Mr. Rautmann?
 7 A. Yes.
 8 Q. Thank you. Let's start with numbered page
 9 1 of your report. It's actually probably the --
 10 there's a couple pages. It's the first numbered
 11 page. Do you see that? Kind of like got your stamp
 12 on it.
 13 A. Yes.
 14 Q. And it says -- the second sentence says,
 15 "Any reliance on this document by any other
 16 third-party is strictly prohibited." Did I read
 17 that correctly?
 18 A. Correct.
 19 Q. Let's go to page 6 of your report. Let's
 20 talk about access roads for a minute. We have 50.8
 21 miles of access roads that are going to need to be
 22 decommissioned, correct? 50.8. I don't know what I
 23 said. If I said 6, I apologize.
 24 A. Yes.

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1 Q. Okay. And so that's 268,000 linear feet?
 2 A. Yes.
 3 Q. And those access roads, if I remember
 4 correctly, your testimony was they're 12 inches
 5 deep?
 6 A. Yes.
 7 Q. Okay. And I think they're 16 feet wide,
 8 correct?
 9 A. Correct.
 10 Q. Okay. If I was going to -- and I meant to
 11 bring my calculator, but I -- I didn't I guess.
 12 I'll have to use my phone, I apologize.
 13 If I was going to try and figure out how
 14 many cubic yards that is, I would take the 268,000,
 15 correct, times -- or that's -- how would I -- it
 16 would be in yards, so how would I do that? How
 17 would I use the numbers to find out the cubic yards?
 18 A. **268,000 times 16 times 1 divided by 27.**
 19 Q. Okay. Okay, and I get -- I've done that
 20 before and I get 158,814 cubic yards. Does that
 21 sound correct?
 22 A. Yes.
 23 Q. Okay. But your report in Table 2 on page
 24 6 talks about 53,000 square -- or 53,000 cubic yards

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1 of aggregate base course and 53,000 aggregate -- or
 2 cubic yards of aggregate surface course for 106,000.
 3 A. Yes.
 4 Q. Do you know where the other -- and I'm not
 5 trying -- I'm just trying to understand this. Do
 6 you know where the other 52,000 are?
 7 A. **No, I don't.**
 8 Q. Okay. If I was going to do cubic yards of
 9 CA6 -- I got 158,000 of them, right -- and I was
 10 going to try and convert that into tons, would you
 11 agree with me that 1 cubic yard of CA6 is two tons?
 12 Is two tons?
 13 A. **I don't know that answer off the top of my**
 14 **head.**
 15 Q. Okay, we'll have to prove that up later,
 16 but let's for the purpose of this assume that I'm
 17 correct, okay?
 18 A. Okay.
 19 Q. So we have 316 tons, 317 tons, I guess, of
 20 what started out being CA6, okay. Now, that has to
 21 be -- that 317,000 tons has to be pulled out and
 22 loaded on a truck, correct?
 23 A. Correct.
 24 Q. Do you know what the cost to pull out and

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1 load per ton of CA6 is?
 2 A. **Not per ton, no.**
 3 Q. Do you have it per cubic yard?
 4 A. **We have a lump sum value that we have in**
 5 **the report.**
 6 Q. Okay.
 7 A. **I don't know what -- off the top of my**
 8 **head, I don't know what went into that calculation.**
 9 Q. Okay. Then that 317 tons has to be
 10 hauled, correct?
 11 A. Correct.
 12 Q. And do we know where we're hauling it to?
 13 A. **Not specifically.**
 14 Q. Do we know what mileage you used or time
 15 you used to have that hauled in your report?
 16 A. **We used 25 miles.**
 17 Q. Okay. So that's round trip or one way?
 18 A. **That would be one way.**
 19 Q. Okay, so 50 miles. So we're talking at
 20 least an hour, probably more, round trip in a truck,
 21 correct?
 22 A. Yes.
 23 Q. Okay. And do you know what the hauling
 24 cost is per ton of CA6 or rock materials?

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1 A. **Not off the top of my head.**
 2 Q. Okay. Would you -- if I told you it was
 3 somewhere between 60 and \$110 per cubic yard, would
 4 that surprise you?
 5 A. No.
 6 Q. Okay. If I told you it costs \$5 per ton
 7 to pull up and load a truck of CA6, would that
 8 surprise you?
 9 A. No.
 10 Q. Okay. You also have this issue of -- I
 11 mean, I assume not every haul is going to be 25
 12 miles. Some will be I guess -- I assume you assume
 13 some will be shorter, some will be longer because of
 14 different locations?
 15 A. **We assumed an average of 25 miles.**
 16 Q. Okay. And to date, I assume you haven't
 17 -- today you wouldn't have a user for that material
 18 that's left over, that stone we'll call it? You
 19 don't know who the end user will be?
 20 A. No.
 21 Q. Okay. If you can't find a user, someone
 22 who needs this material, what would you do with it?
 23 A. **I feel we could find a user.**
 24 Q. Okay. If you didn't, you would have to

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1 take it to a C&D site, correct?
 2 **A. Correct.**
 3 Q. You would have to pay tipping fees,
 4 correct?
 5 **A. Correct.**
 6 Q. Okay. Do you know what the tipping fees
 7 are for something like that per ton or per cubic
 8 yard?
 9 **A. Not off the top of my head.**
 10 Q. Okay. Do you know what the value of clean
 11 CA6 -- you understand what certified CA6 is,
 12 correct?
 13 **A. Correct.**
 14 Q. Okay. You've done work in Illinois.
 15 **A. Yes.**
 16 Q. You know that IDOT goes out and certifies
 17 CA6 as material that could be used on a state
 18 project or not, correct?
 19 **A. Correct.**
 20 Q. Do you know what the value of certified
 21 CA6 is in today's market?
 22 **A. No.**
 23 Q. Okay. Would it surprise you if I said the
 24 pick-up price is \$7 per ton?

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1 **A. No.**
 2 Q. Okay. However, this will not be clean
 3 CA6, correct?
 4 **A. Correct.**
 5 Q. First of all, we broke it down because
 6 you'll have a bunch of trucks, including I don't
 7 know how many tons of turbines, going over them, so
 8 it will be broken down, correct?
 9 **A. Correct.**
 10 Q. It will also be dirty by the time you take
 11 it up.
 12 **A. Correct.**
 13 Q. And it won't be certifiable CA6 at that
 14 point.
 15 **A. Correct.**
 16 Q. You'd have to clean it or sell it at some
 17 lesser number.
 18 **A. Correct.**
 19 Q. Okay. Do you know what non-clean CA6 is
 20 worth?
 21 **A. Not off the top of my head.**
 22 Q. Okay. Would it surprise you if I told you
 23 that non-clean CA6 is worth \$2 per ton?
 24 **A. No.**

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1 Q. Okay. So if I -- if you had to just pick
 2 -- if it costs you \$5 to load a ton of CA6 and the
 3 value of CA6 is \$2, you're not making any money on
 4 the CA6 under that scenario, correct?
 5 **A. Correct.**
 6 Q. Okay. But you have how much money in here
 7 for this material when it's over? You have \$300,000
 8 you're going to make on your aggregate?
 9 **A. Correct.**
 10 Q. Then you said only 50 percent of the
 11 aggregate surface material could be reused, correct?
 12 **A. Could be reused for a similar use. The**
 13 **rest would be reused as general fill.**
 14 Q. Okay. You say that you conservatively
 15 assume all the materials will be removed from the
 16 project area, correct?
 17 **A. Correct.**
 18 Q. You then have to fill that area back up,
 19 correct?
 20 **A. Correct.**
 21 Q. So we now have 158,000 cubic yards that
 22 have to be replaced I assume with some form of dirt
 23 or clay, correct?
 24 **A. Correct.**

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1 Q. Do you know what -- would that be -- would
 2 it all be black dirt? Or what would you put back
 3 in? I shouldn't say. You tell me.
 4 **A. We would be backfilling with native soil**
 5 **and then topsoil.**
 6 Q. Okay. So when you say native soil, what
 7 do you mean? Clay? Whatever may be available?
 8 **A. Whatever is similar to the soils on site.**
 9 Q. Okay. And do you know what the cost of
 10 those materials would be delivered?
 11 **A. No.**
 12 Q. Do you know what the cost of those
 13 materials would be picked up?
 14 **A. Not off the top of my head.**
 15 Q. Do you know where you would get those
 16 materials from?
 17 **A. No.**
 18 Q. Again, they would have to be hauled off
 19 site, correct?
 20 **A. Correct.**
 21 Q. You'd have to have trucking, you'd have to
 22 have a driver, you pay for fuel. All those things
 23 would go into the cost of obtaining the dirt.
 24 **A. Correct.**

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1 Q. You then need manpower to replace the
 2 dirt.
 3 **A. Correct.**
 4 Q. Okay. And you would need equipment.
 5 You'd have to use some kind of loader and put it
 6 back in and spread it.
 7 **A. Correct.**
 8 Q. And not all of these roads are next to
 9 each other, right? It's not one continuous road.
 10 You'd have to kind of go from site to site.
 11 **A. Correct.**
 12 Q. So it would be less efficient than it
 13 would be just to -- this would not be like just
 14 replacing 50.8 miles of 12-inch thick or 12-inch
 15 deep, excuse me, dirt. You would have to move from
 16 site to site which would also cause you a loss of
 17 efficiency, correct?
 18 **A. Correct.**
 19 Q. And to pull up the original, the stone,
 20 you would have that same loss of efficiency.
 21 **A. Correct.**
 22 Q. Okay. Any idea how many man and trucking
 23 hours are lost in that regard moving from site to
 24 site?

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1 **A. No.**
 2 Q. Okay. We're building concrete pads for
 3 the turbines, correct, when they're placed?
 4 **A. Correct.**
 5 Q. Okay. Could you tell us what that is made
 6 of or how that's -- I'm just trying to understand
 7 the thickness, width, what's the material, et
 8 cetera?
 9 **A. There is a detailed foundation drawing in**
 10 **the report that shows you all of that material or**
 11 **those dimensions.**
 12 Q. Okay. So can you point me to what figure
 13 that is?
 14 **A. Figure 3.**
 15 Q. Okay. And so do you know how many cubic
 16 yards of concrete are on each pad?
 17 **A. No.**
 18 Q. Okay. Let's look at page 8 of your
 19 report. What do you use equipment-wise to
 20 disassemble the turbines?
 21 **A. Crane being the biggest piece of**
 22 **equipment.**
 23 Q. Okay. And you'd have -- I assume you'd
 24 have to rent the cranes?

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1 **A. Normally the contractor would rent the**
 2 **cranes or supply the cranes, depending on who the**
 3 **contractor --**
 4 Q. Okay. But that cost would be put into the
 5 bid?
 6 **A. Yes.**
 7 Q. And do you know what the cost to rent a
 8 crane is per hour per day?
 9 **A. I do not.**
 10 Q. Okay. And again, the cranes would have to
 11 be moved to each turbine area, correct?
 12 **A. Correct.**
 13 Q. And what would you put -- you can't put
 14 the turbine -- you can't put cranes just on the
 15 dirt, correct?
 16 **A. Correct.**
 17 Q. You have to build a pad.
 18 **A. Correct.**
 19 Q. And I think we heard, and I don't remember
 20 if it was Mr. Baker or Mr. Downey last week, that
 21 those pads, the original pads, concrete -- the
 22 original pads for the cranes are going to be removed
 23 once the turbines are up. So you then would have to
 24 put in more pads, correct?

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1 **A. Correct.**
 2 Q. And do we know -- what would you -- what's
 3 the size material of those pads?
 4 **A. We assumed building gravel pads for the**
 5 **decommissioning. In all reality, we probably would**
 6 **use wooden mats that would be moved.**
 7 Q. Okay. Well, let's go with what you
 8 assumed first. How deep and how wide -- what -- how
 9 deep would those pads be?
 10 **A. One foot.**
 11 Q. Okay. And how wide? Or what's the depth
 12 and width in dimensions?
 13 **A. 40 by 60.**
 14 Q. Okay. And that would just -- would that
 15 be -- what kind of material? Would it be stone?
 16 **A. We assumed compacted native soils.**
 17 Q. And just a few minutes ago you told me you
 18 thought you'd need stone though, correct?
 19 **A. Correct.**
 20 Q. Or some kind of wood planking?
 21 **A. Or we would use wood mats.**
 22 Q. Okay, wood mats, I apologize. Do you know
 23 how much it costs to rent wood mats?
 24 **A. Not off the top of my head.**

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1 Q. Is that number built into here somewhere?
 2 **A. We did not assume wood mats. We assumed**
 3 **compacted soil because that's the more expensive**
 4 **option.**
 5 Q. What's the more expensive option, I'm
 6 sorry?
 7 **A. The compacted soil.**
 8 Q. Okay. And how were you going to compact
 9 the soils?
 10 **A. That would be up to the contractor.**
 11 Q. Well, do you know the process for
 12 compacting soils?
 13 **A. I would assume they would use a compactor.**
 14 Q. Okay. And so they'd have to bring in new
 15 soils or just the soils that are current on the
 16 site?
 17 **A. I would assume they would use soils on**
 18 **site.**
 19 Q. Okay. But that would require that the
 20 soils be -- have a clay base, correct?
 21 **A. Correct.**
 22 Q. Okay. So do you know if all those 130
 23 some turbines are next to clay-based soils?
 24 **A. I don't.**

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1 Q. So if they weren't, how would you build
 2 them?
 3 **A. I would assume we would bring in soil at**
 4 **that point.**
 5 Q. Okay. And again, we don't know what the
 6 cost of soil is, correct?
 7 **A. Correct.**
 8 Q. Do you know what the average distance
 9 between turbines is?
 10 **A. No.**
 11 Q. Isn't that something that is necessary to
 12 determine to actually cost out this kind of project?
 13 **A. Yes.**
 14 Q. Okay. The cranes, would you disassemble
 15 the cranes or would it -- would you haul the cranes
 16 from site to site?
 17 **A. I don't know the answer to that. That**
 18 **would be the contractor's responsibility.**
 19 Q. Okay. How many people are involved in
 20 disassembling a turbine?
 21 **A. I don't know.**
 22 Q. Do you know the number of days it takes to
 23 disassemble each turbine?
 24 **A. No.**

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1 Q. So I assume you don't know the number of
 2 man hours it would take, correct?
 3 **A. No.**
 4 Q. Okay. Do you know who would actually do
 5 the disassembly? Would it be labor union? Would it
 6 be ironworkers? Who would it be?
 7 **A. No, I don't know.**
 8 Q. Okay. What's actually -- can you tell us
 9 the process for deconstructing the turbines into
 10 salvageable parts?
 11 **A. We -- well, no. They would need to be cut**
 12 **into pieces. How the cutting would be done, I can't**
 13 **tell you.**
 14 Q. Can you tell us how small the pieces would
 15 be cut?
 16 **A. No.**
 17 Q. So you don't know -- did you assume a
 18 certain size of the pieces being taken off site?
 19 **A. We actually conservatively assumed that**
 20 **they would be taken off site whole because that was**
 21 **the higher priced option.**
 22 Q. Okay, that's the higher priced hauling,
 23 but do you know if a salvage yard would give you
 24 \$370 per -- what is it, per ton, for non-cut up

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1 turbines?
 2 **A. We did include cost for deconstruction of**
 3 **salvageable pieces, but --**
 4 Q. Okay. And let's talk about how that --
 5 what's in that -- that's \$38,000 per unit?
 6 **A. Correct.**
 7 Q. And what's in that cost?
 8 **A. The cutting.**
 9 Q. Okay. Do you know how -- and we don't
 10 know how many hours that would take to cut?
 11 **A. No.**
 12 Q. Do we know what size that would be cut
 13 into?
 14 **A. No.**
 15 Q. Do we know where they will be taken?
 16 **A. No.**
 17 Q. How far did you assume they would be
 18 taken?
 19 **A. We assumed 25 miles.**
 20 Q. Okay. So you assumed the same amount that
 21 you assumed for the used CA6.
 22 **A. Correct.**
 23 Q. And so do you know if there is any salvage
 24 yards at this time who are taking iron within 25

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1 miles of the site?
 2 **A. No.**
 3 Q. So you didn't talk to anybody aware of --
 4 you didn't speak to anyone in the possible salvage
 5 yard who would take this.
 6 **A. No.**
 7 Q. Again, you didn't -- so you wouldn't have
 8 asked them if -- anyone if they needed that amount
 9 of inventory that you would be giving them, correct?
 10 **A. Correct.**
 11 Q. You said you assumed the higher cost to
 12 haul. What was the higher cost per hour to haul a
 13 turbine?
 14 **A. I don't have that off the top of my head.**
 15 Q. Each blade is approximately 20 tons; is
 16 that correct?
 17 **A. I don't know that.**
 18 Q. Is the cutting up under your analysis to
 19 be done by the salvage yard or the contractor?
 20 **A. For which pieces?**
 21 Q. I'm sorry, for the turbines, the blades.
 22 **A. The blades?**
 23 Q. Yeah.
 24 **A. The blades I believe we assumed would be**

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1 **cut on site or demolished on site.**
 2 Q. Okay. The cost you list of \$370 per ton,
 3 is that a wholesale cost or retail cost?
 4 **A. That -- I'm not sure how you would define**
 5 **that.**
 6 Q. Well, you -- where did you find \$370 per
 7 ton, let me ask that?
 8 **A. The salvage costs were all taken off of**
 9 **Internet searches from national sources.**
 10 Q. So it was national numbers not regional
 11 numbers, correct?
 12 **A. Where they had regional numbers, we used**
 13 **the regional numbers. But very honestly, there**
 14 **wasn't a significant difference.**
 15 Q. Okay. Do you know what -- if there are
 16 regional numbers for this particular amount of
 17 steel, for the steel to be used, or just the
 18 national numbers?
 19 **A. Just the national numbers for commodity**
 20 **prices.**
 21 Q. Okay. And so that's a commodity price
 22 that's to be -- that's for sale to whom?
 23 **A. It's a commodity price.**
 24 Q. Which means what? I'm sorry, I'm not real

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1 smart.
 2 **A. It -- we use the USGS commodity prices.**
 3 Q. Okay. So who would be someone who would
 4 buy or sell the commodity?
 5 **A. Those would be salvage yards.**
 6 Q. To purchase or to sell?
 7 **A. To purchase.**
 8 Q. Okay. And did you make any local calls to
 9 confirm that this number was available here in the
 10 Livingston County area?
 11 **A. No.**
 12 Q. The research we talked about that you did
 13 for the wind turbine, for the blades, would that be
 14 the same research -- and I'm going to Table 4 on
 15 page 9 of your report, so we're looking at the same
 16 thing. Would that be the same research you did for
 17 turbine towers, nacelles, rotor hubs, anchor bolts,
 18 transformers and copper?
 19 **A. We didn't assume any salvage for the**
 20 **blades.**
 21 Q. Okay. Other than that, though, would that
 22 be the same research kind of preparation you did?
 23 **A. Yes.**
 24 Q. Okay. I mean, I'm not trying to trick

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1 you; I'm just trying not to have to go through all
 2 these questions. That's all.
 3 The top -- the steel, is it galvanized
 4 steel on these turbines? What type of --
 5 **A. No.**
 6 Q. Okay. The copper which we talked about
 7 here selling for \$5200 per unit or \$31,000 per
 8 turbine, the copper is where in the turbine?
 9 **A. In the tower.**
 10 Q. Okay. Is it insulated?
 11 **A. Yes.**
 12 Q. Is it -- so before it would be, have to be
 13 sent to a scrap yard, you'd have to remove the
 14 insulation, correct?
 15 **A. Not necessarily.**
 16 Q. Okay. To get the price you want, you're
 17 expecting per unit?
 18 **A. Our price was based on insulated wire.**
 19 Q. So you went out and found insulated wire
 20 for \$5200 per ton?
 21 **A. We did not go out and find it. We took it**
 22 **off of Internet searches for commodity prices.**
 23 Q. Okay. And it was insulated copper?
 24 **A. Yes.**

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1 Q. It wasn't clean copper; it was all
 2 insulated?
 3 A. **Correct.**
 4 Q. Okay. And what -- do you know what the
 5 hours or the labor costs would be to strip the
 6 copper out of each turbine?
 7 A. **No.**
 8 Q. Okay. Is that in your report, those
 9 numbers of what it would cost?
 10 A. **No.**
 11 Q. Again, did you -- you didn't contact
 12 anyone for the copper to see if they would take the
 13 copper?
 14 A. **No.**
 15 Q. Again, did you use the 25 miles?
 16 A. **We didn't contact anyone.**
 17 Q. I'm sorry, it was an awful question. Did
 18 you use 25 miles each way hauled for your numbers on
 19 copper?
 20 A. **Yes.**
 21 Q. Okay. The transformers, you have a price
 22 of \$2500 per unit for the transformers. Do you know
 23 where those would be taken?
 24 A. **No.**

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1 Q. Okay. What -- what did you use again?
 2 Assumed the 25 miles?
 3 A. **Yes.**
 4 Q. Okay. So you haven't found anyone who
 5 would be willing to take it within the 25 miles --
 6 A. **No.**
 7 Q. -- at least at this date. The cost of
 8 \$2500 per turbine, is that something a salvage yard
 9 would give you? Or how did you get that number?
 10 A. **Again, that was taken off of Internet**
 11 **searches for commodity salvage.**
 12 Q. Okay. The other day -- or I guess not the
 13 other day anymore -- a few weeks ago, a couple weeks
 14 ago -- a few weeks ago you talked about not all the
 15 wind turbines may be decommissioned at the same
 16 time. Do you recall that?
 17 A. **No, I don't recall that.**
 18 Q. Okay. Well, let me ask the question.
 19 Would all of the turbines be decommissioned at the
 20 same time?
 21 A. **Our assumption in the decommissioning plan**
 22 **is that they would all be decommissioned at the same**
 23 **time.**
 24 Q. Okay. Does the cost of decommission

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1 change if it's done in pieces, different times?
 2 A. **Yes.**
 3 Q. Okay. I assume because you have to
 4 mobilize -- you'd have to mobilize each time. Let's
 5 say you did three decommissions and I'm just taking
 6 that as an example. You would lose the economy of
 7 scale. Your contractor would have to mobilize each
 8 time, et cetera, correct?
 9 A. **Correct.**
 10 Q. Okay. What would cause a turbine or
 11 turbines to be decommissioned?
 12 A. **The turbines would be decommissioned when**
 13 **they reached the end of their useful life, useful**
 14 **life being defined as they would no longer be**
 15 **economically viable to run.**
 16 Q. Would you decommission a particular
 17 turbine if it had not been in operation for over a
 18 year? If you know.
 19 A. **That would not be my decision. That would**
 20 **be Invenergy's decision.**
 21 Q. Under your plan, when would the money be
 22 put up?
 23 A. **Excuse me?**
 24 Q. Under your decommissioning plan, when

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1 would the money be put up, the guaranteed money to
 2 decommission?
 3 A. **I think that is a question to ask of**
 4 **Invenergy on the financial assurance.**
 5 Q. Would you agree that waiting 15 years to
 6 establish the decommissioning fund is for benefit of
 7 property owners?
 8 A. **Not the way I read it.**
 9 Q. Okay. Go to the bottom of page 11 then.
 10 A. **Okay.**
 11 Q. On the last sentence, "The easement
 12 agreements include provision if the project is
 13 unable to meet its obligations to decommission the
 14 wind turbines and foundations, the decommissioning
 15 fund will be established during the 15th year of the
 16 project and be held in escrow for the benefit of
 17 landowners." Do you see that?
 18 A. **I see it.**
 19 Q. Okay. We do not know today when the
 20 decommissioning will be done, correct?
 21 A. **Correct.**
 22 Q. Your report talks about updates every
 23 three years of decommissioning costs. Do you recall
 24 that?

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1 A. Yes.

2 Q. Who's doing the updating under your

3 suggestion here?

4 A. That would be someone for Invenergy to

5 determine.

6 Q. Under your plan, who is there to

7 double-check the costs to make sure that the

8 property owners in the county are protected?

9 A. Again, the financial assurance questions

10 should be addressed to Invenergy.

11 Q. Did you ever ask a local contractor to

12 actually cost out or give you an estimate for

13 decommissioning costs?

14 A. No.

15 MR. LUETKEHANS: Nothing further.

16 CHAIRMAN CORNALE: Do you have anyone that

17 you'd like to talk with next, Mr. Luetkehans?

18 MR. LUETKEHANS: Sure. Mr. Parzyck,

19 please.

20 CHAIRMAN CORNALE: All right, Mr. Parzyck,

21 if you could come up.

22 MR. LUETKEHANS: First of all, let me

23 apologize. Mr. Blazer just pointed out it's

24 Parzyck, not Parzyck.

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1 MR. PARZYCK: It happens all the time.

2 MR. LUETKEHANS: With a name like

3 Luetkehans, you're really used to this.

4 QUESTIONS BY

5 MR. LUETKEHANS:

6 Q. There are two primary objectives for

7 operating these types of facilities, correct? One

8 would be to maximize production and one would be to

9 maximize liability. Would that be a fair statement?

10 A. I can't say that I would limit it to those

11 two items, no.

12 Q. Would you not say that those are the two

13 primary objectives?

14 A. I wouldn't -- I wouldn't -- no, I

15 wouldn't. Not necessarily.

16 Q. Okay.

17 CHAIRMAN CORNALE: Mr. Luetkehans, before

18 you go too much further, I'm going to remind you

19 that this is your opportunity to question him, not

20 present testimony, or not present your testimony.

21 MR. LUETKEHANS: Correct.

22 CHAIRMAN CORNALE: Okay.

23 BY MR. LUETKEHANS:

24 Q. Mr. Parzyck, I have handed you what has

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1 been labeled as UCLC Exhibit 1. Do you recognize

2 that document?

3 A. I don't right offhand, no.

4 Q. Is this a -- go ahead, I apologize. Were

5 you going to say something?

6 A. No, go ahead.

7 Q. Was this a document that you presented in

8 February of 2012 to the Siting, Zoning and Taxing of

9 Wind Farms in Illinois Conference 2012?

10 A. It looks to be.

11 Q. Okay. Bringing your attention to page

12 14 --

13 A. There's no page numbers here. Do you see

14 a page number?

15 CHAIRMAN CORNALE: Yeah, it's in the

16 middle of the green.

17 A. Oh, I see. Okay, got it.

18 Q. I'm sorry, I pointed you to the wrong

19 page. Page 11.

20 A. 11, okay.

21 Q. The first box says, "There are two primary

22 objectives for operating facilities. Maximize

23 production, generate more power; and two, maximize

24 reliability, keep facility up and running." Do you

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1 see that?

2 A. I do see that. And that's a primary

3 objective of the operations of a facility, yes.

4 Q. Okay. And the purpose of maximizing

5 production is to increase revenues for financials,

6 correct?

7 A. Yes.

8 Q. Would you agree with me that if you

9 replaced blades with a new type of blade that

10 changed the size, that it would most likely require

11 a change to your special use permit?

12 A. I'm sorry, I don't understand.

13 Q. Would you --

14 MR. BLAZER: I'll object. I think that

15 calls for a legal conclusion, and I don't think this

16 witness is qualified to make that determination.

17 CHAIRMAN CORNALE: Mr. Luetkehans --

18 MR. LUETKEHANS: Yeah, this is actually --

19 CHAIRMAN CORNALE: No, just restate the

20 question.

21 Q. Yeah. Would you agree that if you

22 replaced the blades with a new type of blade that

23 changed the size, that would most likely require a

24 change to your special use permit?

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1 **A. I can't --**
 2 **MR. BLAZER:** And my objection, Mr.
 3 Chairman, is that it calls for a legal conclusion.
 4 Somebody would have to determine whether or not
 5 legally that would constitute a material change
 6 under the ordinance.
 7 **CHAIRMAN CORNALE:** Correct. Mr.
 8 Luetkehans, I'll remind you again, ask him questions
 9 about the testimony that he provided for us.
 10 **BY MR. LUETKEHANS:**
 11 Q. Invenergy has built projects in Illinois
 12 before, correct?
 13 **A. Correct.**
 14 Q. How many?
 15 **A. At four separate locations. Some of those**
 16 **were multiple -- multiple projects.**
 17 Q. Okay. Let's talk -- let's go through
 18 them. What are those locations?
 19 **A. Bishop Hill project in Henry and Stark**
 20 **Counties.**
 21 Q. Okay.
 22 **A. Grand Ridge project area in LaSalle**
 23 **County. The White Oak project in McLean County.**
 24 **And the California Ridge project in Vermilion and**

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1 **Champaign Counties.**
 2 Q. Okay. Could you tell me what the number
 3 of turbines is in the Bunker Hill --
 4 **MR. BLAZER:** Bishop Hill.
 5 Q. Bishop Hill, I apologize.
 6 **A. No, I don't have that at my fingertips.**
 7 Q. Was it bigger or smaller than this
 8 proposed project?
 9 **A. It is smaller.**
 10 Q. How about the Grand Ridge project?
 11 **A. I don't have that number at my fingertips.**
 12 Q. Would you be able to tell me if it's
 13 larger or smaller than this project?
 14 **A. I believe the total would be smaller.**
 15 Q. Okay. And I can't read my writing. What
 16 was the one in McLean County again?
 17 **A. That was the White Oak project.**
 18 Q. White Oak. Could you -- was that a larger
 19 or smaller project than this one?
 20 **A. I can't say. I don't know.**
 21 Q. Okay. And the last one was California
 22 Ridge in Vermilion County. Do you know if that was
 23 larger or smaller than this project?
 24 **A. That was smaller.**

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1 Q. Okay. Are there wind farms in the U.S.
 2 that are no longer operational but not
 3 decommissioned?
 4 **A. I do not know.**
 5 Q. Has Invenergy developed projects that they
 6 no longer own?
 7 **A. Yes.**
 8 Q. Which ones?
 9 **A. I don't have a complete list of those**
 10 **projects.**
 11 Q. Okay. Well, let's talk. How many
 12 projects approximately has Invenergy built in the
 13 United States?
 14 **A. Forty-six.**
 15 Q. And do you know approximately how many of
 16 those have been sold?
 17 **A. No. I just said I don't have that number.**
 18 Q. Okay. Is it more than ten?
 19 **MR. BLAZER:** Mr. Chairman, he's already
 20 said he doesn't know.
 21 **CHAIRMAN CORNALE:** I agree. He doesn't
 22 know.
 23 **MR. LUETKEHANS:** I guess I would ask him
 24 if he knows if it's more than ten. He said he

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1 doesn't know the exact number, and I'm trying to
 2 figure out --
 3 **A. No, I don't.**
 4 Q. Okay, thank you. Do you know why those
 5 projects were sold?
 6 **A. No.**
 7 Q. Do you know who they were sold to?
 8 **A. No.**
 9 Q. Would you be willing to agree to a
 10 condition that requires Invenergy to own and/or
 11 operate this project during its lifetime?
 12 **MR. BLAZER:** Objection, relevance. That's
 13 an improper question of this witness. The question
 14 of whether or not a condition is proper or not is
 15 the province of both this board and ultimately the
 16 county board.
 17 **MR. LUETKEHANS:** The question is whether
 18 he would agree to it.
 19 **MR. BLAZER:** It's an improper question.
 20 **MR. LUETKEHANS:** Can I finish before you
 21 cut me off? Go ahead, I apologize.
 22 **CHAIRMAN CORNALE:** Finish, Mr. Luetkehans.
 23 Finish the question.
 24 **MR. LUETKEHANS:** I'm finished.

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1 **CHAIRMAN CORNALE:** All right. Counsel has
2 reminded me that that would be a county board
3 decision if they would require that.
4 **BY MR. LUETKEHANS:**
5 Q. Do you have Pleasant Ridge Exhibit No. 2
6 in front of you? That's the CoBank letter.
7 **A. I do not.**
8 Q. In your Power Point presentation, do you
9 require[sic] that you blew up the first two
10 sentences of that letter on your Power Point? Do
11 you have your Power Point in front of you?
12 **A. I do not have my Power Point in front of**
13 **me.**
14 Q. Okay. Well, the first two sentences that
15 were blown up, I guess what I -- the second
16 paragraph, the third sentence reads, "While we have
17 not formally reviewed the Pleasant Ridge wind
18 project, we would expect to be interested in a
19 financing role for this project, assuming the
20 project possesses similar attributes as seen in
21 prior Invenergy projects that we have financed.
22 This letter does not represent a commitment on
23 behalf of CoBank or any of its affiliates to provide
24 financing for the Pleasant Ridge wind project. Any

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1 commitment to lend must be evidenced in a separate
2 writing and will be wholly contingent upon the
3 satisfactory completion of due diligence and
4 internal credit approval." Do you remember that
5 language?
6 **A. I do.**
7 Q. This isn't a financing commitment, is it?
8 **A. It is not.**
9 Q. Okay. I'm going to hand you what has been
10 marked as UCLC Exhibit 2. This is a section of the
11 Livingston County zoning ordinance. Have you seen
12 this before?
13 **A. I can't -- I haven't had a chance to**
14 **really go through this, so I can't really say.**
15 Q. Well, take my word for it, it is. It's
16 off the website.
17 **A. Fair enough.**
18 Q. So let's go to Section 56-616(B)(5). I
19 think it's the third page again from -- I apologize,
20 it's the second page.
21 **A. Okay, I think I have it.**
22 Q. Okay. (B)(5) states that "The siting
23 approval application shall contain or be accompanied
24 by the following information." And 5 is -- or 6,

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1 excuse me, is "Financial assurance shall be provided
2 if the project can be developed as proposed." Do
3 you see that?
4 **A. I do.**
5 Q. Okay. Now, let me take you to the first
6 page of that exhibit, Section 56-612. It says --
7 the third definition is financial assurance, dash.
8 "Reasonable assurance from a creditworthy party,
9 examples of which include a surety bond, trust
10 instrument, cash, escrow, or irrevocable letter of
11 credit." Do you see that?
12 **A. I see that.**
13 Q. Okay. Would you agree with me that this
14 letter from CoBank is not a surety bond?
15 **A. Yes.**
16 Q. Would you agree with me that it's not a
17 trust instrument?
18 **A. Yes.**
19 Q. Would you agree with me that it's
20 obviously not cash?
21 **A. Correct.**
22 Q. Or an escrow?
23 **A. Yes.**
24 Q. And it's also not an irrevocable letter of

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1 credit, correct?
2 **A. Yes.**
3 Q. You didn't submit a business plan with
4 your application, did you?
5 **A. We did not.**
6 Q. Do you have in your -- or with you Figure
7 1-3, which is the proposed project site plan? It
8 was actually Pleasant Ridge Exhibit 3. I think it
9 was attached to your --
10 **A. I don't have it in front of me, no.**
11 Q. Okay. How many construction staging areas
12 were you planning on building for the construction?
13 **A. I believe we had located one or two**
14 **locations.**
15 Q. Okay. And at that construction staging
16 area, what would that consist -- well, first of all,
17 what -- is that already -- well, let's stop for a
18 second.
19 The one you can think of for sure, you
20 know of one I think is what you're telling me.
21 **A. That is correct.**
22 Q. There may be a second one, but we'll deal
23 with the one you know of. How's that?
24 **A. Sure.**

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1 Q. What's that site?
 2 **A. It would be -- you mean functionally or --**
 3 Q. What is it currently? How's it -- what's
 4 it currently? Open space? Is it concrete? Is it
 5 asphalt? What is it?
 6 **A. I believe it is -- it is open land.**
 7 Q. Okay. So grass, dirt, something along
 8 those lines?
 9 **A. That's correct.**
 10 Q. Okay. And in order to make it your
 11 construction staging area, what, if anything, would
 12 you have to do?
 13 **A. It would need to be prepared to -- with**
 14 **typically a gravel base, a fence for security**
 15 **purposes, the ability to locate trailers for**
 16 **construction.**
 17 Q. Is that property you're intending to buy
 18 or lease?
 19 **A. We would be intending to lease that**
 20 **property.**
 21 Q. Okay. And at the end of that lease, I
 22 assume you would take all of the materials back off
 23 site?
 24 **A. That's correct.**

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1 Q. What would be done at the construction
 2 staging area?
 3 **A. Project offices, the acceptance of**
 4 **materials, possibly the storage of some materials.**
 5 Q. Is that where the batch plant you talked
 6 about or the plant you talked about is going to be?
 7 **A. No.**
 8 Q. That lease, I assume, would not stay in
 9 place and those materials would not stay there while
 10 the -- or after the project is built, the turbines
 11 are operating, correct?
 12 **A. That's correct.**
 13 Q. When you had to decommission, would you
 14 have -- would you assume that you would get another
 15 construction staging area at that point?
 16 **A. I really can't say. That would be up to**
 17 **the decommissioning contractor.**
 18 Q. Where is the concrete batch plant that you
 19 talked about that you're -- the temporary batch
 20 plant that you're going to build?
 21 **A. It would be located within Forrest.**
 22 Q. Okay. And do you know the approximate
 23 address of that?
 24 **A. I don't know offhand.**

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1 Q. Okay. Do you know how far that is from
 2 the current existing batch plant in or right near
 3 Forrest?
 4 **A. I do not.**
 5 Q. Forrest is pretty much right in the middle
 6 -- there's like a hole here in the middle of your
 7 turbines and Forrest is kind of in the middle of it,
 8 correct?
 9 **A. Fair, yeah.**
 10 Q. Do you know what the distance between the
 11 furthest east versus west turbines is?
 12 **A. I do not.**
 13 Q. Do you know how much -- the furthest
 14 distance between the north and south turbines?
 15 **A. I do not.**
 16 Q. Is it true that at this time you don't
 17 know where the wells or septic areas might be
 18 located on each of the properties that you have
 19 agreements with to put your turbines on?
 20 **A. I -- that's correct.**
 21 Q. So you could, hence, move the turbines so
 22 that you're not on top of a well or septic, correct?
 23 **A. Within the -- one would move the turbines**
 24 **within the confines of the special use permit,**

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1 **correct.**
 2 Q. Okay. And I think I read somewhere that
 3 the turbines could be moved up to 250 feet in your
 4 permitting application.
 5 **A. I believe that's correct, yes.**
 6 Q. So that could be 250 feet closer to a
 7 residence, correct?
 8 **A. That's correct.**
 9 Q. I think at some point we've heard about
 10 the repair or replacement of drain tiles. I think
 11 it was in Pleasant Ridge Exhibit No. 9. How --
 12 what's the procedure for how you know when a drain
 13 tile would be broken or blocked?
 14 **A. The experience that we've had in multiple**
 15 **projects and contractors have had in multiple**
 16 **projects is during the trenching effort, one --**
 17 **number one, you would discuss with the landowner**
 18 **where their drain tiles are located prior to**
 19 **construction on the site so that you would have an**
 20 **approximate idea of where those tiles are. Most**
 21 **landowners have pretty extensive maps of their**
 22 **properties. That not always being the case.**
 23 **But when trenching, it is very clear that**
 24 **when you -- when you do hit a drain tile, that there**

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1 is a -- there's, you know, a break and it's
 2 identified in the field with those watching and
 3 installing the cable.
 4 Q. And who is in the field? Who's that
 5 person? Is it a laborer? Or what's his title?
 6 Who's in the field?
 7 A. It's whomever is installing the
 8 underground cables. It's the -- I can't say right
 9 offhand which trade it would be, but it's the
 10 electrical contractor that would be installing the
 11 underground cables.
 12 Q. Okay. And that electrical contractor
 13 would not have a project superintendent at each one
 14 of these sites when it's going on. It would be done
 15 by hourly laborers most likely.
 16 A. I can't say what their supervision or
 17 their management would be.
 18 Q. Okay. Have you been involved in the
 19 construction of these sites in the past?
 20 A. Yes, I have.
 21 Q. Okay. And in your experience, has the
 22 electrical contractor had a project super following
 23 wherever someone is working at all times?
 24 A. I have not been at that stage of a

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1 project, so I can't say.
 2 Q. Okay. And how is the replacement of drain
 3 tiles to be marked?
 4 A. It's identified, A, number one, with a GPS
 5 location of where that break occurs. There's a
 6 digital photograph of the break that occurs.
 7 There's -- and that's noted within a log.
 8 The break is then repaired and that log is
 9 then provided for the project and then provided to
 10 the landowners.
 11 Q. And that log, what happens with that log?
 12 A. It stays with the operations team and a
 13 copy of wherever the breaks are for the individual
 14 landowners is provided to them.
 15 Q. And who is to replace the breaks or repair
 16 the breaks?
 17 A. It's the responsibility of the electrical
 18 contractor working with the landowner and an
 19 approved vendor for those drain tiles.
 20 Q. So the electrical contractor, it would be
 21 his cost?
 22 A. It's those breaks are built into the
 23 construction contract. Or the repair of those
 24 breaks, I should say, is built into the construction

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1 contract.
 2 Q. Okay. And when you say that, what do you
 3 mean, I'm sorry? So many are built in automatically
 4 into the number?
 5 A. There's a -- yes, it's part of the bid.
 6 It's bid -- it's anticipated in the bid.
 7 Q. So the contractor is at a -- he's at risk
 8 and he goes -- every time one breaks, they have an
 9 additional cost?
 10 A. There is an additional cost to break,
 11 which it actually rolls up to Invenergy.
 12 Q. Correct. But if they have bid in -- if
 13 they have placed in their bid a hundred breaks and
 14 they only break 15, that is profit to the electrical
 15 contractor.
 16 A. You know, I can't say exactly how the
 17 break repairs are reimbursed in the contract, so I
 18 couldn't speak to that.
 19 Q. Has the contract for this -- have the
 20 plans and the contracts been sent out to bidders for
 21 this project?
 22 A. Yes, there has been bidding on this
 23 project.
 24 Q. Okay. And with that bidding, is the

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1 contract out, is the contract included?
 2 A. I can't say. I wasn't part of the bid
 3 process.
 4 Q. Do you know who has bid on the project?
 5 A. No, I do not.
 6 Q. Do you know if anyone from Livingston --
 7 if any of the contractors are from Livingston
 8 County?
 9 A. I cannot say. I don't know.
 10 Q. Okay. Can you tell me what contractors
 11 you have worked with in the past on Invenergy
 12 projects in Illinois?
 13 A. I can't say.
 14 Q. Okay. When you bid this, do you always
 15 bid with one -- to one general contractor or do you
 16 bid out in pieces?
 17 A. It varies.
 18 Q. Okay. So sometimes you bid out the
 19 electrical to one and the rest of the construction
 20 to maybe a general contractor, correct?
 21 A. There is a variety of ways that can be
 22 written.
 23 Q. Okay. In fact, this project, you've
 24 written it both ways, correct?

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1 **A. I don't -- you know, I don't know offhand.**
 2 **CHAIRMAN CORNALE:** Mr. Luetkehans, is this
 3 a good opportunity right now? I've got 7:41. Why
 4 don't we take ten minutes. So 7:51, about ten to
 5 8:00, why don't you guys head on back and we'll
 6 continue.
 7 (Recess at 7:41 p.m. to 7:55 p.m.)
 8 **CHAIRMAN CORNALE:** All right, if everyone
 9 can make it back to their seat, we'll go ahead and
 10 get started again. All right, Mr. Luetkehans, I
 11 believe you were questioning the applicant. Let's
 12 go ahead and resume those questions.
 13 **BY MR. LUETKEHANS:**
 14 Q. Mr. Parzyck, what procedures are in place
 15 to double-check if drain tiles are damaged?
 16 **A. I'm not aware of a particular procedure**
 17 **right offhand.**
 18 Q. Okay. What's the remedy by the property
 19 owner if you don't fix the drainage tile?
 20 **A. Under the -- under the terms of our**
 21 **easement, we are required to come back out after**
 22 **construction or during operation to repair that**
 23 **drain tile.**
 24 Q. And if you don't come back out, they're

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1 going to have to sue you, correct, if you didn't
 2 agree that you damaged the tile?
 3 **A. I wouldn't -- I'm not quite sure what the**
 4 **legal remedies are.**
 5 Q. Well, there's no remedy in the easement
 6 agreement if you don't come back out, correct?
 7 **A. I, I don't have -- I'm not sure. I don't**
 8 **know.**
 9 Q. Okay. Where is the Sewer and Water
 10 Conservation District report? That's still to be
 11 received; is that correct? Or did we receive that
 12 also?
 13 **MR. BLAZER:** Soil and water.
 14 Q. Soil and water.
 15 **A. The district is in the midst of doing**
 16 **their analysis of the site.**
 17 Q. Do you know when we should expect that?
 18 **A. I don't know offhand.**
 19 Q. The easement agreement that we just
 20 discussed is Pleasant Ridge Exhibit 7. I know you
 21 don't have it in front of you, but let me ask you a
 22 few questions.
 23 When was the first easement agreement
 24 signed approximately?

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1 **A. Approximately 2007.**
 2 Q. Okay. And the term of the easement is up
 3 to 42 years with the extensions, correct?
 4 **A. I don't have it in front of me. I don't**
 5 **-- I can't say.**
 6 Q. Okay. You wouldn't disagree with me if I
 7 told you it was a 7 plus a 25 year option plus a 10
 8 year option, correct?
 9 **A. I believe 7 is the development period.**
 10 Q. Correct.
 11 **A. And then it's a 25 year, what would be a**
 12 **25 year operating, with another option.**
 13 Q. Okay. And that option is Invenergy's
 14 option only, correct? It's a one-way option.
 15 **A. You know, I can't say.**
 16 Q. Okay. Are you familiar with the security
 17 for removal of the wind power facilities in the
 18 easement agreement?
 19 **A. I don't have it in front of me, but I'm**
 20 **happy to answer your question if I can.**
 21 Q. Okay. It says that "On or about the 15th
 22 anniversary of the operation date, grantee shall
 23 obtain and deliver to owner a letter of credit or
 24 similar financial assurance in form or substance

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1 reasonably satisfactory to owners securing
 2 performance, lacking violation, to remove the wind
 3 power facilities located on the property." Does
 4 that sound familiar?
 5 **A. That sounds familiar.**
 6 Q. "The removal security shall be equal to
 7 the estimated amount, if any, (net removal cost) by
 8 which the cost of removing the wind power facilities
 9 exceeds the salvage value of such wind power
 10 facilities." Do you see that or do you remember
 11 that?
 12 **A. That I recall that, yes.**
 13 Q. And who is to determine what that cost is?
 14 **A. I don't believe it's identified -- I mean**
 15 **I don't have the --**
 16 Q. In any event --
 17 **A. -- section in front of me.**
 18 Q. -- let me restate the question because I
 19 actually do have it in front of me, so I'll just
 20 read it to you. So I wasn't trying to trick you; I
 21 just forgot it.
 22 It says, "The net removal costs shall be
 23 determined by the grantee acting in good faith."
 24 And the grantee is Pleasant Ridge, correct?

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1 A. Yes.

2 Q. So Pleasant Ridge determines the amount.

3 A. **The grantee does, yes.**

4 Q. And Pleasant Ridge is a single operation

5 entity. I mean it's a -- it's been formed by

6 Invenegy for just the purpose of this wind farm,

7 correct?

8 A. **Correct.**

9 Q. It has no other assets to your knowledge?

10 A. **I can't -- I can't speak to that. I can't**

11 **say. I don't know.**

12 Q. Okay. Well, to your knowledge, does it

13 have anything else?

14 A. **I --**

15 **MR. BLAZER:** Objection. He's already

16 asked that question and it's been answered.

17 A. **I -- I don't know.**

18 Q. Thank you. Do you know what would happen

19 if Pleasant Ridge didn't make it to the 15 year part

20 where this Section 12.4 kicks in and how the

21 landowner would be protected?

22 A. **That's -- that's a postulated event that I**

23 **-- it's rather complicated. I couldn't say.**

24 Q. Okay. Section 12.3 requires restoration

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1 upon termination. Does that sound familiar?

2 A. **That sounds familiar.**

3 Q. I'm not trying to trick you on the

4 sections.

5 A. **Okay.**

6 Q. Does it also sound familiar that if

7 Pleasant Ridge does not do the restoration, then the

8 owner can do it and seek reimbursement?

9 A. **That sounds familiar, yes.**

10 Q. And do you know if there is any remedy,

11 other than litigation, if Pleasant Ridge doesn't do

12 the restoration?

13 A. **I'm not aware of anything, no.**

14 Q. Okay. And do you know what the remedy

15 would be if at that time Pleasant Ridge no longer

16 exists as an entity?

17 A. **Again, that's a situation I can't**

18 **anticipate.**

19 Q. Section 8.2 says, "Owners' activities and

20 any grant of rights the owner makes to any person or

21 entity on the property shall not currently or

22 prospectively interfere" -- and then there's a list.

23 And one of those things is development activities.

24 Does that sound familiar?

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1 A. **You know that -- I'm not as familiar with**

2 **that component of the agreement.**

3 Q. Okay. Are you familiar with the

4 definition of development activities?

5 A. **I could not repeat it, but it's in front**

6 **of you there, so --**

7 Q. Okay. And I'll summarize it and tell me

8 -- it's a long thing, so I'm trying to summarize it.

9 If I'm not summarizing it in a way that's correct,

10 let me know.

11 But in essence, development activities are

12 the activities related to running the wind turbine

13 system.

14 A. **To --**

15 Q. Operate it, construct it.

16 A. **Okay.**

17 Q. And one of those, it says then, "Including

18 without limitation," and it goes on to F,

19 "permitting electromagnetic audio flicker, visual

20 view, light, noise, vibration, air turbine wake,

21 electrical radio interference, shadow, or other

22 effects attributable to the wind power facilities or

23 any other operation or development activities."

24 Does that sound familiar?

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1 A. **Yes.**

2 Q. Okay. So those are all activities that

3 may occur due to the operation of the wind turbines,

4 correct, under the agreement?

5 A. **Yes, if that's what is listed there under**

6 **the agreement.**

7 Q. To your knowledge, does this agreement

8 stop anyone who signed it from coming out against

9 this developer?

10 A. **I don't -- I can't make -- I don't know.**

11 Q. A couple -- few weeks ago, you talked

12 about Pleasant Ridge Exhibit 8 which is the

13 cooperation and release agreement between Pleasant

14 Ridge and the village of Forrest. Do you recall

15 that?

16 A. **Yes.**

17 Q. Okay. That agreement pays a thousand

18 dollars -- excuse me, \$1500 in the first year for

19 each turbine within a mile and a half. Do you

20 recall that?

21 A. **I believe that -- I can't -- I don't have**

22 **it in front of me so I can't quote it, but that**

23 **sounds familiar.**

24 Q. Okay. It also disallows any turbine

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1 within half a mile of the village of Forrest,
 2 correct?
 3 **A. That sounds correct, but I don't have it**
 4 **in front of me.**
 5 Q. Okay. And to your knowledge, are there 11
 6 turbines scheduled to be placed in this area between
 7 a half mile and a mile and a half of Forrest?
 8 **A. I would have to -- let's see. I think I**
 9 **spoke to that a few weeks back, but I would have to**
 10 **see. Yes.**
 11 Q. Okay. So the village of Forrest in the
 12 first year will make \$16,500?
 13 **A. If that's what it --**
 14 Q. 11 times --
 15 **A. 11 times 1.5.**
 16 Q. And then there's a schedule, which is
 17 Exhibit B to the agreement. That's the payment
 18 schedule, correct?
 19 **A. Okay, yes.**
 20 Q. And it lists escalation. Like in year
 21 two, it's got a 2.5 percent escalation, year three a
 22 2.5 percent escalation, and in year four another 2.5
 23 percent escalation.
 24 **A. Correct.**

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1 Q. In year five, there's not an escalation
 2 listed, but it goes from \$1615 per turbine to \$2,000
 3 per turbine, which in essence is a 33 percent
 4 increase between year one and year five. 1500 to
 5 2,000.
 6 **A. Yeah, I can't speak to -- I don't have**
 7 **that in front of me, so I can't speak to it. And I**
 8 **don't have the agreement in front of me, so I can't**
 9 **speak to the payment terms.**
 10 Q. Okay. I guess I just find it interesting
 11 that the years where the escalation is the greatest
 12 there's no escalation listed. Do you know why that
 13 is?
 14 **A. No, I don't.**
 15 Q. How many turbines are within a half mile,
 16 do you know, of residences that are not in the
 17 village of Forrest?
 18 **A. I don't have that figure.**
 19 Q. Okay. Would it surprise you if I said
 20 there were 87?
 21 **A. Again, I can't speak to it because I don't**
 22 **know the figure.**
 23 Q. Okay. But there is none within the
 24 village of Forrest, correct? That was one of the

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1 prohibitions of the agreement.
 2 **A. That is correct, right.**
 3 Q. So the village of Forrest, in essence,
 4 waived its 1.5 mile limitation for this funding,
 5 correct?
 6 **MR. BLAZER:** Object to the
 7 characterization of what the village of Forrest may
 8 have been thinking entering into this agreement.
 9 **MR. LUETKEHANS:** I don't think I was
 10 asking about what it was thinking. I think I was
 11 asking about what they actually did.
 12 **MR. BLAZER:** Well, the agreement says what
 13 they did.
 14 **CHAIRMAN CORNALE:** Right, I agree. The
 15 agreement spells out what the agreement is. The
 16 village of Forrest, they've acted on it as a
 17 municipality. So whatever their premise was to act
 18 on it, it's been decided. The agreement is the
 19 agreement.
 20 **BY MR. LUETKEHANS:**
 21 Q. The neighbor agreement, which is Pleasant
 22 Ridge Exhibit No. 11, are you familiar with the
 23 correspondence that was sent out with that?
 24 **A. Yes.**

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1 Q. And that correspondence says it is, quote,
 2 a sample agreement, correct?
 3 **A. That's correct.**
 4 Q. Have any been executed yet?
 5 **A. Not that I'm aware of.**
 6 Q. Do you know what the present value of this
 7 agreement is in today's dollars if I did a present
 8 value calculation?
 9 **A. I don't know offhand, no.**
 10 Q. Who is -- who is being sent these neighbor
 11 agreements?
 12 **A. If I'm -- I believe the mailing list was**
 13 **all residences within a half mile of a potential**
 14 **turbine location, but they would be nonparticipating**
 15 **residences.**
 16 Q. Okay. Do we know how many people received
 17 these, how many people they were sent to?
 18 **A. I don't -- I don't have that number**
 19 **offhand.**
 20 Q. Okay. Was it more than ten?
 21 **A. Yes.**
 22 Q. More than 50?
 23 **A. I don't know.**
 24 Q. Okay. And I think the testimony is that

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1 none are within 1500 feet of a turbine, none of the
 2 residences are within 1500 feet.
 3 **A. That is correct.**
 4 Q. So it would be people from 1500 feet to
 5 2640 feet, which is a half mile, that's who'd
 6 receive them, that are nonparticipating.
 7 **A. That's correct, because no -- that's**
 8 **correct.**
 9 Q. Okay. So if a residence is, the
 10 residential building I live in is 2650 feet away, I
 11 would not get this, correct?
 12 **A. Correct.**
 13 Q. Even if my property line may be at 2,000
 14 feet, correct?
 15 **A. That's correct. It was based on the**
 16 **residence location.**
 17 Q. Okay. You showed us a video, Pleasant
 18 Ridge Exhibit 5. Do you recall that video?
 19 **A. Yes.**
 20 Q. Where is that project?
 21 **A. Those are -- the video was taken from**
 22 **multiple projects across the United States.**
 23 Q. The people who were talking in the video,
 24 do you recall where they were from?

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1 **A. I can't speak specifically. I don't know**
 2 **the particulars.**
 3 Q. Do you know if they were from Judith Gap.
 4 **A. They may have been.**
 5 Q. Do you know how close the closest
 6 residence is to a turbine in Judith Gap?
 7 **A. I do not.**
 8 Q. Do you know the residents -- the
 9 population of Judith Gap?
 10 **A. I do not.**
 11 Q. Would it surprise you if I said it was 126
 12 residents?
 13 **MR. BLAZER:** Objection, he's already said
 14 he doesn't know.
 15 **MR. LUETKEHANS:** I just asked him if it
 16 would surprise him.
 17 **CHAIRMAN CORNALE:** Yeah, we're going to
 18 allow the objection.
 19 **MR. BLAZER:** Whether or not he would be
 20 surprised by something is irrelevant.
 21 **BY MR. LUETKEHANS:**
 22 Q. Do you know that the population of Wheat
 23 -- the population of Wheatland County, which is
 24 where Judith Gap is located, only has 2134 people in

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1 it?
 2 **A. Is that a statement or is that a question**
 3 **or --**
 4 Q. The question is do you know if that's --
 5 **A. I do not know that.**
 6 Q. Would you -- would you know that the
 7 number of students in the junior high school, junior
 8 high and high school is five people in Judith Gap?
 9 **MR. BLAZER:** Mr. Chairman, is counsel
 10 testifying or is he asking questions? Because so
 11 far, I'm hearing testimony. And if he's going to
 12 testify, then I suggest he be sworn.
 13 **MR. LUETKEHANS:** I don't think I did
 14 anything but ask a question of his knowledge.
 15 **CHAIRMAN CORNALE:** You're asking specifics
 16 of a county. I don't -- I don't think that he
 17 testified to anything along the Judith Gap wind
 18 farm. The questioning is questions of his
 19 testimony.
 20 **MR. LUETKEHANS:** I do want to be clear.
 21 He said that it's -- part of that video was from
 22 Judith Gap, Montana.
 23 **CHAIRMAN CORNALE:** I don't think that he
 24 said that actually. He said he wasn't sure.

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1 **MR. LUETKEHANS:** Well --
 2 **CHAIRMAN CORNALE:** He never said that it
 3 was, in fact, testimony from that project.
 4 **BY MR. LUETKEHANS:**
 5 Q. Do you know whether those people who
 6 testified were part of the -- were living near the
 7 Judith Gap project?
 8 **A. I do not know.**
 9 Q. We have two types of blades that are being
 10 put up in this project, correct? 100 versus 103,
 11 correct?
 12 **A. Potentially, that's correct. That's what**
 13 **we're proposing.**
 14 Q. Do you know what the cost difference is
 15 between the 100 and 103?
 16 **MR. BLAZER:** Object to the relevance of
 17 that. That has nothing to do with either this
 18 proceeding or any requirements of the county's
 19 ordinance.
 20 **CHAIRMAN CORNALE:** Counsel has advised and
 21 I do agree, I believe that is a relevant question in
 22 that ultimately the funding source would have to be
 23 defined by that. So if you have a generalization of
 24 the cost difference in the cost of the turbines, if

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1 you could answer that.

2 **A. I can't specifically say what the cost**

3 **differential is. Number one, it's proprietary**

4 **information from our vendor, so I can't speak**

5 **specifically to what the cost difference is between**

6 **the two configurations.**

7 Q. Because you don't know or because it's

8 proprietary?

9 **A. I don't know.**

10 Q. Do you know how much more expensive an

11 LNTE blade is versus another blade?

12 **A. That is -- no, I can't speak to that.**

13 **That's confidential information with our vendor.**

14 **MR. LUETKEHANS:** I would ask that he be

15 advised to answer the question.

16 **MR. BLAZER:** He just said he doesn't know.

17 **MR. LUETKEHANS:** He didn't say he didn't

18 know. He said it was confidential. If he doesn't

19 know, he can say that, but that's not what he said.

20 **CHAIRMAN CORNALE:** If you can answer the

21 question, please answer it. And if you cannot, we

22 understand.

23 **A. I do not have a specific figure that I can**

24 **answer that question to you, so no, I do not know**

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1 **the number.**

2 Q. Do you know Ted Hartke?

3 **A. I do not.**

4 Q. Do you know of Ted Hartke?

5 **A. I've heard of his name, yes.**

6 Q. And what have you heard?

7 **A. I've heard that he is -- he is a resident**

8 **in our California Ridge wind project area.**

9 Q. What else do you know about him?

10 **A. That's about as much as I know. I've**

11 **heard his name. He's presented information at**

12 **various events throughout the state.**

13 Q. Is it your opinion he has a grudge against

14 Invenergy?

15 **A. I can't speak to that. I don't know Mr.**

16 **Hartke.**

17 Q. Okay. What is the total number of acres

18 for this project?

19 **A. I don't have the specific number in front**

20 **of me. I can't speak to it. It's approximately**

21 **30,000 acres under easement.**

22 Q. Okay. Do you know how many acres are in

23 Livingston County?

24 **A. All of the acreage for the project is in**

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1 **Livingston County.**

2 Q. I'm sorry, do you know how many acres in

3 total Livingston County is?

4 **A. Oh, I do not.**

5 Q. Okay. I think you testified or we heard

6 testimony that it's 1500 feet to the nearest

7 residential owner, correct? At least 1500 feet to

8 any of the turbines?

9 **A. Yes, we said that any -- that a turbine is**

10 **-- exceeds 1500 feet from any residence.**

11 Q. Okay. Do you know what the nearest

12 property line for a nonparticipating owner is?

13 **A. I do not know offhand.**

14 Q. Okay. Would you know if any of the

15 property owners that are slightly over 1500 feet own

16 property -- their property line goes under 1500 feet

17 from a turbine?

18 **A. I can't speak to that. I don't know.**

19 Q. Do you know how many suits, lawsuits

20 Invenergy is currently involved in?

21 **A. I do not.**

22 Q. Are you aware of a suit filed in New York

23 Supreme Court, County of Wyoming, Andre versus

24 Invenergy?

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1 **A. I do not.**

2 Q. Are you familiar with a suit filed in the

3 State of New York Supreme Court, County of Wyoming,

4 Slowinski versus Invenergy?

5 **A. I do not.**

6 Q. Are you aware of a lawsuit filed in

7 Ontario Superior Court of Justice, Horton versus

8 Kruger and Invenergy Wind?

9 **A. I am not.**

10 Q. Are you aware of another suit, the State

11 of New York Supreme Court, County of Wyoming,

12 Rohauer, R-O-H-A-U-E-R, versus Invenergy?

13 **A. I am not.**

14 Q. Are you aware of a suit in the United

15 States District Court, District of Oregon, entitled

16 Williams versus Invenergy?

17 **A. I am not.**

18 Q. Are you familiar with a complaint filed in

19 the public -- excuse me, Public Service Commission

20 in Wisconsin by Ann and Jason Wirtz?

21 **A. I am not.**

22 Q. Are you aware of whether Invenergy has

23 settled -- excuse me, are you aware of whether

24 Invenergy has ever settled with anyone who had a

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1 problem with Invenergy turbines in the U.S.A.?
 2 **MR. BLAZER:** Object to the form of that
 3 question, a problem with Invenergy turbines. That's
 4 an impossible question to answer.
 5 **MR. LUETKEHANS:** If he understands the
 6 question, I think he can answer.
 7 **CHAIRMAN CORNALE:** Mr. Luetkehans, can you
 8 clarify your question, restate your question?
 9 **BY MR. LUETKEHANS:**
 10 Q. Has Invenergy, to your knowledge, ever
 11 settled with anyone who had any concern about noise
 12 on their property?
 13 **A. I'm not aware of -- I don't know.**
 14 Q. So you don't know if they have or have
 15 not?
 16 **A. I'm not aware of any -- can you restate**
 17 **that? I'm sorry.**
 18 Q. So you're not aware whether it's occurred
 19 or not occurred?
 20 **A. I don't know, correct.**
 21 Q. Do you know the number of blade failures
 22 that have occurred in Invenergy sites within the
 23 past five years?
 24 **A. I'm not aware of that number.**

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1 Q. Have you ever heard of Prairie Breeze wind
 2 farms?
 3 **A. Yes.**
 4 Q. That's an Invenergy site, correct?
 5 **A. That's correct.**
 6 Q. Do you know where that's located?
 7 **A. It's in Nebraska, eastern Nebraska.**
 8 Q. Are you aware of the number of blades that
 9 have -- the number of blades that have partially, at
 10 least partially fallen off or broken out there at
 11 that site?
 12 **A. I'm not aware of, no.**
 13 Q. So you're not aware that that occurred in
 14 April and May of 2013?
 15 **A. You asked me a number. I'm not aware of a**
 16 **number.**
 17 Q. Are you aware that it occurred?
 18 **A. I'm not aware of any specifics regarding**
 19 **blade failures at Prairie Breeze.**
 20 Q. Are you aware of any generalities?
 21 **A. No, I can't speak to any.**
 22 Q. Okay. Are you aware of any blade failures
 23 that occurred in Nebraska?
 24 **A. No.**

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1 Q. Are you aware of any blade failures that
 2 occurred in Vermilion County?
 3 **A. Yes.**
 4 Q. Okay. How many have occurred in Vermilion
 5 County?
 6 **A. I do not know.**
 7 Q. Okay. Were those all GE blades?
 8 **A. It depends on who the owner and operator**
 9 **of the wind farm was.**
 10 Q. I'm sorry, could you explain that?
 11 **A. Well, you said how many -- if there were**
 12 **blade failures in Vermilion County. I don't know**
 13 **who -- are you speaking about --**
 14 Q. I'm speaking -- I'm sorry, that's a very
 15 fair question. I'm speaking of California Ridge.
 16 Are you aware of any blade failures that occurred at
 17 California Ridge?
 18 **A. I am.**
 19 Q. Okay. How many?
 20 **A. I don't know.**
 21 Q. Okay. In California Ridge, are those GE
 22 blades?
 23 **A. Oh, yes. Yes.**
 24 Q. Are you aware of whether any blade

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1 failures occurred in Orange, New York?
 2 **A. Yes.**
 3 Q. Okay. Do you recall how many occurred
 4 there?
 5 **A. I don't.**
 6 Q. Do you know whether those, again, were GE
 7 blades?
 8 **A. If they were Invenergy projects in Orange**
 9 **County, they were GE blades.**
 10 Q. Okay. And you're aware there was blade
 11 failures at the Invenergy project in Orange, New
 12 York?
 13 **A. Yes.**
 14 Q. We talked about a temporary batch plant.
 15 Who is to operate a temporary batch plant?
 16 **A. It would be under the purview of the**
 17 **general contractor for the project.**
 18 Q. And you're not aware of any general
 19 contractors in Livingston County who have bid on
 20 this project, correct?
 21 **A. Correct. I'm not aware of who the bidders**
 22 **are, so I don't know who has.**
 23 Q. And who is aware of who the bidders are?
 24 **A. That would be our project management team**

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1 **that's been responsible for managing the bidding of**
 2 **the project.**
 3 Q. And are any of those people -- have any of
 4 those people testified here?
 5 **A. They have not.**
 6 Q. Okay. And when did those -- those bids
 7 went out approximately the first week of November,
 8 correct?
 9 **A. I can't say. I'm not sure when they did.**
 10 Q. Okay. Are you familiar with any projects
 11 that Invenergy has built -- let me back up.
 12 Would you agree that the construction of
 13 this type of facility is a very specific kind of
 14 contractor? It's not your normal contractor who
 15 builds these.
 16 **A. That builds wind farms?**
 17 Q. Yeah.
 18 **A. There's -- there's a skill set associated**
 19 **with building certain components of the project,**
 20 **yes.**
 21 Q. Okay. And companies bring with them a
 22 core set of employees that go from site to site?
 23 **A. They may, correct.**
 24 Q. Correct?

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1 **A. They may. Or oftentimes they can draw**
 2 **from regional pools of skilled labor.**
 3 Q. I assume you wouldn't know if there are
 4 enough union labor available -- or labor available
 5 in the union halls in Livingston County to perform
 6 the amount of work that's necessary?
 7 **MR. BLAZER:** Mr. Cornale, as you've
 8 indicated before, you've asked Mr. Luetkehans to ask
 9 questions that haven't been asked before. All of
 10 these questions about the local labor pool, the
 11 union, the number of employees, the contractors, all
 12 of those were asked by the board, I believe
 13 specifically by Ms. Huisman, two weeks ago.
 14 **MR. LUETKEHANS:** That specific question
 15 was not asked. If Mr. Blazer can find it, I'm happy
 16 to have him tell me I'm wrong. But I've looked and
 17 I can't find that question.
 18 **CHAIRMAN CORNALE:** All right. If you know
 19 the answer to that particular question. Restate the
 20 question, Mr. Luetkehans. If he knows the answer,
 21 he'll answer it. And I will remind you that we do
 22 not want redundant questions.
 23 **BY MR. LUETKEHANS:**
 24 Q. Do you know if there's enough people in

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1 the union halls in Livingston County to perform the
 2 amount of work necessary to build this wind farm?
 3 **A. I cannot speak to that.**
 4 **MR. LUETKEHANS:** If I could just have a
 5 moment to go over my notes and make sure I asked
 6 everything.
 7 **CHAIRMAN CORNALE:** Mr. Luetkehans, are you
 8 going to need five minutes or ten minutes?
 9 **MR. LUETKEHANS:** No, I'm ready to go.
 10 **CHAIRMAN CORNALE:** You're ready to go?
 11 Okay.
 12 **MR. LUETKEHANS:** I just needed two
 13 minutes.
 14 **BY MR. LUETKEHANS:**
 15 Q. What's the purpose of building a local
 16 batch plant? The temporary batch plant, I'm sorry.
 17 **A. It would be required to provide concrete**
 18 **for primarily the foundations of the turbines.**
 19 Q. Okay. To your knowledge, can the batch
 20 plant that currently exists around Forrest handle
 21 that?
 22 **A. I can't speak to that. I don't know.**
 23 Q. You haven't checked into it?
 24 **A. I personally have not. Our project**

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1 **management team has, but I haven't specifically**
 2 **myself, so I'm not aware.**
 3 Q. And you haven't talked to them to know the
 4 answer?
 5 **A. Me personally? No.**
 6 Q. Okay. I think -- obviously when you're
 7 building this, these turbines, there will be
 8 significant activity on the road hauling in
 9 turbines, et cetera, correct?
 10 **A. Correct.**
 11 Q. And it won't be your normal truck traffic.
 12 You'll have large parts that you're bringing in on
 13 trucks.
 14 **A. When the turbine components are delivered,**
 15 **correct.**
 16 Q. In fact, I think -- and maybe I'm wrong, I
 17 apologize -- that we're talking up to 20 tons for a
 18 blade?
 19 **A. You know, I can't speak to the exact**
 20 **weight.**
 21 Q. Okay. And I think you said -- or someone
 22 said that you were putting in place an agreement
 23 with each township road commissioner?
 24 **A. We are putting in place a road agreement**

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1 **with the county road commissioner as well as the**
 2 **township commissioners as applicable.**
 3 Q. Has that been signed by either the county
 4 or the township road commissioners?
 5 **A. It has not.**
 6 Q. Has a draft been forwarded to them yet?
 7 **A. It is being -- as I understand at this**
 8 **time, it is being discussed and negotiated with**
 9 **those parties.**
 10 Q. Okay. Do you know which township road
 11 commissioners that's being discussed with?
 12 **A. I do not.**
 13 Q. Do you know if it includes a financial
 14 assurance that the repairs will be made?
 15 **A. I believe it does.**
 16 Q. Does that mean you're not sure?
 17 **A. I'm not sure. I do not -- I have not read**
 18 **the most current documents, so frankly I should say**
 19 **I do not know.**
 20 Q. Okay. So again, you wouldn't know what
 21 type of financial assurance that would be if --
 22 **A. That's correct.**
 23 Q. I think you said you never had a problem
 24 complying with these types of agreements in the

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1 past. Is that true? Or did I make that up?
 2 **A. I don't recall ever saying that. That's a**
 3 **pretty broad statement.**
 4 Q. Okay. Do you recall any problems you've
 5 had in Illinois with road commissioners and the
 6 concern that they -- have they ever raised a
 7 concern, to your knowledge, that roads are damaged
 8 and not repaired?
 9 **A. To my knowledge, issues have been raised**
 10 **with road commissioners about the conditions of the**
 11 **roads, and we have taken the necessary steps to**
 12 **reconcile those matters.**
 13 Q. And satisfied it to the satisfaction of
 14 the road commissioners?
 15 **A. As I understand it, yes.**
 16 **MR. LUETKEHANS:** Nothing further of this
 17 witness.
 18 **CHAIRMAN CORNALE:** Thank you. All right,
 19 Mr. Luetkehans, I believe of the individuals you
 20 have here this evening, Loomis --
 21 **MR. LUETKEHANS:** We would ask that Ms.
 22 Blank be called.
 23 **CHAIRMAN CORNALE:** Ms. Blank.
 24 **MS. BLANK:** Please let me know if you have

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1 any trouble hearing me.
 2 **MR. BLAZER:** I have a feeling somebody
 3 will.
 4 **QUESTIONS BY**
 5 **MR. LUETKEHANS:**
 6 Q. Ms. Blank, are you a licensed engineer?
 7 **A. No, I'm not.**
 8 Q. And you prepared -- you drafted or you
 9 prepared the shadow flicker report, correct?
 10 **A. I did.**
 11 Q. And you ran the models, correct?
 12 **A. Yes, I did.**
 13 Q. Are you involved with any professional
 14 associations?
 15 **A. I attend conferences, but I am not a**
 16 **member currently of any associations.**
 17 Q. Okay. Was shadow flicker an emphasis of
 18 your education?
 19 **A. I have a master's degree in meteorology**
 20 **and atmospheric sciences, so yes. But not**
 21 **specifically shadow flicker.**
 22 Q. Did you personally view the sites before
 23 the first draft of the shadow flicker study was
 24 done?

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1 **A. I did not personally view them, no.**
 2 **I've --**
 3 Q. Go ahead, I'm sorry --
 4 **A. No.**
 5 Q. -- did you need to say something? At any
 6 time have you been to the site?
 7 **A. Yes, I have.**
 8 Q. And that was after the reports were
 9 drafted though, correct?
 10 **A. Yes, but I also had people working for me**
 11 **that visited the sites.**
 12 Q. Did your visit to the site result in any
 13 changes to your report?
 14 **A. No.**
 15 Q. You would agree with me that the turbine
 16 locations on the application are not exact, correct?
 17 **A. No, I wouldn't agree with that.**
 18 Q. Wouldn't you agree that they can be moved
 19 up to 250 feet?
 20 **A. Yes.**
 21 Q. Okay. So when I'm saying exactly, meaning
 22 it could be moved any direction up to 250 feet.
 23 **A. I'm not sure what the exact number is as**
 24 **far as in the agreement.**

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1 Q. Okay, be in the application, correct?
 2 These other possible locations are not shown in your
 3 report, are they?
 4 **A. No.**
 5 Q. So in the end, these nine turbines -- or
 6 these turbines that are affecting the nine homes
 7 with shadow flicker between 20 and 30 hours could
 8 all be moved closer, 250 feet closer to those homes?
 9 **A. My understanding is that new studies would**
 10 **be done.**
 11 Q. Okay. The study we have before us doesn't
 12 take into account --
 13 **A. No.**
 14 Q. -- that possibility?
 15 **A. No, it does not.**
 16 Q. And again, I think it's clear that this is
 17 measured to the residences, the shadow flicker
 18 report?
 19 **A. It is.**
 20 Q. It's not measured to other places on the
 21 property that someone may want to put a house on,
 22 correct?
 23 **A. No, it's not.**
 24 Q. Does it take into account cloud cover,

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1 your -- excuse me. Does it take into account cloud
 2 cover, your study?
 3 **A. Yes, it does.**
 4 Q. How many days or percentage is assumed for
 5 cloud cover?
 6 **A. It's done on a monthly basis and we use**
 7 **National Climatological data to calculate the**
 8 **percentage of sunshine hours --**
 9 Q. And --
 10 **A. -- per month --**
 11 Q. I'm sorry, I didn't mean to cut you off.
 12 **A. -- each month.**
 13 Q. Okay. And is there a particular database
 14 you used for that?
 15 **A. Yes. I used the National Climatological**
 16 **Data Center.**
 17 Q. Okay. And where did you get that from?
 18 Off the Internet or somewhere else or what?
 19 **A. Yes, it's off -- it's publicly available**
 20 **data.**
 21 Q. Okay. I assume some years you'll have
 22 more cloud cover and some you'll have less?
 23 **A. It's based on, I believe, a 10 to 12 year**
 24 **average. I'm not sure on this one which --**

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1 Q. That's okay, but the point is that
 2 somewhere in that plan there will be more cloud
 3 cover and some there will be less and --
 4 **A. It's an average, yes.**
 5 Q. And how is that taken into account? Or is
 6 it?
 7 **A. No, it's not.**
 8 Q. Okay.
 9 **A. It's actually --**
 10 Q. So some years, depending on the cloud
 11 cover, that house that's at 29 hours a year of
 12 shadow flicker may be more because that cloud
 13 cover -- that year that cloud cover was less. Your
 14 average -- so my point is your 29 is an average.
 15 **A. It's possible, yes.**
 16 Q. Do you know how that information
 17 determined what was cloud -- what was cloud cover?
 18 If it was partial? If it was total? How do you
 19 take -- how is that taken into account?
 20 **A. I'm not exactly sure to tell you the**
 21 **truth.**
 22 Q. Okay. I think you talked about this was a
 23 conservative estimate, correct?
 24 **A. Yes.**

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1 Q. And you used Wind Pro, is that what you
 2 used?
 3 **A. Yes, we did.**
 4 Q. Okay, and is that the same modelling
 5 system -- I know it's different -- that Mr. Hankard
 6 was using? Does he use Wind Pro too?
 7 **A. It's by the same manufacturer, by the same**
 8 **company, yes.**
 9 Q. It's used different ways. I'm not trying
 10 to say --
 11 **A. Yes, there are different modules.**
 12 Q. You testified that 30 hours per year is an
 13 acceptable level is I think what you testified to of
 14 shadow flicker?
 15 **A. It is a generally accepted level.**
 16 Q. Okay. And so would you agree that shadow
 17 flicker could be an annoyance?
 18 **A. It -- there are a lot of things that could**
 19 **be an annoyance. That's a personal --**
 20 Q. Have you heard of people being annoyed by
 21 shadow flicker?
 22 **A. Yes.**
 23 Q. But it's your opinion it's not a health
 24 hazard, it's just possibly an annoyance.

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1 **A. I don't know about --**
 2 **MR. BLAZER:** Objection, beyond the scope
 3 of her expertise. She's not testifying as a health
 4 expert. That was Dr. Roberts and Dr. Ellenbogen.
 5 **CHAIRMAN CORNALE:** We agree that that
 6 objection is well-founded.
 7 **BY MR. LUETKEHANS:**
 8 Q. Who said that 30 hours was acceptable?
 9 **A. I didn't say it was acceptable. I said 30**
 10 **hours is a generally accepted level by different**
 11 **regulatory agencies across the United States and**
 12 **beyond.**
 13 Q. Okay. And what regulatory agencies are
 14 those?
 15 **A. I've done searches and it includes**
 16 **counties, states, numerous different types of**
 17 **regulatory agencies.**
 18 Q. Okay. The Public Service Commission of
 19 Wisconsin, what's their acceptable level?
 20 **A. I do not believe they have -- I don't know**
 21 **for sure, but I don't believe they have an exact**
 22 **number.**
 23 Q. Isn't it true that they think over 20
 24 hours is unacceptable?

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1 **A. I don't know that.**
 2 Q. Did you present testimony in written form
 3 to the Public Service Commission of Wisconsin?
 4 **A. Yes, I did.**
 5 Q. Okay. Showing you what has been marked as
 6 UCLC Exhibit 14, is that the testimony you
 7 submitted?
 8 **A. Yes, it is.**
 9 Q. Does the Public Service Commission require
 10 mitigation for homes experiencing more than 20 hours
 11 of shadow flicker per year in Wisconsin?
 12 **A. I'm assuming you're asking that because it**
 13 **is in this document, so if you want to point it out.**
 14 Q. Yeah, page -- it's page 23, the top -- the
 15 question, the first full question.
 16 **A. Yes.**
 17 Q. Okay. And greater than 20 hours of impact
 18 needs to be -- under PSC 128 needs to be mitigated
 19 with blocking measures, correct?
 20 **A. Yes.**
 21 Q. While those with greater than 30 hours
 22 must be mitigated with actual curtailment, correct?
 23 **A. Yes.**
 24 Q. You're not proposing any mitigation or

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1 blocking measures in this case, correct?
 2 **MR. BLAZER:** We're not in Wisconsin.
 3 **MR. LUETKEHANS:** What's your objection?
 4 **MR. BLAZER:** Object to the relevance.
 5 There's no requirement regarding anything about
 6 shadow flicker in this ordinance, nor is there any
 7 requirement at the state level of any statute
 8 requiring shadow flicker in the State of Illinois.
 9 **MR. LUETKEHANS:** She talked about
 10 generally accepted -- that it's generally accepted
 11 30 hours. I'm entitled to ask about Wisconsin and
 12 20 hours. She brought it up, I didn't.
 13 **MR. BLAZER:** Actually it was in response
 14 to your question.
 15 **MR. LUETKEHANS:** That was in her direct
 16 testimony three weeks ago.
 17 **CHAIRMAN CORNALE:** Okay, Mr. Luetkehans,
 18 ask the question again.
 19 **BY MR. LUETKEHANS:**
 20 Q. You are not suggesting or you are not
 21 proposing any mitigation or blocking measures for
 22 those who are experiencing shadow flicker more than
 23 20 --
 24 **A. No, it's not my job to propose mitigation.**

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1 Q. Would you agree that reasonable mitigation
 2 would include the installation of blinds or
 3 landscape plantings?
 4 **MR. BLAZER:** Objection, beyond the scope
 5 of this witness's testimony.
 6 **MR. LUETKEHANS:** It's not beyond the scope
 7 of her knowledge. I'm quoting her own direct
 8 examination. I think I'm entitled to --
 9 **CHAIRMAN CORNALE:** Yeah, the Public
 10 Service Commission of Wisconsin, so the objection is
 11 founded.
 12 **MR. LUETKEHANS:** Okay. For the record --
 13 and I know the objection, I'm willing to live with
 14 it, but I want to say this is cross-examination and
 15 I have a right to --
 16 **CHAIRMAN CORNALE:** Correct, but on
 17 testimony that she's given for this case. You've
 18 drug this in. We've done this before. The other
 19 day, you drug some in and then they were forced to
 20 answer. So was this testimony that she gave on this
 21 case? Was this testimony that she gave on this
 22 case?
 23 **MR. LUETKEHANS:** She gave testimony that
 24 30 hours a year was acceptable in this case. I am

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1 trying to suggest that at 20, that there is a way to
 2 mitigate. And in the past, she has talked about
 3 mitigating the -- the ability to mitigate shadow
 4 flicker. Whether it's 20 hours or 30 hours, I'm
 5 just asking her about the ability to mitigate.
 6 **MR. BLAZER:** I'll withdraw the objection,
 7 Mr. Cornale.
 8 **CHAIRMAN CORNALE:** Say that again?
 9 **MR. BLAZER:** I'll withdraw my objection.
 10 I'll allow her to answer the question.
 11 **CHAIRMAN CORNALE:** Okay.
 12 **A. Could you restate the question please?**
 13 **BY MR. LUETKEHANS:**
 14 Q. Reasonable mitigation would include the
 15 installation of blinds or landscape plantings,
 16 correct?
 17 **A. Those could be forms of mitigation, yes.**
 18 Q. And in Wisconsin, that was to be done?
 19 That was proposed by you at the expense of the wind
 20 company, correct?
 21 **A. I don't believe this was your original**
 22 **question.**
 23 Q. Well, my question --
 24 **A. I asked you to restate the question.**

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1 **Would she like to read the question?**
 2 Q. My question is, in the testimony provided
 3 in Wisconsin --
 4 **A. Yes.**
 5 Q. -- did you suggest that that mitigation
 6 could be -- would be done at the expense of the wind
 7 company?
 8 **A. That was agreed to by the wind company.**
 9 **And in this case, also it would be up to the wind**
 10 **company, the development company, Invenergy.**
 11 Q. So the answer is yes?
 12 **A. That's not my choice to make.**
 13 Q. I'm just asking, in that case the wind
 14 company had agreed to that.
 15 **MR. BLAZER:** Objection.
 16 **A. Yes.**
 17 **MR. BLAZER:** Objection. This question has
 18 already been asked twice and has been answered
 19 twice.
 20 **CHAIRMAN CORNALE:** The question has been
 21 asked and answered. She has made reference to a
 22 mitigation methodology.
 23 **BY MR. LUETKEHANS:**
 24 Q. Do you have your Power Point presentation

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1 in front of you?
 2 **A. I do.**
 3 Q. Pleasant Ridge Exhibit 45, for the record.
 4 About the seventh page in, it says results of study.
 5 If you could go to that page.
 6 **A. Yes.**
 7 Q. It's the third bullet point and then it's
 8 got a bullet point under it. "No residences are
 9 expected to receive greater than 30 hours of shadow
 10 per year." Do you see that?
 11 **A. Yes.**
 12 Q. "Two residences are expected to receive 29
 13 hours of shadow per year." Correct?
 14 **A. Yes.**
 15 Q. R329 is expected to receive 29 hours and
 16 39 minutes per year; is that correct?
 17 **A. Yes.**
 18 Q. And R438 is expected to review -- or to
 19 receive 29 hours and 4 minutes per year, correct?
 20 **A. Yes.**
 21 Q. And we would find that in your report and
 22 not in your Power Point, correct?
 23 **A. Yes.**
 24 Q. Okay, so let's go to your report. That

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1 was Pleasant Ridge Exhibit 43. I think you have
 2 that it in front of you since you were looking at it
 3 when we were just asking the last question.
 4 **A. I do.**
 5 Q. Do you know what the distance -- going
 6 probably to that same table you were looking at,
 7 Table 3, do you know what the distance between R329
 8 and the nearest residence is?
 9 **A. R329 --**
 10 Q. I'm sorry, the residence and the nearest
 11 turbine.
 12 **A. I don't know that offhand.**
 13 Q. And I assume you wouldn't know that for
 14 any of the residences set forth?
 15 **A. Correct, I do not.**
 16 Q. Do you have -- are you a land use expert?
 17 **A. I'm not a land use expert, no.**
 18 Q. Okay. You don't have a degree in land use
 19 or anything?
 20 **A. No, I do not.**
 21 Q. Have you ever testified as a land planner
 22 before?
 23 **A. No, I have not.**
 24 Q. So this is the first time you've testified

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1 to compliance with the comprehensive plan?
 2 **A. Yes.**
 3 Q. You've never testified as to compliance
 4 with a zoning ordinance I assume either?
 5 **A. No.**
 6 Q. You attach -- and I'm skipping to Pleasant
 7 Ridge Exhibit 44. This is your comprehensive plan.
 8 **A. Yes.**
 9 Q. Towards the end, you attach an August 4th,
 10 2010, letter to your -- or a letter from the
 11 Livingston County Regional Planning Commission to
 12 the ZBA for Livingston County.
 13 **A. Yes.**
 14 Q. Why did you do that?
 15 **A. Because it demonstrates the project -- a**
 16 **project that is similar to the project that we are**
 17 **proposing has been -- it has been agreed upon that**
 18 **it is the same or that it is an acceptable land use**
 19 **within the county.**
 20 Q. Okay. And can you tell me how many
 21 turbines were in that Heartland wind project?
 22 **A. I don't remember offhand.**
 23 Q. Can you tell me how close the nearest
 24 turbine was to a residence in that Heartland wind

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1 project?
 2 **A. No, I don't know that.**
 3 Q. Obviously there was a hearing at that
 4 time.
 5 **A. Yes.**
 6 Q. And there was a lot of facts submitted at
 7 that hearing I assume, just like this one.
 8 **A. Yes.**
 9 Q. And those facts would not be the same
 10 facts that we've seen in this case, correct?
 11 **A. I don't know that.**
 12 Q. Okay. Were they the exact same type of
 13 turbines?
 14 **A. They were -- I do not know the type, the**
 15 **exact type of turbines.**
 16 Q. Do you know how much shadow flicker was
 17 set forth in that, in the Heartland wind hearing?
 18 **A. No, I don't.**
 19 Q. Do you know what the noise computations
 20 were?
 21 **A. No.**
 22 Q. Okay.
 23 **MR. BLAZER:** I'll object to the relevance
 24 of this entire line of questions. This has nothing

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1 to do with the county's comprehensive plan.
 2 **MR. LUETKEHANS:** Well, I'm just asking
 3 about something she submitted. I think I have a
 4 right to ask questions about what she submitted and
 5 why. And she said it was because it was similar,
 6 and I'm trying to show her it's not all that
 7 similar.
 8 **MR. BLAZER:** And the county's
 9 comprehensive plan doesn't address shadow flicker,
 10 it doesn't address noise, it doesn't address turbine
 11 type. It addresses consistency with land uses in
 12 the county.
 13 **MR. LUETKEHANS:** So now we're saying that
 14 noise is unrelated to this hearing?
 15 **MR. BLAZER:** I'm saying it's unrelated to
 16 the comprehensive plan.
 17 **CHAIRMAN CORNALE:** Noise is beyond the
 18 scope of this witness, we can all agree on that.
 19 And she's already answered no to several of the
 20 questions. If you want to continue, she may --
 21 **MR. LUETKEHANS:** No, I --
 22 **CHAIRMAN CORNALE:** She may --
 23 **MR. LUETKEHANS:** I'm actually done on this
 24 topic. I've finished it.

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1 **CHAIRMAN CORNALE:** Okay. I mean, if you
 2 want to further investigate the size and scope of
 3 the project there, I guess that would be
 4 available --
 5 **MR. LUETKEHANS:** Mr. Cornale, I have no
 6 desire to do that. That was my last question on
 7 this particular exhibit.
 8 **CHAIRMAN CORNALE:** All right. Let's move
 9 along.
 10 **MR. LUETKEHANS:** I was trying to.
 11 **BY MR. LUETKEHANS:**
 12 Q. Let's go to your -- the checklist, 16
 13 points analysis sheet that you did in Exhibit 44. I
 14 think it starts on page 10.
 15 **A. Got it.**
 16 Q. You say in here that this project does not
 17 constitute a change in land use.
 18 **A. Correct.**
 19 Q. Would you agree that this is a special
 20 use?
 21 **A. It is a conditional use.**
 22 Q. Conditional use, which is often sometimes
 23 referred to as a special use --
 24 **A. Yes.**

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1 Q. -- is that correct?

2 A. Yes.

3 Q. Okay. And the current use on these

4 properties is what?

5 A. Agricultural.

6 Q. Okay. You said in the second bullet

7 point, "Pleasant Ridge has conducted numerous

8 studies regarding health and safety impacts to

9 project area residents." Which numerous studies are

10 you talking about?

11 A. The shadow flicker study that I've been

12 involved in, they have done noise studies, they have

13 done microwave and communication analyses, and there

14 may be others that I'm not thinking of right now.

15 Q. You then in the third bullet point said,

16 "Will the land use change constitute a perceived

17 incompatible use and be a -- or the presence of

18 incompatible use and be a detriment to the use of

19 the property?" And you say it's compatible and will

20 not affect the agricultural land use.

21 A. Yes.

22 Q. Would you be -- if it was shown that the

23 property values were modified, would this modify

24 your statement that the property values weren't

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1 detrimentally affected?

2 A. I am not a, I am not an expert in that. I

3 wouldn't be able to answer that.

4 Q. Would you agree that shadow flicker has an

5 adverse influence -- the effects of shadow flicker

6 would have an adverse influence on the residence?

7 A. That would be a perception of the

8 landowner.

9 Q. Okay. You don't think it's major, but you

10 do think that shadow flicker, communication

11 obstructions indicate that the effects will be

12 minimal, correct?

13 A. I'm sorry, could you repeat that? I

14 didn't understand.

15 Q. Yeah. You believe that the studies on the

16 effect of noise, shadow flicker and communication

17 obstruction indicate that the effects will be

18 minimal, correct?

19 A. Yes.

20 Q. Okay. Not that there aren't any; just

21 that they're minimal.

22 A. Correct.

23 Q. And how do you define minimal?

24 A. That it's -- that there may be an

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1 annoyance to some landowners but not the majority.

2 I agree it's a subjective term.

3 Q. Would you agree that Brown County,

4 Wisconsin, has determined that wind turbines are a

5 health hazard?

6 MR. BLAZER: I object. I object. Assumes

7 facts not in evidence. He hasn't indicated anything

8 to substantiate that statement, nor has he indicated

9 anything that indicates that this witness would have

10 any knowledge about what some health department in

11 someplace called Brown County, Wisconsin, may or may

12 not have done.

13 MR. LUETKEHANS: Well, that objection was

14 pretty strong considering all I asked was was she

15 aware of it.

16 CHAIRMAN CORNALE: We'll allow the

17 objection.

18 MR. LUETKEHANS: Pretty afraid of it.

19 MR. BLAZER: No, I'm not afraid at all.

20 I'm really wondering to see what you come up with

21 out of Brown County, Wisconsin.

22 MR. LUETKEHANS: You'll see.

23 MR. BLAZER: Good luck.

24 BY MR. LUETKEHANS:

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1 Q. You're aware -- are you aware that

2 numerous studies have shown that property is

3 detrimentally affected?

4 MR. BLAZER: Objection, beyond the scope

5 of this witness's testimony. Also assumes facts not

6 in evidence.

7 BY MR. LUETKEHANS:

8 Q. Okay. Well, let me ask this question.

9 You said, "Numerous recognized studies on the effect

10 of wind farms on property values show that real

11 estate values are not detrimentally affected."

12 So now that you've made that statement,

13 are you aware of studies showing that they are

14 detrimental?

15 MR. BLAZER: Objection. The studies that

16 have shown that there is no detrimental impact are

17 in evidence in this case. There is no evidence in

18 this case regarding the opposite proposition.

19 MR. LUETKEHANS: It's because I'm not --

20 CHAIRMAN CORNALE: Mr. Luetkehans, I

21 believe what we've got here, she's compiled this

22 comprehensive plan report. She cannot speak to

23 every condition within this report. She can speak

24 to shadow flicker. If you want to speak about

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1 property value, the witness will be available. So
 2 keep the questions within her scope. Understand
 3 that she has compiled the evidence and she presented
 4 it.
 5 **MR. LUETKEHANS:** And she --
 6 Q. For the record, you presented evidence
 7 that the land use will not adversely influence
 8 adjacent property values, correct?
 9 **MR. BLAZER:** No, that would be Mr. Thayer
 10 and Mr. MaRous who presented that evidence.
 11 **MR. LUETKEHANS:** Well, she has made that
 12 statement and she's relying on it for her testimony.
 13 **MR. BLAZER:** I object, Mr. Cornale.
 14 **CHAIRMAN CORNALE:** There again, I think
 15 she's compiled that and put it into her summary of
 16 the comprehensive plan report.
 17 **BY MR. LUETKEHANS:**
 18 Q. In your compilation, have you found any
 19 studies that show detrimental effect?
 20 **A. No.**
 21 Q. You have not seen any of those?
 22 **A. I have not. Studies that we reviewed and**
 23 **summarized did not show that.**
 24 Q. Okay. So your opinion is based

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1 specifically on those studies that you reviewed and
 2 compiled.
 3 **MR. BLAZER:** Objection, asked and
 4 answered.
 5 **MR. LUETKEHANS:** I don't know how.
 6 **CHAIRMAN CORNALE:** All right, we're --
 7 we'll accept his objection. It's asked and
 8 answered.
 9 **AUDIENCE VOICE:** I thought this wasn't a
 10 court of law.
 11 **CHAIRMAN CORNALE:** That is correct, it is
 12 not a court of law. However, we do have to remind
 13 everyone that we're simply asking questions based on
 14 the testimony she's given. So she's compiled
 15 testimony to fulfill one of the requirements for the
 16 comprehensive plan, so she had to take multiple
 17 people's information and compile it. Unfortunately,
 18 or fortunately for her, she had to put it in the
 19 report.
 20 So she can speak to shadow flicker, we've
 21 already spelled that out. The available people will
 22 -- the people will be available to speak to those
 23 other questions. It's just they need to be asked of
 24 the correct person.

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1 **MR. LUETKEHANS:** I would move to strike
 2 her testimony as it relates to the 16 points or on
 3 anything other than what she compiled. Or anything
 4 that she compiled, I would have -- that she has no
 5 direct evidence and not willing to testify about, I
 6 would move to strike.
 7 **MR. BLAZER:** Beyond the fact that he's
 8 provided no basis for that, this board has no
 9 authority under its rules to strike testimony.
 10 **CHAIRMAN CORNALE:** All right, I'm going to
 11 let counsel speak to this.
 12 **MR. BLAKEMAN:** Okay.
 13 **MR. BLAZER:** It's called passing the buck.
 14 **MR. BLAKEMAN:** The objection is denied.
 15 It will be up to the ZBA and the county board to
 16 determine the weight to be given to this testimony
 17 and the evidence presented by this witness.
 18 **BY MR. LUETKEHANS:**
 19 Q. You state in the fourth bullet point on
 20 page 11 that the project does not anticipate to
 21 impact the local population density. Is that your
 22 statement?
 23 **A. Yes.**
 24 Q. So it would be fair to say there's not

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1 enough jobs to change the density?
 2 **MR. BLAZER:** Objection. Beyond the scope
 3 of this witness's expertise and testimony.
 4 **MR. LUETKEHANS:** We're getting to the
 5 point where her expertise and testimony on these 16
 6 points is nil.
 7 **CHAIRMAN CORNALE:** You made your point,
 8 Mr. Luetkehans. She can speak to shadow flicker.
 9 We've addressed that. There again, counsel has told
 10 us that we determine the weight of her testimony.
 11 If we don't feel -- if we feel her testimony is nil,
 12 that's our decision.
 13 **A. The report was compiled --**
 14 **MR. BLAZER:** There's no question pending.
 15 Q. Have you ever heard of LaSalle factors?
 16 **A. No, I have not.**
 17 Q. Have you -- so I assume you have not
 18 reviewed the LaSalle factors to see if this --
 19 **MR. BLAZER:** She's already testified she
 20 never heard of LaSalle factors.
 21 **MR. LUETKEHANS:** I'm just asking the
 22 question. She may answer.
 23 **CHAIRMAN CORNALE:** She did testify that
 24 she has not heard of the LaSalle factors. Move on.

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1 **BY MR. LUETKEHANS:**
 2 Q. Did you look at the entire comprehensive
 3 plan or just these 16 points?
 4 **A. I looked at the entire comprehensive plan.**
 5 Q. Did you look at the section on
 6 agriculture?
 7 **A. I did.**
 8 Q. Okay. Could you tell us what the plan
 9 said, what the comprehensive plan says about
 10 agriculture generally, the agricultural uses?
 11 **A. I don't have the comprehensive plan in**
 12 **front of me.**
 13 Q. Showing you what has been marked as UCLC
 14 Exhibit 13, is this the comprehensive plan?
 15 **A. Yes.**
 16 Q. Okay. If you could go to the bottom of
 17 page 1, onto page 2. You see in there that it says,
 18 "The county will strive to preserve the most
 19 productive and suitable land areas for agricultural
 20 uses and associated land uses by maintaining the
 21 rural character of the county by planning for the
 22 preservation of prime agricultural land." Do you
 23 see that?
 24 **A. Yes.**

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1 Q. Do you also see that it says that
 2 "Recognizing that agriculture is a key element of
 3 the county's economic base, the county will support
 4 agriculture as a business and way of life?"
 5 **A. Yes.**
 6 Q. You also see that it recognizes that
 7 highly productive prime farmland and other
 8 agricultural lands are a finite natural resource and
 9 resolve that these prime agricultural areas should
 10 be protected and maintained?
 11 **MR. BLAZER:** Mr. Chairman, do we actually
 12 need to have this witness confirming that this plan
 13 that's already been submitted to us and that this
 14 board is familiar with says what it says?
 15 **CHAIRMAN CORNALE:** Mr. Luetkehans, can you
 16 tell us where you're going with the line of
 17 questioning or simply just get to the question?
 18 Foundation is built. She said she's read this.
 19 We're familiar with it.
 20 **MR. LUETKEHANS:** How did you --
 21 **CHAIRMAN CORNALE:** Ask your question.
 22 **BY MR. LUETKEHANS:**
 23 Q. How did you take into account this section
 24 when you did your 16 points? Or did you?

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1 **A. We did. We did an analysis of the actual**
 2 **amount of land that will be used for wind farm**
 3 **facilities versus the amount of agricultural and**
 4 **prime agricultural land that's within the project**
 5 **area.**
 6 Q. And when you say we, who's we?
 7 **A. Myself and the land use planner.**
 8 Q. Who's your land use planner?
 9 **A. Fay Simer.**
 10 Q. And where -- is it Fay or --
 11 **A. Fay.**
 12 Q. Is it a woman or man?
 13 **A. It is a woman.**
 14 Q. And where's she out of?
 15 **A. She out of our Minneapolis, Minnesota,**
 16 **office.**
 17 Q. And she did the land planning part of this
 18 project?
 19 **A. We worked in conjunction, collaboratively,**
 20 **yes.**
 21 Q. So she's a land planner, but she's not
 22 here to testify?
 23 **A. Yes.**
 24 Q. Do you know what the special use standards

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1 of Livingston County are? You won't find them in
 2 there.
 3 **A. No, I don't know offhand. No.**
 4 Q. Was the location of turbine -- was the
 5 location of the turbines determined before or after
 6 you did the shadow flicker story -- or shadow
 7 flicker study, I'm sorry?
 8 **A. Were the locations of the turbines**
 9 **determined?**
 10 Q. Yeah.
 11 **A. Yes.**
 12 Q. Okay. And were any of the locations
 13 modified because of the shadow flicker study you
 14 did?
 15 **A. I don't remember offhand. We did several**
 16 **iterations of the model.**
 17 Q. And your shadow flicker study showed that
 18 two of them were right up against the 30 hours,
 19 correct? Over 29 hours, correct?
 20 **MR. BLAZER:** Objection, asked and
 21 answered. He actually even identified the specific
 22 number of hours and minutes. I don't know why we're
 23 going back over this.
 24 **CHAIRMAN CORNALE:** All right, Ms. Blank,

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1 if you know the answer to that, answer it again.
 2 And remind Mr. Luetkehans we're not going over
 3 questions again.
 4 **A. The answer is yes.**
 5 **MR. LUETKEHANS:** Nothing further.
 6 **CHAIRMAN CORNALE:** All right. I think --
 7 it's 9:15. I know the intention was possibly
 8 Loomis. Mr. Luetkehans, have you got a lot for Mr.
 9 Loomis?
 10 **MR. LUETKEHANS:** Oh, yeah. I would
 11 suggest starting fresh tomorrow night. I mean --
 12 **CHAIRMAN CORNALE:** Right.
 13 **MR. BLAKEMAN:** Assuming that Mr.
 14 Luetkehans doesn't take all tomorrow night, can I
 15 get a show of hands of people who wish to cross
 16 question, who are not represented by an attorney,
 17 tomorrow night? These are people who have
 18 cross-examination of these witnesses.
 19 **MS. HUISMAN:** These witnesses.
 20 **MR. BLAKEMAN:** These six witnesses that we
 21 have. So again, could I have a show of hands?
 22 **CHAIRMAN CORNALE:** So just questions of
 23 these particular individuals with us.
 24 **MR. BLAKEMAN:** One, two, three, four.

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1 Again, I'm talking about people not represented by
 2 Mr. Luetkehans who wish to ask questions. Okay.
 3 **AUDIENCE VOICE:** Are we able to take our
 4 names off the list to be --
 5 **MR. BLAKEMAN:** I'm not sure I'm supposed
 6 to be giving you legal advice, but I would say yes,
 7 you can take your name off the list. I'm not trying
 8 to exclude anybody, but again, if you have an
 9 attorney, he's supposed to ask the question. Or the
 10 other thing I would say, tell him what questions you
 11 want to ask. Again, a show of hands. One --
 12 **AUDIENCE VOICE:** Are we held to this if
 13 there's a question --
 14 **MR. BLAKEMAN:** No.
 15 **AUDIENCE VOICE:** -- we want asked that is
 16 not answered?
 17 **MR. BLAKEMAN:** No. Three, four, five.
 18 Okay, thank you.
 19 **CHAIRMAN CORNALE:** All right. With that,
 20 it's a quarter after 9:00. I think should probably
 21 be it for tonight. We're scheduled again here
 22 tomorrow night at 6:30. So I believe we'll start
 23 off with Mr. Luetkehans, I believe he's got some
 24 questions for Mr. Loomis. Other than that, I know

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1 we have some days, but we don't have times or
 2 locations. The 15th and 17th of December at 6:30
 3 and the location as of now will be here. So that's
 4 next Monday and next Wednesday at 6:30 here for now,
 5 unless you hear otherwise tomorrow evening.
 6 So with that -- and also, the hope may
 7 possibly be to get to some of the audience's
 8 questions or the public's questions tomorrow night.
 9 So with that, I need a motion to recess.
 10 **MR. VITZTHUM:** I'll make that motion.
 11 **MS. HUISMAN:** I'll second.
 12 **CHAIRMAN CORNALE:** Motion by Vitzthum.
 13 Second by Huisman. All in favor?
 14 **ALL:** Aye.
 15 **CHAIRMAN CORNALE:** Opposed?
 16 (Adjourned at 9:17 p.m.)
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 24

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1 STATE OF ILLINOIS)
 2 COUNTY OF FORD)ss
 3)
 4 I, June Haeme, a Notary Public in and for
 5 the County of Ford, State of Illinois, do hereby
 6 certify that the following Livingston County Zoning
 7 Board of Appeals, Case SU-7-14 hearing was taken at
 8 the Walton Centre, 100 West Locust Street, Fairbury,
 9 Illinois, on December 8, 2014.
 10 That the said deposition was taken down in
 11 stenograph notes and afterwards reduced to
 12 typewriting under my instruction and that the
 13 deposition is a true record of the testimony given.
 14 I do further certify that I am a
 15 disinterested person in this cause of action; that I
 16 am not a relative, or otherwise interested in the
 17 event of this action, and am not in the employ of
 18 the attorneys for either party.
 19 IN WITNESS WHEREOF, I have hereunto set my
 20 hand and affixed my notarial seal this 11th day of
 21 December, 2014.
 22
 23
 24

JUNE HAEME, CSR
 NOTARY PUBLIC

18 "OFFICIAL SEAL"
 19 June Haeme
 20 Notary Public, State of Illinois
 21 My Commission Expires:
 22 September 27, 2016
 23
 24

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