

STATE OF ILLINOIS
PIATT COUNTY ZONING BOARD

GOOSE CREEK WIND, LLC
APPLICATION FOR A SPECIAL USE PERMIT
PUBLIC HEARING
held at the
MONTICELLO COMMUNITY BUILDING
11/15/2022
6:01 P.M. - 8:47 P.M.

PIATT COUNTY ZONING OFFICER:
Keri Nusbaum

HEARING FACILITATOR:
Scott Kains, Esq.

PIATT COUNTY ZONING BOARD MEMBERS:
Loyd Wax - Chairman
Jim Harrington - Vice Chairman
Kyle Lovin
William Chambers
Paul Foran

PIATT COUNTY STATE'S ATTORNEY:
Sarah Perry

PIATT COUNTY BOARD MEMBERS:
Jerry Edwards

COUNSEL FOR THE PIATT COUNTY BOARD:
Andrew J. Keyt, Esq.

COUNSEL FOR THE APPLICANT:
Mark A. Gershon, Esq.
Adam C. Rayford, Esq.

APPLICANT - APEX CLEAN ENERGY:
Alan Moore, Senior Project Manager

COUNSEL FOR THE DELAND SPECIAL DRAINAGE DISTRICT
and MAHOMET VALLEY WATER AUTHORITY:
Amy Rupiper, Esq.

COUNSEL FOR THE OBJECTORS:
Phillip A. Luetkehans, Esq.

COURT REPORTER: Holly Wingstrom, CSR, RPR, CRR

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1 MR. KAINS: Call this meeting to order.

2 (PLEDGE OF ALLEGIANCE.)

3 MR. WAX: Thank you.

4 Hang on a moment. We'll have rollcall.

5 Please call the roll.

6 MS. NUSBAUM: Mr. Larson?

7 Mr. Harrington?

8 MR. HARRINGTON: Here.

9 MS. NUSBAUM: Mr. Lovin?

10 MR. LOVIN: Here.

11 MS. NUSBAUM: Mr. Wax?

12 MR. WAX: Here.

13 MS. NUSBAUM: Mr. Chambers?

14 MR. CHAMBERS: Here.

15 MS. NUSBAUM: Mr. Foran?

16 MR. FORAN: Here.

17 MR. KAINS: State's Attorney Perry?

18 MS. PERRY: Here.

19 MS. NUSBAUM: Do you want me to go ahead

20 and call the county board?

21 MR. WAX: Might as well.

22 MS. NUSBAUM: Mr. Spencer?

23 Mr. Carroll?

24 Mr. Edwards?

1 MR. EDWARDS: Here.

2 MS. NUSBAUM: Ms. Jones?

3 Mr. Henricks?

4 Mr. Shumard?

5 MR. WAX: Kari, would you do the
6 identification of the application and the project
7 review?

8 MS. NUSBAUM: Yes, I will.

9 The application by Goose Greek Wind, LLC,
10 a subsidiary of Apex Clean Energy, Inc., is for a
11 wind turbine project located in Blue Ridge, Goose
12 Creek and Sangamon Townships in Piatt County. The
13 siting would be approximately 60 turbine locations.
14 The project will produce energy necessary to power
15 approximately 99,000 homes annually.

16 The special use application fee of
17 \$150,000 was paid. Legal notice was published in
18 the Piatt County Journal, and all adjacent property
19 owners were notified by certified mail.

20 Are there any questions?

21 MR. WAX: Thank you. Thank you. At this
22 point in time I would like to welcome you to this
23 evening's meeting of the Piatt County Zoning Board
24 of Appeals. My name is Loyd Wax. I am the chair of

1 the Piatt County Zoning Board of Appeals.

2 Tonight is the first night of what likely
3 will be several evenings of a public hearing
4 regarding the application for a special use permit.

5 The applicant has paid application fees
6 required by county ordinance, and notice of this
7 public hearing has been published and mailed in
8 accordance with applicable law.

9 For the record, the public hearing -- this
10 public hearing is taking place at the Piatt County
11 -- Piatt -- at the Monticello Community Building,
12 and the purpose of this hearing is for the Piatt
13 County Zoning Board of Appeals to hear evidence,
14 make findings of fact and then make a recommendation
15 on the proposed project to the Piatt County Board
16 which will then have the final say on this proposed
17 project. This hearing is currently scheduled to
18 occur over 19 nights during the months of November,
19 December and January.

20 Now I would like to introduce the people
21 seated at the table on either side of me.

22 I would like to introduce first our Zoning
23 Administrator, Kari Nusbaum.

24 Then our zoning board members to my

1 immediate left over there is Paul Foran, who is an
2 alternate member of the zoning board.

3 Then there is Will Chambers.

4 Coming across, over to Jim Harrington is
5 here.

6 And then Kyle Lovin.

7 And we can't -- Dan is not -- Dan Larson
8 is not here this evening.

9 Now, seated on either side of me are
10 attorneys who will be assisting the Zoning Board of
11 Appeals during this public hearing.

12 Andy Keyt, to my right, will be assisting
13 the ZBA in answering legal questions the board may
14 have during the course of the hearing and will
15 assist the board in preparing its findings of fact
16 that will be transmitted to the county board.

17 Now, Scott Kains, on my left, will serve
18 as Public Hearing Facilitator. In that role, he
19 will assist in resolving evidentiary issues,
20 including the admission of evidence and ruling on
21 any of the objections to questions from the
22 attorneys for the parties.

23 Mr. Kains, would you now please provide
24 the rules and procedures that we will be following

1 during this public hearing?

2 MR. KAINS: Thank you, Mr. Wax.

3 First of all, the Piatt County Zoning
4 Board of Appeals public hearing will be held the
5 nights of November 15, 16, 17, November 21, 22 and
6 29, December 6, 7, 8, 14, 15, 21, 27 and 29 in 2022.
7 The Zoning Board of Appeals public hearings also
8 will be held the nights of January 3, 5, 10 and 12
9 of 2023 starting at 6:00 p.m. and going until
10 approximately 9:00 p.m.

11 All witnesses, including those of the
12 applicant and any other interested party, wishing to
13 address the ZBA shall be sworn. All witnesses shall
14 testify under oath.

15 About witnesses who can testify, there are
16 sign-in sheets near the entrance, and you must sign
17 in your name and address or you will not be allowed
18 to testify.

19 When we get to that point in this hearing,
20 I will go down the list and call witnesses as their
21 names appear on the list.

22 If a person signs in to testify and is not
23 present when his or her name is called, then that
24 person will miss the opportunity to present oral

1 testimony. We are not going back or skipping ahead
2 on the list.

3 In the event a person misses his or her
4 turn to testify, he or she will be allowed to submit
5 a written statement to the zoning administrator,
6 Ms. Nusbaum, and that written statement will be
7 considered as evidence in this hearing, photocopies
8 for each zoning board member and for the attorneys
9 on each side, and it will be considered as part of
10 the record of this hearing and submitted to each
11 county board member for consideration.

12 The applicant shall present testimony and
13 evidence. Each of the applicant's witnesses shall
14 remain present for questioning by the ZBA or other
15 interested parties until such time as the witness is
16 excused by me or the chairman.

17 Members of the ZBA shall have the
18 opportunity to question the applicant's witnesses
19 providing testimony. ZBA members may, at the
20 discretion of the chairman, ask questions at any
21 time during the hearing. Other interested parties
22 shall have the opportunity to question the
23 applicant's witnesses and evidence.

24 Interested parties wishing to address the

1 ZBA shall identify themselves by name and address on
2 the record at the hearing. Interested parties shall
3 be invited to address the ZBA in the following
4 order:

5 First, units of local government,
6 including school districts; second, interested
7 parties represented by licensed attorneys; third,
8 other interested parties; and fourth, Piatt County
9 staff and consultants.

10 Once the applicant concludes its case,
11 persons in favor of the application will testify.
12 Questioning of these witnesses shall occur in the
13 order specified above.

14 Once all in favor of the application have
15 testified, those opposed shall testify beginning
16 with witnesses called by counsel. Questioning of
17 these witnesses shall occur in the order specified
18 above.

19 Once all opposed to the application have
20 testified, then those who are neutral on the
21 application shall testify. Questioning these
22 witnesses shall occur in the order specified above.

23 Then there will be acceptance of written
24 comments by the ZBA. Then there will be

1 presentation of any Piatt County staff reports or
2 comments. That will be followed by closing
3 statement by the applicant. The applicant shall not
4 introduce new information in the closing statement.

5 Closing statements by interested parties
6 will come next in the same order listed in Section 7
7 I read just a moment ago. These statements are
8 limited to summarizing the evidence. This is not a
9 time for additional testimony.

10 Interested parties must have previously
11 testified to be eligible to make a closing
12 statement. Interested parties shall not introduce
13 new information in the closing statement. Then
14 there will be a rebuttal closing statement by the
15 applicant. Then the ZBA shall conclude the hearing.
16 The ZBA then will deliberate and vote on the
17 application.

18 The ZBA, in its discretion, may set a
19 future hearing date for deliberations and voting on
20 the application. The vote of the ZBA is not a final
21 decision but is a recommendation to the Piatt County
22 Board. The ZBA shall transmit its finding and
23 recommendation to the county board.

24 Now, some procedures governing the

1 hearing:

2 First, the Piatt County Zoning Board of
3 Appeals will receive evidence regarding the wind
4 farm application during this public hearing.
5 Evidence may be presented in two forms. First, oral
6 testimony may include documentary evidence presented
7 at the public hearing. If one is considered an
8 expert witness, there will be no time limitation on
9 his or her testimony. If you are not an expert
10 witness, you are considered a non-expert witness.
11 Residents of Piatt County will be afforded
12 45 minutes to address the zoning board. Then
13 non-expert witnesses who are non-Piatt County
14 residents will be afforded 15 minutes to address the
15 zoning board by way of testimony and public comment.
16 Then there will also be accepted written comments
17 submitted to the zoning administrator, either prior
18 to public hearing or during the course of this
19 public hearing.

20 Speakers may not grant time to other
21 speakers. Testimony is limited to one time per
22 person unless that witness is recalled by counsel or
23 at the request of members of the Zoning Board of
24 Appeals.

1 Please note, audience members must be
2 seated and quiet. Although, I see that there aren't
3 enough seats.

4 So, gentlemen in the back, you are okay
5 there, but we ask that there be no loitering or much
6 movement around during the public hearing.

7 And I am going to note this: Any person
8 who is unruly, disrupts or attempts to disrupt the
9 public hearing or otherwise engages in an
10 inappropriate behavior will be removed. Excessive
11 applause, cheering or other commotion shall be
12 considered disruptive.

13 Piatt County Zoning Board of Appeals
14 Public Hearing Guidelines for the Siting of Wind
15 Conversion Energy Systems:

16 1.) These rules are supplementary to the
17 provisions of the Piatt County code and ordinances
18 zoning chapter that in part regulates the siting of
19 wind energy conversion systems in Piatt County.
20 These provisions shall govern procedures of the
21 public hearings before the Piatt County Zoning Board
22 of Appeals concerning wind energy conversion
23 systems.

24 The chairman and the ZBA may modify these

1 procedures in their reasonable discretion.

2 A court reporter is present at every
3 hearing and will be present each night and also the
4 voting meeting in order to provide a complete
5 transcript of the proceedings. Transcripts will be
6 prepared by the court reporter and sent to the
7 Zoning Board of Appeals and also to the County
8 Board. Costs for all transcripts of hearings or
9 voting meetings before the ZBA shall be born by the
10 applicant, and the cost of the transcript shall be
11 paid directly to the court reporting service.

12 The hearing shall occur on a date and time
13 set forth in a published notice. All necessary
14 additional hearing dates shall be scheduled at the
15 discretion of the ZBA.

16 The chairperson or acting chair or hearing
17 facilitator shall preside at the public hearings of
18 the ZBA. The chair shall have the authority to
19 control the hearing proceedings and may set time
20 limits, schedule the appearance of witnesses and
21 require their appearances on dates set forth in the
22 scheduling order, restrict witnesses for failing to
23 appear on the date scheduled for that witness's
24 testimony, adopt reasonable limits upon the

1 questioning of witnesses by the applicant and
2 interested parties and take other action deemed
3 reasonably necessary by the chair in order to
4 conduct a hearing in an ordinarily, efficient and
5 professional manner.

6 The hearing before the ZBA shall not be
7 governed by and the ZBA shall not be bound by the
8 strict rules of evidence. The ZBA may exclude
9 irrelevant material and unduly repetitious testimony
10 and any other testimony or evidence that, in the
11 discretion of the chairman and the ZBA, is not
12 pertinent to the proceedings.

13 At the discretion of the chairman, ZBA
14 members shall be permitted to question witnesses at
15 any time during the hearing, and ZBA members may
16 request that additional information or evidence be
17 presented to them during the hearing.

18 And, finally, public hearings may be held
19 by less than a quorum of the ZBA.

20 Just one note: If you are addressing the
21 Zoning Board of Appeals and initially members of the
22 ZBA, when you speak, if you could start by stating
23 your name and spelling your name for the court
24 reporter. Holly over here is taking down every

1 single word to be put into a transcript, and it's
2 very important that we don't have people talking out
3 of turn without identifying themselves.

4 Also, if you are going to say something,
5 you'll have to request the floor from me and then
6 you will come up to the podium, with the exception
7 of counsel that already have microphones at their
8 tables and witnesses who have the microphone at the
9 table.

10 When you do question witnesses, I just
11 want to be clear that you need to just simply ask
12 questions and allow for the answer to be given
13 before you start in on another question because
14 Holly cannot possibly take down two people talking
15 at the same time, and I caution not only members of
16 the audience but I caution folks up here at the head
17 table and the attorneys as well.

18 With that said, I will introduce the
19 attorneys:

20 Mr. Gershon and Mr. Rayford are here on
21 behalf of the applicant.

22 And Mr. Luetkehans is here on behalf of a
23 group of folks in opposition.

24 There will be one other attorney present

1 on other evenings, Ms. Sara Fox is here or she will
2 be here to represent a group of citizens in favor of
3 the applicant.

4 Now, Mr. Gershon, it is your application.
5 Are you ready to proceed?

6 MR. GERSHON: We are. Can you hear me on
7 this mic?

8 MR. KAINS: Yes, sir.

9 MR. GERSHON: One quick question before
10 you start: You mentioned in your reading of the
11 rules that we will be meeting at each of these
12 dates. Am I correct to assume that we'll actually
13 decide at the end of each meeting whether you are
14 continuing to each of these days? Just so that no
15 one assumes that every meeting will occur.

16 MR. KAINS: Those are the dates scheduled,
17 yes. If there is not going to be a session of the
18 public hearing on a given night, the board will vote
19 on that. If we are going to strike any dates from
20 the hearing schedule, obviously, if we get done
21 before all 19 nights are done, we are not coming
22 back and sitting here for no reason. We'll have a
23 motion from the board and a vote from the board to
24 strike those dates. Thank you.

1 Yes, Mr. Gershon?

2 OPENING STATEMENT ON BEHALF OF APPLICANT

3 MR. GERSHON: Again, our thanks to the
4 members of the zoning board who are here, to Hearing
5 Officer Kains, to Andy Keyt who is here representing
6 the county, as well as, honestly, to everyone who is
7 here in the community participating with us.

8 As you will hear, this applicant has been
9 actively involved in this community for many years,
10 and we appreciate both those who are here in support
11 and those who are here to find out more about the
12 project, so we appreciate they are here.

13 As you mentioned, our firm represents
14 Goose Creek Wind, LLC, which is an indirect
15 subsidiary of Apex Clean Energy Holding, LLC, and we
16 are going to present a fairly full hearing here.

17 We are going to talk about a number of
18 exhibits, the first of which was previously
19 submitted by -- I'll just identify them for the
20 record, which is our hearing binder. Mr. Keyt is in
21 charge of exhibits so he already has that as our
22 Group Exhibit 1.

23 (APPLICANT'S GROUP EXHIBIT 1 - BINDER.)

24 For those who want to follow along, on the

1 ZBA or who may have gotten a copy from the county,
2 we'll work through that, the items in there under
3 the table of contents that is inside that document.
4 We'll make sure you can follow down the list.

5 But at this point, without further ado, I
6 would like to introduce Alan Moore who is going to
7 give you a good sense of the project where we are
8 and how we came here.

9 Alan, would you state your name for the
10 record?

11 MR. MOORE: My name is Alan Moore, A-l-a-n
12 M-o-o-r-e.

13 MR. KAINS: Mr. Moore, could you please
14 raise your right hand to be sworn by the court
15 reporter, Holly?

16 **ALAN MOORE,**
17 a witness herein, called by the Applicant, after having
18 been first duly sworn, was examined and testified as
19 follows:

20 MR. MOORE: Well, thank you everybody.

21 Thanks first to the zoning board for being
22 here. You know, I have been through many meetings
23 with you over the years. This is probably the
24 biggest one we've had thus far, so I appreciate the

1 time that everyone has put into this.

2 Thanks to Kari for her diligence and work
3 as well representing the interest of Piatt County.

4 Thanks to State's Attorney Perry for being
5 here.

6 And, obviously, as well to Mr. Kains and
7 Mr. Keyt. We appreciate your time.

8 Being here today, represents four years of
9 development work by our team and company on Goose
10 Creek Wind and almost two years of work that Piatt
11 County put in to develop and amend the WECS
12 Ordinance to ensure that any wind development in the
13 county is safe and effective.

14 We are proud to have submitted our special
15 permit use application to the county. As you can
16 see, and those in the back who haven't seen it, it's
17 a big document. There is a lot of pages in it. We
18 are excited to have it in, and we know that it meets
19 all of the requirements of the WECS Ordinance of
20 Piatt County, and we appreciate the board's
21 consideration along with the expert consultants to
22 review the special use permit for the board to
23 ensure that it is complete as well.

24 We look forward to demonstrating that our

1 project meets the WECS Ordinance guidelines through
2 these hearings. And, you know, though it may take
3 19, we are excited to be here to talk about it and
4 go through it not only myself this evening but
5 numerous subject matter experts over sequential
6 nights.

7 This project, as you look around the room,
8 has significant support from the community and the
9 broader community.

10 We have over 35,000 acres of farmland that
11 is participating in the project. And, yet, as you
12 go through our project, you will see that in total,
13 once in operation, our project will take roughly 25
14 acres of cropland out of production, so that
15 represents less than one-tenth of one percent of the
16 participating acres.

17 So, again, thank you for being here
18 tonight. This is a very exciting time for the
19 project, for Apex, and for Piatt County.

20 So I wanted to do a quick introduction of
21 the Apex team members here this evening.

22 Most of you all know myself, and I just
23 introduced myself, but I would also like to take a
24 second to represent:

1 Ken Dougherty; he is a director of project
2 development for Apex.

3 Karlis Povisils, who is VP of development,
4 who is here this evening.

5 Emily, who many of you all in the room
6 know as well, is a developer on our team.

7 Josh Hartke and Ray Hoover, on our public
8 engagement team are here this evening, and Jason
9 Connelly as well.

10 There will be a number of additional Apex
11 representatives and subject matter experts here in
12 upcoming evenings to speak about their areas of
13 expertise for the project.

14 Next one.

15 In addition, there's many external subject
16 matter experts that will be here to represent their
17 work on our project. These include Mark, who you've
18 already met, and Adam Rayford from Polsinelli.

19 Travis Brown, who is a senior ecologist.
20 He completed our wildlife studies for the project.

21 Jacob Runner, he works with EDR, who
22 completed our shadow flicker analysis.

23 Eddie Duncan, who is a senior director
24 with RSG, who completed our acoustical analysis.

1 Dr. Jeffrey Ellenbogen, who is a medical
2 doctor and the director of the Sound Sleep Project
3 who is a consultant on the health impacts related to
4 wind turbines.

5 Mike Marous, who completed our property
6 value studies.

7 As well as Dr. David Loomis, who completed
8 our economic impact study.

9 Next slide.

10 So, a little bit about myself: Again, I
11 have been in the county for a long time, and I am
12 really proud to say that. I've worked on this
13 project from the beginning. I've gotten to know
14 many of the folks in the room. I've gotten to know,
15 from being in meetings, many of you all sitting in
16 front of us this evening.

17 I was born and raised in Virginia. I
18 studied biology and environmental science at the
19 University of Virginia. I got my graduate degree
20 from the College of Charleston in environmental
21 studies.

22 When I left school, I had a passion for
23 agriculture. I worked for over 15 years in a
24 variety of different agricultural businesses that I

1 started, run, sold, managed and transitioned. I ran
2 a produce company, marketing produce, fruit, grains,
3 meat, dairy from farms across the mid-Atlantic and
4 southeast running trucks up and down the east coast.

5 I ran, with family, a corn and soybean
6 sales business working with dairies, small- to
7 medium-size dairies in the mid-Atlantic, Midwest and
8 the southeast.

9 Throughout all of these, I worked heavily
10 on business development for these farms, helping
11 train them on things like food safety, how to market
12 their crops, how to think about transitioning the
13 farm to future generations and how to capture
14 premium markets, and I've always had a focus on
15 sustainability, so not only in farming activity but
16 also how to maintain an agricultural lifestyle and
17 how to keep agricultural communities intact.

18 I transitioned to Apex a little bit over
19 four years ago. It will be five years coming up.
20 Over that time I've led development on a number of
21 projects across our portfolio and started Goose
22 Creek Wind in late 2016/early 2019.

23 I've been working in the Piatt County
24 community for over four years now, and while to many

1 of you all who are generational farmers, that may
2 not seem like a tremendous amount of time, I have
3 gotten to know the community and I have gotten to
4 know landowners in the community, and I am excited
5 where we are tonight. I am excited to move the
6 project forward.

7 Next slide. Skip two more. One more.

8 So Apex Clean Energy, as Mark said at the
9 top, Goose Creek Wind is a wholly-owned indirect
10 subsidiary of Apex Clean Energy.

11 Apex is headquartered in Charlottesville,
12 Virginia. We were founded in 2009.

13 I called out a number of folks in the room
14 this evening. I know that is kind of small to see,
15 but I think what is important and an important
16 takeaway is that we represent over 400 employees
17 nationwide that do work like Kent and Emily and
18 myself and Karlis, but our subject matter experts in
19 everything that it takes to design, plan, permit,
20 construct and operate a wind farm. We work
21 nationwide, and we have projects across the country
22 as well as many projects in the state.

23 Next slide, please.

24 So as I touched on, Apex has an in-house

1 team of subject matter experts, and we use
2 proprietary tools to optimize the projects that we
3 develop. We not only do the work that I do, which
4 is the front-end work of developing a project and
5 bringing it to the point of where we are now, but we
6 have everything inhouse to design and construct,
7 build and operate the projects that we are moving
8 forward.

9 Next slide, please.

10 So it's big numbers that we talk about
11 what we've done across the country, but I think it's
12 also really important to talk about the experience
13 that Apex has in Illinois.

14 Illinois is a very important state for our
15 portfolio. I have taken many people -- or maybe not
16 many but a lot of people to tour the Hoopeston wind
17 farm which is a project that we developed, built and
18 operate in Vermilion County.

19 We built a number of other wind farms in
20 the state, and we have a lot of projects that are in
21 development.

22 This represents nearly 3 billion dollars
23 in projected investment in the state with over
24 19 million dollars in annual payments to landowners

1 and over 600 million dollars in local tax revenue
2 paid over 30 years to the communities where we are
3 working.

4 We are excited to be a partner in the
5 state of Illinois, and we are really excited about
6 the project that we are.

7 Next slide.

8 So Goose Creek Wind, Goose Creek is a
9 300-megawatt, utility-scale wind project. As it was
10 said at the top, it is located in the northern third
11 of Piatt County. We plan for it to span Blue Ridge
12 Townships, Sangamon Township and Goose Creek
13 Townships. It's bordered on the north by McLean
14 County, on the east by Champaign County, and on the
15 west by DeWitt County.

16 Our estimated commercial operations date
17 is Q4 of 2023.

18 As I said, we have approximately 34,200
19 acres that have signed leases with Goose Creek Wind.
20 We plan to permit, as you've seen in our
21 application, 60 turbine locations; however, we will
22 build only 50 of those.

23 Next slide.

24 So what is project development? This is

1 one of the longest runways of any portion of
2 developing a wind project. As I said, we started
3 developing this project in 2019.

4 We get the question often: Why Piatt
5 County? And there's really three big reasons why:

6 First is the resource. Is there wind in
7 Piatt County? And I think probably everybody in
8 this room can say that, indeed, there is wind in
9 Piatt County.

10 Is there a receptive community? I think
11 the room speaks for itself. I also think the fact
12 that we have 34,000 acres signed to agreements
13 speaks that there are people who are interested in
14 participating in the project and are excited to see
15 it move forward.

16 We also feel very strongly that wind is
17 compatible with agriculture. Of that 34,000 acres,
18 we only take 25 acres out of production. We think
19 that is minimal impact, and the rest will be farmed.

20 Developing a project --

21 Or last, I guess I should say, is also
22 transmission capacity. It doesn't matter how much
23 energy we produce if we can't get it onto the
24 electric grid. Our point of interconnect is the

1 Goose Creek Energy Center, which is the Goose Creek
2 Plant that is just to the east of DeLand. There is
3 a substation there, an existing substation there.
4 We plan to interconnect into that substation, and
5 there is capacity there for the electricity that we
6 are generating.

7 So, you know, developing a project is
8 about building relationships with landowners in the
9 community. I want to make clear that everyone in
10 front of us and behind us understands that a company
11 like Apex, we do have no eminent domain authority.
12 We cannot cross onto somebody's ground. We cannot
13 build a turbine on their ground or work with them
14 without them deciding to participate in a project
15 with us.

16 To do this, we have met with landowners
17 and many folks, and some in the room, some of them
18 we talked to regularly. We've been negotiating
19 leases and other easements with them for years. We
20 meet with them. We talk with their attorneys. We
21 address their concerns. We build trust. We build a
22 relationship.

23 We've hosted landowner dinners and regular
24 lunches for those who are interested in the project

1 and those who just want to learn more, and we've
2 opened an office here in Monticello just around the
3 corner from where we sit tonight.

4 Working with landowners is one part of it,
5 but there is a tremendous amount of additional work
6 that you will hear about over the upcoming nights.
7 This includes resource studies like I mentioned.

8 Is there wind? You all have seen met
9 towers that we put up around the county. Those
10 measure the wind and the wind speed and help us
11 design a safe and effective project.

12 We do wildlife studies and work in
13 consultation with the state agencies and federal
14 agencies around habitat in different species,
15 whether that's avian use or raptor surveys to
16 understand where the habitat might be and how we
17 can avoid any type of impacts.

18 We host consultations with state and
19 federal agencies. We work closely with those
20 agencies, whether that is a state agency or a
21 federal agency like the FAA, as it relates to the
22 location of the facilities that we plan to install.

23 And last, we have executed an AIMA with
24 the State of Illinois, which is an agricultural

1 impact mitigation agreement, which is included in
2 our binder which you all hopefully have seen.

3 Next slide.

4 So Apex, and I know our team in
5 particular, takes a very engaged role in building
6 relationships with the community. We feel that
7 developing those relationships both with not only
8 landowners but also other stakeholders in the
9 community is very important. We are here for a long
10 time, and we plan to be a very strong partner for
11 the community.

12 We very early on started a community grant
13 program for our project, and to date we've donated
14 over \$140,000 of funding to programs across the
15 county. Just to highlight a few: Piatt County
16 Mental Health Center, Willow Tree Missions, Eastern
17 Illinois Food Bank, Piatttran, Monticello and Blue
18 Ridge School Districts, the Northern Piatt Fire
19 Protection District, and the Monticello Shop with a
20 Cop Holiday.

21 We are active in the community. We've
22 sponsored the Mansfield Homecoming Festival, the
23 Farmer City Heritage Festival, Monticello Main
24 Street and Music, and the Piatt County Fair.

1 We have been long-time members of the
2 Monticello Chamber of Commerce, the Monticello
3 Rotary Club, the Farmer City Chamber of Commerce,
4 and we've hosted volunteer days for staff of
5 nonprofit in the community.

6 We host monthly meetings for project
7 participants, and the goal of that is to build trust
8 and transparency with our community members, answer
9 questions and give updates on schedule.

10 Next slide, please.

11 We also know there is a lot of questions
12 that people have about wind. There is a lot of
13 information and misinformation that is out there,
14 and we hope to speak to people and answer questions
15 about our company, about our project and about our
16 industry.

17 So we've met with Blue Ridge School
18 District, DeLand-Weldon School District, the
19 Villages of DeLand, and Mansfield, the Farm Bureau
20 Board in Piatt County, the Chambers of Commerce in
21 Farmer City and Monticello, and the Heartland
22 Pathways Board.

23 We've met with fire protection districts
24 across the area, discussed our emergency action plan

1 and gotten feedback from them and talked about
2 trainings that we will do long term and how we can
3 be a good partner.

4 We've hosted open houses and community
5 education forums and wind farm tours since we
6 started the project, and we felt that it was
7 important to share our development plans, our
8 progress and information about wind to the
9 stakeholders in the community.

10 We also -- and many people in the room
11 attended -- held open houses that we hosted on
12 September 8. We had one in Mansfield and one here
13 in Monticello.

14 And we also worked with the Village of
15 DeLand on a siting agreement as it relates to the
16 facilities that we plan to install.

17 And last, have submitted a resolution of
18 support from the Blue Ridge School District.

19 MR. GERSHON: Just to clarify: Mr. Keyt,
20 as I mentioned, has our Group Exhibit 1, which is
21 the application binder. I also provided a copy of
22 our Exhibit 2, which is the Blue Ridge School
23 District Resolution adopted on March 16, 2022.

24 (APPLICANT'S EXHIBIT 2 - BRSD RESOLUTION.)

1 MR. MOORE: Okay. Thank you.

2 Next slide.

3 So, you know, the big question everyone
4 asks: What is our project? I felt that this is a
5 strong map that shows -- and it's up in various
6 places of the room -- it shows our layout which
7 shows our participating project acres and it shows
8 anticipated facilities.

9 As I mentioned, we have 151 landowner
10 agreements. Those span 34,218 acres all in Piatt
11 County and 434 parcels.

12 We are requesting a special use for 92 --
13 on 92 of those agreements. That represents 26,745
14 acres and 304 parcels.

15 As I said multiple times, we are going to
16 build 50 turbines, and the access roads for that
17 equates to roughly 15 acres. The associated
18 facilities substation O&M building, that is roughly
19 8 to 10 acres, so that equates to less than 1/10th
20 of 1 percent of the special use project for parcels
21 that we are requesting a special use for.

22 I think it's interesting. We are
23 supportive of other renewables. Piatt County
24 recently approved two solar projects equating to

1 roughly 13 megawatts of production. Those projects
2 will take somewhere in the neighborhood of 80 acres
3 out of production. So our project will be about a
4 third or a little bit more than that of that, so a
5 little bit -- about a third of the acres out of
6 production and will bring over 20 times the tax
7 revenue to the county.

8 All of our projects or facilities will be
9 located in agricultural districts, and as I said at
10 the top, wind farms and farming are compatible.

11 Next slide, please.

12 So this starts to refine the project area
13 for you all to better understand why does it take
14 34,000 acres to build a wind farm.

15 So not only are important stakeholders in
16 the project the landowners but we work with many
17 other stakeholders across the community, including
18 landowners, municipalities and villages, the school
19 districts, Piatt County representatives like
20 yourselves. That's all for local conversations and
21 local permitting.

22 We also have to work more broadly both
23 with federal and state agencies that include the FAA
24 and the military or NORAD, IDNR, NTIA, which

1 oversees weather coverage in the area.

2 So how do we get from 60 turbines to
3 deciding which 50 are we going to build? So that
4 comes from the civil engineering and electrical
5 work, design work, that we have to do, so that comes
6 in geotechnical studies that we do where we look at
7 the soil structure and understand what is the soil
8 structure at where we want to install a turbine.
9 That comes from engineering that our experts do.

10 Again, I am very glad we have 400 people
11 sitting behind me at Apex who are much smarter than
12 me and able to design these projects and do things
13 that I could barely scratch the surface of.

14 And efficiency, how do we build an
15 efficient project that generates the most
16 electricity?

17 Next slide, please.

18 So as we start to site these facilities,
19 we worked with the WECS Ordinance that was designed
20 over an 18-month or 19-month process in Piatt County
21 to look at what and where can we site facilities and
22 how does that impact our build.

23 As you can see from that table, and as you
24 can see from there -- I won't run through every one

1 of these, but our facilities meet and exceed every
2 setback as set by the Piatt County WECS Ordinance.

3 That is a big map, and I think it's
4 impactful because you can see the white, which is
5 area that is buildable -- right? -- and the gray
6 area is area that is not buildable. There is a
7 variety of setbacks, which that is the Village of
8 Mansfield or a road or a pipeline or a participating
9 or nonparticipating parcel.

10 Ken, if you can, click on the, map and hit
11 that one more time.

12 This gives you a zoomed-in view of one big
13 parcel, and it can show where turbines can go on
14 that parcel and the different setbacks that we work
15 with.

16 Next slide, please.

17 So, again, that is a big picture. I feel
18 like this graphic really kind of refines the design
19 and what it takes and why we need so many agreements
20 and work with so many landowners.

21 This is a real-world example. This is
22 turbine 70 or T70 I should say, and it started on a
23 162-acre parcel.

24 As you start at the top left of those and

1 move to the right on the top, you see 162. If you
2 take the setback from the roads surrounding that
3 parcel, that is 1.1 times tip height from the road
4 right of way, so that carves out that area.

5 The next one to the right, you can see it
6 goes from dark gray to lighter gray, green being
7 what is buildable. We have a nonparticipating
8 primary structure setback of 1600 feet, and the
9 ordinance is the greater of 1.3 times tip height or
10 1600 feet. That circle carves out the front of that
11 area.

12 Next to that you have the adjacent
13 property line setback. That is 1000 feet from
14 adjacent parcels, so we have built that setback in,
15 and it further carves it down.

16 Now jumping to the bottom layer or level,
17 I guess I should say, you see there is a
18 telecommunications setback that we have there. That
19 carves out some area.

20 Next are oil and gas pipelines. Those are
21 1.1 times tip height. That carved out more. What
22 that leaves is the actual buildable area we can site
23 a turbine.

24 So if you take 162 acres, what we have

1 that is buildable is 2.2 acres. So the rest of the
2 159.8 acres are not buildable for siting facilities.

3 Next slide.

4 I referenced this. We also have to as
5 part of the WECS Ordinance and as part of any
6 design, we do a telecommunication study looking at
7 the potential for interference. So we look at four
8 main things: Microwave beam paths, land mobile and
9 public safety and other communications towers, TV
10 broadcast and FM radio and cellular phone reception
11 and fixed broadband.

12 And, you know, I think an important
13 conclusion from that study, and the study is
14 included in our application, is that no turbines are
15 cited within microwave beam paths. No turbines are
16 cited in the recommended safe setbacks from the FCC
17 licensed land mobile and public safety stations.
18 The recommended setback from a communications tower
19 is 450 meters. Our closest turbine is roughly three
20 times this. There should be no impact to FM radio
21 and no interference or cell reception with cell
22 reception or fixed broadband.

23 With all that being said, we take any
24 complaint that would come in very seriously. We

1 would investigate the nature of any complaint and
2 work to find a solution to it, and we are required
3 by the WECS agreement to resolve those as quickly as
4 we can.

5 MR. GERSHON: For the benefit of the ZBA,
6 would you please explain the telecommunication study
7 is in the SUP application as appendix F2?

8 So, again, if you would, walk them through
9 how you use the table of contents so when they need
10 to look for that. The only reason I am doing that
11 is that we are going to talk about these documents
12 throughout this presentation, but I want you to
13 understand when we reference it, where that comes
14 from.

15 MR. MOORE: So I don't know if you all
16 have it in front of you. You may have copies at
17 home. We shared plenty of electronic copies, but as
18 you look at the table of contents you will see the
19 list of tables, the list of appendices, and the
20 appendices that Mark referenced as appendix F and
21 the number 2. So if you go and follow this back
22 through, you will find appendix F2 and turn to it,
23 and you will see our telecommunications study that
24 was conducted by Evans Engineering.

1 Next slide, please.

2 Turbines. So as I referenced, you know,
3 we are building a 300-megawatt project. The turbine
4 that we are going to be installing is a Vestas V62.
5 It is a 6-megawatt turbine.

6 So if the question is how did we get to 50
7 turbines that build our capacity that we can install
8 to is 300 megawatts, each turbine is 6 megawatts,
9 and you divide 300 by 6 and that gives you 50. We
10 have the additional 10 as spare locations.

11 We have a turbine supply agreement in
12 place with Vestas for those turbines. The turbines
13 will meet all the criteria of every safety and
14 design standard, nonreflective, off-white color.
15 They will be -- all the turbines are the same model,
16 so they will have the same dimensions, color and
17 rotation. They will be built to industry-safety
18 standards and have controls and brakes, hydraulic
19 controls to feather and stop the turbines,
20 mechanical park brake to effectively stop it in case
21 of emergency.

22 We will have onsite coverage to do
23 maintenance and observe the turbines regularly, and
24 I know a colleague is going to speak to that.

1 Additionally, we have 24 hours a day, 7
2 days a week, 365 days a year coverage of every
3 turbine in the project area from a remote operation
4 center in Charlottesville, so there will be constant
5 eyes on the generation of electricity from the
6 project.

7 Lighting, and this is an important one, we
8 will install not only lights -- right? -- that are
9 FAA approved but we will install FAA approved ADLS
10 system. So the ADLS is the lighting system. The
11 FAA requires that that turn on the light that the
12 turbines -- when an aircraft reaches a distance of 3
13 nautical miles from the project area. I believe
14 that ours has generally got a little bit of buffer
15 room in there, so slightly more than 3 nautical
16 miles. And then, when the airplane leaves the
17 project area, the lights stay on for an additional 5
18 minutes before they shut off once the system is up
19 and running.

20 I think it's also important to flag that
21 this is not an airplane flying at altitude, so it's
22 not an airplane that is flying at 25 or 35,000 feet
23 across the country or state or region. It is an
24 airplane that is much lower than that, roughly

1 around 5,000 feet in altitude.

2 So, again, I fly a lot. I don't know how
3 much everyone in the room flies. There is not a lot
4 of options to get in and out of Champaign or
5 Bloomington airports at night, so there is not going
6 to be a ton of planes that are flying through the
7 area.

8 So we looked at some numbers, and roughly
9 what this equates to is a reduction in the amount of
10 time that the lights are on from the towers. On an
11 average project, where there is not a lot of
12 aircraft flying, the light will be on roughly 3 to
13 6 percent of the time, so that means 94 to
14 97 percent of time the lights will be off. It could
15 be slightly more than that depending upon air
16 traffic. I don't have that exact number, but it
17 does provide a dramatic reduction in the amount of
18 time the lights will be on.

19 Obviously, for building permits, we will
20 provide a certificate of design compliance as well
21 as structural engineering certification of the
22 foundations and the towers that they meet all soil
23 and climate conditions.

24 Next slide.

1 I thought this was a pretty impactful
2 picture. It shows -- this is the turbines. If
3 anyone doesn't know, the turbines are connected
4 underground by electrical cabling. We agree in the
5 ordinance or in our agreements and it's also in our
6 AIMA to bury this at least 60 inches below ground.
7 As you can see, we trench these in. They are put in
8 and buried, and they are pretty easy as you can see.
9 It is not a wide cut in the soil. They will conform
10 to all applicable electrical codes and standards.

11 Next slide, please.

12 Drainage: Drainage and drainage repair.
13 We know this is a critical component and of critical
14 importance to every landowner in the project, every
15 farmer in Illinois. We take it very seriously. We
16 provide protections in our lease to repair any field
17 tile that we break for the life of the project.
18 There is also, obviously, protections within AIMA
19 that requires that. Our agreements actually extend
20 and are more restrictive than what AIMA requires,
21 and we think it's important to fix it if we break
22 it.

23 Piatt County also passed the drainage --
24 its ordinance amendment in July of 2022 looking at

1 the impact to drainage districts across the project
2 area. We initiated coordination with the drainage
3 districts across the project area in May of 2022.

4 Per the county ordinance, we sent the
5 special use application to all of the overlapping
6 drainage districts, commissioners and their
7 attorneys, within five days of submitting the
8 special use permit application. We have been in
9 contact with all of the drainage districts across
10 the project area. We are working to get maps from
11 them all and working to reach an agreement on any
12 impacts that we would have to any of their
13 improvements or rights of way that we may come
14 across in the design of our project.

15 I've also mentioned this many times
16 publicly, but we've engaged local drainage experts
17 KCOE. They are folks who have a lot of experience
18 in drainage. They have a lot of experience locally
19 and regionally around the impact of improvements of
20 wind farms or other infrastructure that may be
21 installed on drainage and are working to help us
22 understand not only facilities that we know that are
23 there but facilities that may not be known are there
24 and to mitigate for any impact that we may have.

1 Prior to building permits we have to have
2 agreements in place with these drainage districts.
3 That is a requirement to get a building permit per
4 the WECS Ordinance or to demonstrate the attempts to
5 do so.

6 We will also conduct and submit a
7 pre-construction baseline survey of the district
8 facility crossings where we will cross known
9 district facilities.

10 Next slide, please.

11 So decommissioning is another, obviously,
12 important part of the project and question that we
13 get. In our application, you can see the
14 decommissioning plan that we have drafted and we
15 submitted along with our special use permit. What
16 this does is it looks at what does it take to remove
17 the facilities down to four feet below surface --
18 that is the recommendation of AIMA. That's the
19 recommendation of the state -- and then to restore
20 the surfaces of the surface soil and vegetation. So
21 the plan has been submitted, is drafted and will be
22 finalized with the finalization of all of the
23 turbine locations. We are also required to put a
24 financial assurance in place to cover the cost of

1 doing the work.

2 We also will then audit our plan every
3 five years to account for the changes in cost to do
4 the work, to remove the facilities per the WECS
5 Ordinance, to remove the facilities per our AIMA
6 agreement and to pay to have all the work done and
7 pay for any sub that is coming in to do the work.

8 We have submitted a draft surety bond as
9 well that we had drafted by Philadelphia Indemnity
10 Insurance Company, and that is included. It's a
11 straightforward document that you can see it
12 protects the county by having the funds there
13 external to the county and external to Apex to do
14 the work, and that is Appendix D2 of the Special
15 Permit Application.

16 So, again, what we found -- and not what
17 we found -- what a third-party licensed -- Illinois
18 licensed engineer found was that it is a rough cost
19 of \$42,926 per turbine to remove the fatalities.
20 That plan is to be again audited and updated every
21 five years to the county, and then the bond is
22 updated to account for any changes in cost.

23 Next slide, please.

24 So, again, I know this is a lot. I am

1 going to take a quick sip of water because I've been
2 talking for a while.

3 But what we have been talking about thus
4 far is all the permits that it takes and all the
5 work that we've done to permit a project locally.

6 There is a lot of work that we also have
7 to do, as I've highlighted, to permit a project at
8 the federal and state level. So this gives you a
9 rundown of all the different agreements that we have
10 to get to or permits that we have to get.

11 These include determinations of no hazard
12 from the FAA. So, the FAA will look at our turbines
13 that we install, their locations, and give us a
14 determination that there is no impact from those
15 turbine locations.

16 We filed, or re-filed I should say, on
17 July 29 of 2022, with the FAA. We anticipate
18 getting DNHs, determinations of no hazard, on that
19 filing within the next couple of weeks.

20 I think it's important to note that we did
21 file a previous layout and had many conversations
22 around the community about this, a previous layout
23 with more turbines at a height of 742 feet, so more
24 turbines at a higher height in the same area, and we

1 received determination of no hazard for that layout.
2 So we anticipate having no issue from the FAA with
3 our layout that we are permitting today and over the
4 upcoming weeks.

5 Part of the FAA process is FCC approval.
6 We have a notification that confirms no impact to
7 federal telecommunications, so NTIA, and that also
8 looks at weather impacts, our impacts to weather
9 monitoring I should say.

10 We have mitigation agreements in place
11 with the Department of Defense, DoD, Air Force, and
12 the Pentagon looks at radar coverage across the
13 country and the impact of turbines on that radar
14 coverage, and we have an agreement in place with
15 them that we will not impact their coverage or if
16 they have secondary coverage in place.

17 As I highlighted, we have our AIMA in
18 place with the Department of Agriculture, and our
19 turbines meet the Illinois Pollution Control Board
20 standards.

21 Next slide, please.

22 This is mostly a construction permit that
23 we have to have in order to actually build the
24 project. So those include the Illinois EPA for

1 construction stormwater and air emissions, USEPA,
2 Illinois Department of Natural Resources, Department
3 of Transportation for transporting stuff in as we
4 start to build the project.

5 What we have been talking about thus far
6 is our special use permit from Piatt County. In
7 order to get construction permits, we will also have
8 to have a final road use agreement in place with
9 Piatt County as well as the drainage agreements that
10 I've highlighted earlier, and that is not only with
11 Piatt County for the road use agreement but also the
12 townships where we have improvements on their roads
13 or will be using their roads, so that is Goose
14 Creek, Blue Ridge and Sangamon Townships. And last
15 is the DeWitt-Piatt County Health Department.

16 Next slide.

17 So that was a lot. I want to get back to
18 the community benefits. As I've said all along and
19 as I said since I started day one on this project,
20 this is a long-term commitment that we are making to
21 landowners in the project area to the county. We
22 take that relationship very seriously, and we look
23 for public participation and communication about the
24 project.

1 You know, we've got 34,000 acres under
2 lease with landowners. That represents in direct
3 payments to landowners roughly \$210 million in
4 direct payments over the life of the project.

5 During construction -- and you can see the
6 support that we have in the room here tonight -- we
7 have -- that will represent roughly 585 direct and
8 indirect jobs in Piatt County. That is tens of
9 millions of dollars in Piatt County and the State of
10 Illinois.

11 During operations, we anticipate roughly
12 eight long-term onsite jobs and 23 long-term
13 indirect jobs in Piatt County, again, looking at
14 millions of dollars in annual payments to creating
15 good jobs in Piatt County.

16 As far as taxes that are paid, that the
17 project will pay to Piatt County across all taxing
18 districts, that will be almost \$91 million in taxes
19 that will be paid in taxes to Piatt County.

20 Just in permit fees, including your
21 application permit and building permit, that is
22 \$495,000 in payments to Piatt County.

23 Next slide.

24 To sum it up, I thought these were

1 important points:

2 Goose Creek Wind represents a \$500 million
3 capital investment in Piatt County. That is roughly
4 \$370 million in direct economic benefits from the
5 project.

6 There is significant landowner support in
7 Piatt County. There's 434 acres of -- 434 parcels
8 covering 34,218 acres are under agreement.

9 And, again, as I'll say, less than 1/10th
10 of a percent of the special use permit area will be
11 impacted post-construction.

12 Our project meets all the WECS Ordinance
13 setbacks and complies with all the other WECS
14 Ordinance requirements.

15 I want to thank everybody here today for
16 listening to this. I also want to make sure that we
17 are clear that the conversations tonight and in
18 upcoming evenings and weeks are about whether our
19 project meets the Piatt County WECS Ordinance
20 requirements.

21 Piatt County, as I said, spent 18 months,
22 most of you in front of us tonight talking about us,
23 the county board who are here tonight, and who are
24 not here this evening voted on a WECS ordinance that

1 says that wind is a suitable use in Piatt County as
2 long as it meets the WECS Ordinance. So I would
3 like to make sure that we focus on that and that our
4 project meets the criteria, and we hope that we
5 showed that it has.

6 MR. KAINS: Thank you, Mr. Moore.

7 Mr. Gershon, do you have any additional
8 questions of Mr. Moore?

9 MR. GERSHON: Just briefly.

10 EXAMINATION

11 BY MR. GERSHON:

12 Q. As the hearing officer indicated, we are
13 not following the strict rules of evidence, but just
14 so they understand the breadth of what you have done
15 with this project, Appendices A through G include
16 multiple documents and agreements, some of which are
17 done directly by Apex, some of which were done by
18 experts, many which will be part of our
19 presentation.

20 But do you, first, have personal knowledge
21 of all of those appendices and documents? Do you?

22 A. Do I? Yes. Sorry.

23 Q. If you have personal knowledge.

24 A. Yes.

1 Q. And do you have professional experience
2 with documents similar to these as part of your
3 work?

4 **A. I do.**

5 Q. Were all of these documents either
6 prepared by you or under your supervision and
7 detection by other parties?

8 **A. Correct. Yes.**

9 Q. And to your knowledge, are the contents of
10 all these exhibits true and accurate?

11 **A. Yes.**

12 MR. GERSHON: That will be the end of
13 those questions. Again, I know the hearing officer
14 is ready to ask if we are available to respond to
15 questions.

16 MR. KAINS: Thank you, Mr. Gershon.

17 All right. Questions for Mr. Moore
18 regarding his testimony from members of the Zoning
19 Board of Appeals?

20 Are there any questions from members of
21 units of local government, including school
22 districts?

23 Questions for Mr. Moore from interested
24 parties represented by licensed attorneys?

1 There is somebody there from the school
2 district? Okay. Would you please step forward,
3 ma'am?

4 I'm sorry I didn't see you.

5 And, ma'am, would you please state your
6 name, spelling first and last names for the record?

7 MS. RUPIPER: Yes. Amy Rupiper. Last
8 name is R-u-p-i-p-e-r. I am here on behalf of
9 actually two entities tonight, DeLand Special
10 Drainage District and Mahomet Valley Water
11 Authority.

12 MR. KAINS: All right. You may proceed
13 with questions of Mr. Moore. Thank you.

14 EXAMINATION

15 BY MS. RUPIPER:

16 Q. You had mentioned in one of your slides
17 that you'll have to be getting a well or septic
18 permit from the DeWitt County-Piatt County Board of
19 Health, correct?

20 **A. (Nodding.)**

21 Q. What is the anticipated water usage for
22 any particular aspect of the project in terms of
23 digging wells, water usage?

24 The Mahomet Valley Water Authority

1 monitors well usage and well drilling in this area,
2 and they are the ones who sent me here because they
3 had some questions.

4 So what will be the water usage or well
5 drilling needs of the project?

6 **A. Yeah. Thank you for the question. I am**
7 **not an expert in that field for Apex. We will have**
8 **people here in future nights who will be able to**
9 **speak directly to that.**

10 Q. Okay. Thank you. And who are those
11 persons?

12 **A. They will be on our project management**
13 **team.**

14 Q. Do you have a name or an information I can
15 get if I want to reach out to them?

16 **A. Sure. Likely it would be Adam Carlson.**

17 Q. Okay. And so would it be appropriate
18 before the next meeting if I would reach out to him
19 on behalf of the water authority and ask these
20 questions?

21 **A. Sure.**

22 Q. Will that be okay?

23 **A. Absolutely.**

24 Q. And then I am also here on behalf of

1 DeLand Special Drainage District and Trenkle Slough.
2 We have been in communication with Quint Shambaugh
3 who is coordinating the efforts here.

4 I just wanted to make sure, were you aware
5 that DeLand Special and Trenkle Slough has
6 court-ordered regulations and permits? And are you
7 in possession of those, Mr. Gershon and Mr. Moore?

8 **A. Yes.**

9 **Q. Okay.**

10 **A. And for those in the room, Quint is a**
11 **representative from KCOE I referenced earlier in my**
12 **presentation. KCOE is -- they are drainage experts.**
13 **They have been working with the different drainage**
14 **districts, including the ones represented by**
15 **Ms. Rupiper, to help us and navigate through**
16 **acquiring maps from the districts working with our**
17 **anticipated facilities and then working through the**
18 **amendments that they passed recently to identify**
19 **what we need to draft in relationship to our**
20 **facilities and their agreements.**

21 MS. RUPIPER: Okay. That's all I have.

22 MR. KAINS: Thank you.

23 Now, are there any other questions from
24 members of units of local government, including

1 school districts?

2 Questions from interested parties
3 represented by licensed attorneys?

4 Mr. Luetkehans, we'll start with you.

5 EXAMINATION

6 BY MR. LUETKEHANS:

7 Q. Mr. Moore, I am going to ask a number of
8 questions that you may not be the right person to
9 answer, but if you could just let me know because I
10 don't know who else is testifying as to what.

11 A. Sure.

12 Q. Are you going to be -- are you the best
13 person to ask about interference with television
14 reception?

15 A. We do not have an expert here on that. I
16 am not an expert on that, so I would merely be
17 reciting from the study that was submitted in the
18 permit application.

19 Q. Okay. Your application says that
20 interference with television reception is unlikely.
21 Do you recall that?

22 A. I do remember reading that. Yes.

23 Q. And you said something about -- well, let
24 me ask this question: The ordinance that requires

1 that that be resolved says it doesn't need to be
2 resolved for 120 days. Do you recall that?

3 **A. That is in the Piatt County WECS**
4 **Ordinance, correct.**

5 Q. Okay. Thank you. One of the other
6 things, Ms. Rupiper asked about drainage. The
7 application says that the applicant will quickly
8 repair any damage to drainage tiles.

9 I don't see any definition of how quick
10 that will be. Is there anything in the application
11 that points to me how quick that will be done?

12 **A. So to be clear, you know, I am not the**
13 **drainage expert for our team, and we will certainly**
14 **have people on future dates here that can speak**
15 **about that.**

16 Q. Okay. Thank you. And road use
17 agreements, you have not finalized any road use
18 agreements with the county or any townships at this
19 point, correct?

20 **A. Correct. That is those are required for**
21 **the issuance of the construction.**

22 Q. But for the record, those have not been
23 completed?

24 **A. Those are not complete. No.**

1 Q. Okay. A couple times in your application
2 it says that ADLS, or the aircraft detection
3 lighting system, is going to be done if approved by
4 the FAA. Has that been requested yet?

5 **A. It has.**

6 Q. And have they approved that yet?

7 **A. We have not received final determinations**
8 **from the FAA.**

9 Q. Okay. But aircraft detection lighting
10 systems have been historically approved by the FAA,
11 correct?

12 **A. Correct.**

13 Q. Okay. You just haven't gotten to that
14 step yet?

15 **A. Correct.**

16 Q. Are you the best person to ask about
17 decommissioning or is there someone else coming
18 later about that?

19 **A. There will be others who can speak more**
20 **broadly about it.**

21 Q. Is there someone who is -- I mean I don't
22 want to keep asking the same question. If you have
23 a person that I can talk to that I know when he
24 comes up, he or she comes up, I can ask the

1 questions, that would be much appreciated.

2 **A. Sure.**

3 Q. Who would that be?

4 **A. It depends on your question.**

5 Q. Well, why don't you break down who has got
6 responsibility for what then?

7 **A. I mean if it's a question about the**
8 **specific activities in decommissioning, that would**
9 **be someone in our construction team.**

10 Q. Which would be whom?

11 **A. Adam Carlson.**

12 Q. Okay. And then you said if there was
13 other types of questions that might be someone else.
14 Who is that?

15 **A. Just in relationship to the**
16 **decommissioning plan as it exists now, and that**
17 **would be myself, and the existing security as well.**

18 Q. Okay. How about the cost breakdown in the
19 decommissioning plan?

20 **A. That is built into the decommissioning**
21 **plan that was submitted with the permit application.**

22 Q. Correct. My question is: Who is the
23 person who I would ask about how those costs were
24 determined?

1 **A. We will not have someone here to speak**
2 **specifically to that. We work with a third-party**
3 **licensed engineering firm to generate those costs.**

4 Q. So if I was to ask anybody on your team
5 how much a particular item would be sold for scrap,
6 no one on your team is able to tell me that?

7 **A. I mean we can certainly look at the study.**

8 Q. Well, the study doesn't have it. I mean
9 other than what is in the study, I want to know if
10 there is someone I can ask about the cost, the
11 actual cost of each item that is going to be
12 decommissioned or be done during the construction of
13 the decommission?

14 **A. So, you know, we submit that study to the**
15 **county and then the county reviews it and determines**
16 **its accuracy.**

17 Q. I understand. I understand that is your
18 position. The question I ask is not that. The
19 question is: Here is a public hearing, and this is
20 the only opportunity the public has to ask questions
21 about the decommissions study, so I am trying to
22 figure out who, if anyone, they can ask questions to
23 about the actual pieces of the decommissioning study
24 and how it was determined, and I guess I would ask

1 that Mr. Moore answer the questions, not Mr. Gershon
2 be giving him the answers to the questions during
3 this hearing. I don't think that is appropriate.

4 MR. KAINS: Mr. Luetkehans, I believe you
5 are correct.

6 Mr. Moore, I am going to direct you to
7 listen to his questions, and if you know the answer
8 to the question, go ahead and answer the question.
9 I know you are sitting right next to your attorneys,
10 but this has to come from your personal knowledge of
11 the decommissioning plan as contained in the
12 application. So if you know the answer, then you
13 can give the answer. If you don't know the answer,
14 then you can respond that you don't know.

15 MR. MR. LUETKEHANS:

16 Q. Go ahead.

17 **A. Absolutely. I don't know the specifics to**
18 **that, but if you would like to submit those**
19 **questions, I would be glad to get that information**
20 **to you.**

21 Q. No. That is not how it works. Sorry. I
22 want to ask the questions to someone who has
23 knowledge, and if no one has knowledge, that is
24 fine. I just think that is something we all need to

1 know. If nobody here is able to testify to that,
2 that is all I can do.

3 But I want to know if there is anyone here
4 who can testify to the specifics of the cost in the
5 decommissioning plan so this board and the county
6 board has a handle on what is a real cost to
7 decommission this because you're suggesting a number
8 of -- I don't know -- a couple million dollars to
9 decommission this whole project, and I want to know
10 if there is someone here who can support that
11 2 million dollar number for this board and for the
12 public.

13 **A. I mean I think I answered it as well as I**
14 **could, sir.**

15 Q. So the answer is no? Is that the answer?
16 Because I didn't quite grasp the answer yet.

17 **A. I do not have the specifics of that but,**
18 **again, I am happy to get information for you.**

19 Q. Well, I guess I am asking if there is
20 someone I would ask and someone that I can inquire.
21 I am asking that someone with actual knowledge of
22 that decommissioning breakdown come to testify so we
23 can determine whether that decommissioning number is
24 a fair number or not. That is what I am asking.

1 You can do what you want, but right now I
2 don't think there is any way to make that
3 determination either by this board or the county
4 board, so I'll leave it alone at that.

5 Do we have a copy of that power point that
6 I could have?

7 Are you going to submit that as an exhibit
8 marked or what?

9 MR. GERSHON: When we complete our
10 presentation, we will submit a copy of the
11 PowerPoint as part of that presentation.

12 MR. LUETKEHANS: I guess I will ask for a
13 copy. It's pretty hard to ask for something that
14 gets on the screen for five seconds.

15 MR. KAINS: I would agree. Do you have a
16 copy that you could provide Mr. Luetkehans?

17 MR. GERSHON: I do not currently have a
18 copy of it. The reason we did not submit it is we
19 know that, as we are here, there are questions that
20 come up, so the PowerPoint may change as we are
21 presenting it. We are happy to provide a copy of
22 this when it's completed. I could also provide a
23 copy at the next meeting of what he presented today.

24 MR. LUETKEHANS: I am not looking for

1 anything other than these 26 pages.

2 MR. KAINS: Mr. Luetkehans, there is 26
3 pages, approximately 26 pages of this PowerPoint.
4 If you wish to ask Mr. Moore a question with respect
5 to any of these, then the gentleman for the
6 applicant who is running -- the technology guy who
7 is running the computer, perhaps he can go and find
8 that specific page. So, we might have to just do it
9 that way.

10 MR. LUETKEHANS: We'll work through it. I
11 guess I would just ask Mr. Gershon, the applicant,
12 to provide that to me as we go forward. They are
13 bringing it. It's set up in a PowerPoint. As it
14 goes through, it would make it, I think, what is
15 easier for this board and for me, from a timing
16 standpoint to get through it so I am not wasting
17 your time.

18 MR. GERSHON: If I may, we do have a copy
19 of these 26 slides. I am about to get it for you.

20 MR. KAINS: Okay. Very good. Thank you.

21 MR. LUETKEHANS: Thank you.

22 MR. GERSHON: I apologize. The copy I was
23 told we had is a digital copy; so, therefore, we
24 will print a copy and bring it back here.

1 MR. LUETKEHANS: I'll get through this
2 one. I just ask for future ones, that we can have
3 those available so I am not wasting everybody's
4 time.

5 MR. KAINS: Mr. Luetkehans, if you have
6 more questions about this PowerPoint presentation,
7 let's just go through this that is up on the board,
8 the wall.

9 BY MR. LUETKEHANS:

10 Q. Bring up PowerPoint page 13. You stated
11 that -- I thought it was -- let me see if I can read
12 it. You had members -- the Apex or Goose Creek had
13 become members in certain organizations. Is that on
14 this or is that something else?

15 **A. It might be the one prior to this.**

16 Q. No one said I could read. That is it.
17 Thank you very much.

18 It says members of the Monticello Chamber
19 of Commence. How long -- is it Apex or Goose Creek
20 as members?

21 **A. Goose Creek.**

22 Q. How long has Goose Creek been a member?

23 **A. Approximately I would say in the**
24 **neighborhood of two to three years. I can get that**

1 **specific for you.**

2 Q. That's fine. It's not a memory test.
3 Just trying to get a handle on it.

4 Monticello Rotary Club?

5 **A. Roughly the same amount of time.**

6 Q. And then I think the Farmer City Chamber
7 of Commerce is the last one?

8 **A. Correct. Right around the same time. We**
9 **joined very early. It might not have been day one**
10 **from when we started development of the project but**
11 **it was fairly early on.**

12 Q. So in your mind, those two to three years
13 are longstanding memberships, correct?

14 **A. Correct.**

15 MR. LUETKEHANS: Mark, do you have
16 Exhibit 2 I heard about? I don't know what that
17 was.

18 MR. GERSHON: (Tendering documents.)

19 MR. LUETKEHANS: Thank you.

20 BY MR. LUETKEHANS:

21 Q. On this statement you made -- one of the
22 statements you made is that wind farm and farming
23 are compatible, correct?

24 **A. Correct.**

1 Q. Have you personally ever farmed next to a
2 wind farm?

3 **A. I personally have not. No.**

4 Q. Okay. Have you ever been advised that
5 aerial applicators often or sometimes charge more to
6 apply product near wind turbines?

7 **A. Yes.**

8 Q. Do you know what that additional
9 percentage is or have you heard that range?

10 **A. I have, yes. It's roughly about**
11 **50 percent of the application cost.**

12 Q. So an additional 50 percent, for the
13 record?

14 **A. Not of the -- not of what is being**
15 **sprayed, but it is a surcharge on the cost to apply.**

16 Q. So the time?

17 **A. Correct.**

18 Q. Just so we are clear.

19 You have locations in your application of
20 the turbines, correct?

21 **A. I am sorry. I wasn't sure of the**
22 **question.**

23 Q. You know, it was an awful question, so
24 I'll try and do better.

1 **A. We have locations of the facilities.**

2 Q. Of the proposed turbines, you have
3 locations?

4 **A. Yeah.**

5 Q. Okay. And those are coordinates, right?

6 **A. Correct. Yes.**

7 Q. Those coordinates are pretty exact?

8 **A. Exact, yes.**

9 Q. Are you asking to be able to move the wind
10 turbines a certain amount of feet from those
11 specific coordinates?

12 **A. We are not. No.**

13 Q. Okay.

14 **A. I mean there is a requirement within the**
15 **ordinance of restriction of I think 150 feet that it**
16 **can be moved.**

17 Q. Okay.

18 **A. And I think another important point in**
19 **relationship to application is, you know, we have**
20 **worked with rates, we have worked within the**
21 **agreements with property owners to help cover that**
22 **surcharge.**

23 Q. That is for your property owners?

24 **A. Participating property owners.**

1 Q. That is not nonparticipating property
2 owners, correct?

3 **A. Correct.**

4 Q. I'll be honest with you. Participating
5 property owners, that is -- they can do whatever
6 they want. In my world, it's a question of the
7 effect on the nonparticipating property owners, and
8 that is what I am asking about.

9 The AVLS -- I am sorry to jump around, but
10 you said something interesting to me. The FAA
11 requires turned on at about 3.02 nautical miles
12 average? You are going to be a little on the safe
13 side there, correct?

14 **A. I believe it's 3.5 is what we turn.**

15 Q. And then it shuts off five minutes later?

16 **A. Five minutes once it hits 3.5 nautical**
17 **miles on the other side.**

18 Q. Okay. So is that a flashing light during
19 that time or is that a solid red light?

20 **A. It would be the flashing light that turns**
21 **on.**

22 Q. Thanks. I apologize if I asked this
23 already, but you started coordination with all the
24 drainage districts you say in May of 2022, correct?

1 **A. Correct.**

2 Q. And as of today, six months later, you
3 don't have any agreements with any of them?

4 **A. We have not reached a final agreement with**
5 **them. A number of them we do not impact any of**
6 **their --**

7 Q. And how many drainage districts do you
8 have?

9 **A. None.**

10 Q. That you have started negotiating with --

11 **A. None.**

12 Q. Thanks. I know I took a break there, and
13 I didn't mean to. But to the extent you can wait
14 for my answer the better because she is going to
15 kill both of us, and she is going to start with me,
16 and rightfully so.

17 **A. Sorry.**

18 Q. Thanks. Could you go to page 23 of the
19 PowerPoint for me, sir?

20 Hopefully I got the page number right this
21 time. Okay.

22 When you say complete, on that chart and
23 on your status, that's your completion of that item,
24 correct?

1 **A. Correct.**

2 Q. Okay. So, like the IPCB, they haven't
3 reviewed anything, correct?

4 **A. We have done a sound study that shows that**
5 **our projects meet the Illinois Pollution Control**
6 **Boards --**

7 Q. Sorry. I talked over you that time.
8 That is not my question. My question is:
9 The IPCB has not looked at your sound study, has it?

10 **A. No.**

11 Q. It hasn't been even submitted to the IPCB,
12 has it?

13 **A. No.**

14 Q. Okay. Nor will it be, correct?

15 **A. Correct.**

16 Q. Okay. Are there any other of those items
17 that are listed as "complete" that actually have
18 received a final approval from those organizations
19 that are attached and that are talked about therein?

20 **A. If I understand your question correctly,**
21 **the other ones that are complete up there are**
22 **complete and have been submitted with the WECS**
23 **Ordinance --**

24 Q. Okay.

1 **A. -- or application.**

2 Q. Let me back up because that had way too
3 many different parts to it. Let me slow down. I
4 get in a hurry on it.

5 And the National Telecommunication and
6 Information Administration, that is listed as
7 complete August 2, 2022, has the NTIA approved that
8 yet?

9 **A. Yes.**

10 Q. Okay. How about the US Department of
11 Defense?

12 **A. Yes.**

13 Q. How about the Illinois Department of
14 Agriculture has well, right? Because they signed an
15 AIMA?

16 **A. Correct.**

17 Q. So the only one on their list that is
18 "complete" is not actually complete in terms of
19 being given to another organization and approved is
20 the IPCB, the sound regulations, correct?

21 **A. Correct.**

22 MR. LUETKEHANS: Okay. If I could have
23 just a moment, Mr. Kains?

24 MR. KAINS: Sure.

1 BY MR. LUETKEHANS:

2 Q. Are you the best person to talk to about
3 the AIMA?

4 A. Yes.

5 Q. Okay. And you and I have been calling it
6 AIMA, but that's the Agricultural Impact Mitigation
7 Agreement, correct?

8 A. Correct.

9 Q. Okay. That document does not include a
10 financial assurance amount, does it?

11 A. It does not.

12 Q. That is to be determined by the county,
13 correct?

14 A. Correct. The AIMA does define the
15 direction in which how the -- who the oblige would
16 be, which is the county.

17 Q. Yes. And then -- okay. If you have the
18 AIMA handy, you can look at it. I think it's
19 Appendix 1 for anybody on the board who is looking.

20 A. Yes.

21 Q. Okay. Thanks. Can you go to the
22 decommission part of that that starts on -- it's
23 called deconstruction here, but it starts on the
24 bottom of page 112?

1 **A. Yes, I have it.**

2 Q. Okay. And then, if you go to the next
3 page, specifically section D, as in David, that has
4 a timeframe of 11 years for the whatever the
5 financial assurance is to be implemented -- correct?
6 -- totally to be provided?

7 **A. Correct.**

8 Q. The first year is only 10 percent, the
9 sixth year it's 50 percent, and then after year
10 eleven it's 100 percent, correct?

11 **A. Correct.**

12 Q. Is that the plan -- is that -- I guess I
13 am not quite clear because your decommissioning plan
14 doesn't talk about this timing, does it?

15 Or if I missed it, I apologize.

16 **A. The decommissioning plan should reference**
17 **that timing, but I would need to look at the**
18 **application.**

19 Q. Let me ask this question: Was it your
20 intent, as Goose Creek, that this section D would be
21 consistent with whatever the decommissioning plan is
22 you want to implement or have the county implement?

23 **A. Correct.**

24 Q. Okay. So if, God forbid, in your year

1 five, this thing falls apart, the county will only
2 have 10 percent to pay for the decommissioning,
3 correct?

4 **A. The security would be in place to remove**
5 **it as per the decommissioning plan.**

6 Q. So in year five, it's at 10 percent,
7 correct?

8 **A. Of the estimated cost, correct.**

9 Q. So in this case your estimated cost is
10 2 million dollars. The only amount that would have
11 -- the only financial assurance they would have in
12 year five is approximately \$240,000 dollars. I
13 think it's 2 percent of 2.4.

14 If the numbers are wrong, I apologize.
15 It's off my brain.

16 **A. I'm sorry, sir. Can you repeat that**
17 **question?**

18 Q. Absolutely. What is the total
19 decommissioning amount? 2.4 million approximately?

20 **A. 2.1.**

21 Q. Okay. I apologize. 2.1. So in year
22 five, under this decommissioning plan with AIMA, the
23 only amount that would be in the financial assurance
24 following this plan is \$210,000, correct?

1 **A. Well, I mean the decommissioning -- the**
2 **county WECS Ordinance requires that the funds be in**
3 **place available to decommission the project and**
4 **restore the land to previous use.**

5 Q. Well, you just said that your
6 understanding was that D was the ultimate document
7 that applied?

8 MR. GERSHON: To clarify, could we have
9 the court reporter read it? I don't believe my
10 client said that. He said they would be in
11 compliance with the AIMA. He did not say it was the
12 ultimate item that applies.

13 MR. KAINS: That's fine.

14 Mr. Luetkehans, ask another question.

15 BY MR. LUETKEHANS:

16 Q. Where in the WECS Ordinance do you see
17 that something supersedes the timing of the payments
18 in the AIMA agreement? What language are you
19 pointing to?

20 **A. Section E of I guess it's 13,**
21 **decommissioning plan, cessation of operations.**

22 Q. Uh-huh.

23 **A. A financial plan approved by Piatt County**
24 **to ensure funds be available for decommissioning and**

1 **land restoration.**

2 Q. So if Piatt County decided to just apply
3 the AIMA schedule in year five, there would only be
4 \$210,000 in the financial assurance, correct?

5 A. **I think the important thing would be to**
6 **look at the plan and cost to actually decommission**
7 **the facilities.**

8 Q. Well, your plan says 2.1 million dollars.
9 The AIMA agreement says you have to put down
10 10 percent in the first year and you don't have to
11 put any more down until year six, correct?

12 Anything I said there wrong?

13 A. **I do not believe so.**

14 Q. Okay. I think the point is made.

15 Do you know if, in the decommission plan,
16 it includes the cost to or it includes the scrap
17 metal cost of the blades?

18 A. **It does not include it as scrap. No.**

19 Q. Thank you. Is there a cost -- is there a
20 resale value for that at all?

21 A. **Not applied to the blades. No.**

22 Q. That is because there is no place to
23 recycle the blades right now, correct?

24 A. **Currently -- well, there are industries**

1 **that are developing, but the cost is not sure enough**
2 **to truly understand what that would be, so we**
3 **account for the disposal of that.**

4 Q. And where is the nearest recycling
5 facility that started for blades?

6 **A. I can't speak to that.**

7 Q. Okay. You know there is none in Illinois,
8 though, correct?

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

10 Q. But you can't tell us where in
11 Illinois one would be, correct?

12 **A. I cannot. No.**

13 Q. Dr. Loomis is going to come testify about
14 his economic impact analysis?

15 **A. He will.**

16 MR. LUETKEHANS: Mr. Hearing Officer, I
17 have no further questions of this witness. Thank
18 you.

19 MR. KAINS: Thank you, Mr. Luetkehans.

20 Are there any other questions from
21 licensed attorneys representing interested parties?

22 Any other attorneys in the room with
23 questions?

24 Mr. Gershon, hold on. You will have

1 redirect in an opportunity in just a little bit.

2 Now, are there questions now for Mr. Moore
3 from interested parties?

4 Members of the public?

5 Anyone wishing to ask Mr. Moore questions?

6 This is not a time for you to testify but
7 a time for you to ask this witness specific
8 questions.

9 Anyone with specific questions? Yes, sir,
10 please step forward.

11 As this gentleman comes forward I just
12 want to just read a cautionary note: Cross
13 examination of a witness is only for persons opposed
14 to the position of the witness. In other words,
15 Mr. Moore is in support of the application, so the
16 only persons allowed to conduct cross examination
17 are people who are opposed to the application. So
18 if you are on the same side of the issue as the
19 witness, you are not allowed to question them. This
20 type of questioning is known in legal terms as
21 bolstering and is not true adversarial testing of a
22 witness's testimony. Therefore, I am only going to
23 allow persons on the opposite side of a particular
24 witness to question that witness.

1 Also, as I've said before, we have a court
2 reporter transcribing things, so when you ask a
3 question, you have to -- and the witness is going to
4 need to wait for the question to end and then answer
5 the question. Just the key is to not talk over and
6 just having one person speaking at a time.

7 Another thing, if you are questioning the
8 witness, just stick to asking the questions. It's
9 very tempting to start telling your side on a
10 particular point, but when it's time for questioning
11 we are just asking questions. You will be allowed
12 the opportunity to testify when it's your turn.
13 Thank you.

14 Now, sir, if you wouldn't mind, please
15 state your name and spelling first and last names
16 for the record.

17 MR. PAULSRUD: Sure. My name is Bruce
18 Paulsrud. B-r-u-c-e P-a-u-l-s-r-u-d.

19 EXAMINATION

20 BY MR. PAULSRUD:

21 Q. Mr. Moore, I was actually happy to hear
22 about the lighting system that is activated by air
23 traffic. I look at the fields in other areas and
24 they seem to be on constantly.

1 So am I to assume that they don't have
2 that or that there is just constant air traffic
3 keeping them on?

4 Second question: Have you done a study to
5 show what the air traffic above this airfield is of
6 the wind farm that you are proposing?

7 What is the wind traffic and how often
8 would we expect them to be in the evening, you know,
9 say 7 to 10:00?

10 Thank you.

11 **A. Thank you. So I really can't speak to**
12 **what other projects have installed or have not**
13 **installed in their projects. I would assume that**
14 **they do not have an ADLS installed, but I can speak**
15 **with no certainty on that.**

16 **I have not done a study to look at the**
17 **specific number of airplanes that would fly at that**
18 **altitude that would turn on the airplanes or turn on**
19 **the lights at night, so I do not have a certain**
20 **number of that.**

21 MR. KAINS: Thank you, Mr. Moore.

22 Are there any other questions from the
23 general public?

24 Yes, sir. Please step forward. And, sir,

1 if you would, please state your name and spell your
2 first and last names for the record, please.

3 MR. COX: Rodney Cox. R-o-d-n-e-y C-o-x.

4 EXAMINATION

5 BY MR. COX:

6 Q. I have a question. You mentioned the
7 money that you gave to certain organizations. Did
8 you or did you not give money to a Mansfield Village
9 trustee and did he accept it? And if so, was that
10 illegal on his part?

11 A. No. It was not illegal. There was a
12 gentleman who was on the board in Mansfield who
13 requested a grant for his business. That was
14 granted to him. Mansfield never took a vote on
15 anything related to our project, so there was no
16 need for him to either vote or not vote on the
17 project, so there was no interest in the project
18 from Mansfield.

19 MR. KAINS: Do you have any other
20 questions, Mr. Cox?

21 MR. COX: Not really. I just looked up
22 the state law and it said it is illegal.

23 MR. KAINS: Very good. Thank you,
24 Mr. Cox.

1 Any other questions?

2 Yes, ma'am?

3 MS. WARSAW: To clarify.

4 MR. KAINS: Ma'am, you need to come
5 forward to the microphone, please. You can still
6 ask questions, yes, ma'am.

7 MS. WARSAW: Sorry. I just don't want to
8 make my way up here.

9 MR. KAINS: If you could, please state
10 your name, spelling your first and last names for
11 the record.

12 MS. WARSAW: Annette Warsaw.
13 A-n-n-e-t-t-e W-a-r-s-a-w.

14 EXAMINATION

15 BY MS. WARSAW:

16 Q. I just have a question about the
17 previously mentioned letter of support -- I think
18 you dated it in March of this year -- to Blue Ridge
19 School District. Could you clarify? That was you
20 requesting their support or that was them sending a
21 letter of support?

22 A. It was them. It was a resolution of
23 support from the school district.

24 Q. Okay. I just wanted to clarify that.

1 Thank you.

2 MR. KAINS: Thank you, ma'am. Any other
3 questions from the general public?

4 Yes. Back in the back, hand up, please
5 come forward. And, ma'am, could you please state
6 your name, spelling first and last names for the
7 record?

8 MS. VETTER: Kelly Vetter. K-e-l-l-y
9 V-e-t-t-e-r.

10 EXAMINATION

11 BY MS. VETTER:

12 Q. Thank you. You said it was \$42,000 in
13 decommissioning fees, and I was wondering: Is this
14 the only bid you got, and that was somebody that you
15 picked of independent study?

16 A. Correct. It was a third-party engineering
17 firm that did the study.

18 Q. But you picked them? The city didn't pick
19 them? That is my question.

20 A. Correct. Yes, but to clarify, I am not
21 sure why the city would approve anything.

22 Q. Well, because they are going to be wanting
23 to know what they have got going on at the end of
24 the deal.

1 **A. I guess my point of clarification is we**
2 **are not permitting anything with the city.**

3 Q. You are not permitting anything with the
4 city for decommissioning?

5 **A. (Shaking head.)**

6 Q. That is not a requirement from the city,
7 that they have permit with you to decommission?

8 **A. Which city are you referring to?**

9 Q. The city here, our county. I live in
10 Monticello.

11 **A. Correct. Yeah.**

12 Q. I am just thinking about Monticello, but
13 yes our county.

14 **A. Then yes. We worked with the county**
15 **ordinance around that.**

16 Q. No. I am asking: Did you pick the people
17 who did the decommissioning option of money at
18 42,000 or did the city offer somebody that -- the
19 county -- sorry.

20 **A. Yeah. We work with the ordinance, which**
21 **requires the study to be done and then, correct, we**
22 **chose the engineering firm to do that.**

23 Q. Okay. So something that we might want to
24 consider at the county to look at ourselves I

1 suppose.

2 So you said 720 feet for a turbine; is
3 that what you are talking about?

4 **A. No.**

5 Q. What is the height?

6 **A. 610 feet.**

7 Q. Okay. What is the ice throw-off of
8 something that size? How many miles?

9 **A. I cannot speak to that.**

10 Q. Do you have somebody on your committee
11 that can speak to that? Somebody on your group?

12 **A. No.**

13 Q. Nobody knows anything about ice throw?

14 **A. There was an ice study that we have done**
15 **in the past but it was not with this current**
16 **project. It's not part of the required studies for**
17 **the WECS Ordinance.**

18 Q. So something to consider then.

19 Have you applied for a certain amount of
20 take of eagles and birds for our area in this
21 county?

22 A lot of companies -- Apex has been having
23 a problem with this in the past and have been sued
24 over it, takes of eagles. So I am wondering if you

1 have applied for takes and are you planning on it?

2 **A. We will have colleagues who will be up**
3 **here who can speak specifically to that.**

4 Q. So you don't know if you have applied?
5 You can't answer that question? Yes or no?

6 **A. I am not the environmental expert on our**
7 **team.**

8 Q. That's okay. Yes or no?

9 **A. I think that we have done all the**
10 **appropriate studies --**

11 Q. Yes.

12 **A. -- as far as amphibian use and raptor nest**
13 **services, and we will have a colleague here on a**
14 **future night who can speak very specifically to the**
15 **results of those.**

16 Q. Would it be possible for you guys to get
17 us a list of the nights that your colleagues will be
18 here and these specific experts that we know so that
19 we can know to come that night and ask that question
20 then?

21 Otherwise, we have to come every single
22 night and hope that we are going to meet up with
23 this guy.

24 So can you give a list of who is going to

1 be here when?

2 MR. GERSHON: Can I respond?

3 MR. KAINS: Yes, Mr. Gerson. You may.

4 MR. GERSHON: It is not within our power
5 to decide how long cross examination will occur, how
6 many items will get done during each night. That is
7 within the power of the questions from the
8 community, opposition of counsel, the ZBA, the
9 hearing officer. So we have identified who will be
10 here. We do not have the power to tell you how long
11 and how quickly we will get through each night.

12 MS. VETTER: Will you have a question and
13 answer at the end of all of these things where we
14 can -- where all of these things have been discussed
15 and put out there that we can now ask that question?
16 Where, okay, you've heard the expert yourself now.
17 We may not have been here for that meeting but then
18 you can tell us what that expert said?

19 MR. KAINS: Now, this is a question for
20 Mr. Moore?

21 MS. VETTER: Right.

22 BY MS. VETTER:

23 Q. So we can have answers directed to some of
24 our concerns?

1 **A. We will not have an event after each --**
2 **after each person giving testimony will come back to**
3 **address questions as a wholesale group.**

4 Q. No. I am saying, at the end of the whole
5 bit, you have listened to all the testimony. You
6 can now have knowledge that your experts have given.
7 And if we miss something, we can ask this question
8 again and now you'll be able to tell us the answer.
9 That is what I want to be able to do.

10 **A. I think the important part would be, if**
11 **you could submit those questions in writing, we**
12 **would be happy to.**

13 Q. I want the rest of the people to hear it.

14 MR. KAINS: Folks, here is what we are
15 going to do: When a witness testifies, there will
16 be an opportunity to ask that witness questions.

17 If it's regarding some specific issue,
18 ma'am, that Mr. Moore or another witness does not
19 know the answer to, somebody on their team will be
20 called to testify, should be called to testify, and
21 then it would be at that point, after their
22 testimony, that you would be allowed to ask them
23 questions just like now, but there is not going to
24 be a big conclusion where there is just a question

1 and answer session. It goes when each witness
2 testifies we have a specific procedure where people
3 are allowed to ask questions. Now is the time for
4 questions of Mr. Moore. If it's somebody about
5 wildlife, when their wildlife person testifies, then
6 that is the appropriate time for you to ask
7 questions.

8 MS. VETTER: That's fine. I understand
9 what you are saying, but my question is: Then we,
10 as a citizen, have to be here every single night to
11 make sure that we are here when that particular
12 expert is going to be testifying?

13 Otherwise, I mean that is, like, a lot of
14 time unreasonable to ask. But if we knew when they
15 were going to testify, then we would have an
16 opportunity to ask them these questions.

17 MR. KAINS: We can't state with any
18 specificity when somebody is going to be called to
19 testify. You know, I know that Mr. Gershon has --

20 Sit down, sir. I'll address you in a
21 second.

22 MR. TEUBEL: I think she is not being
23 understood. What she would ask is if at the end
24 there was a summary of the Q&A so if she is not here

1 on the night --

2 MR. KAINS: Okay, sir.

3 MR. TEUBEL: -- so you can read it.

4 MR. KAINS: First of all, what is your
5 name?

6 MR. TEUBEL: Calvin Teubel.

7 MR. KAINS: How is your last name spelled?

8 MR. TEUBEL: T-e-u-b-e-l.

9 I just don't think that what she suggested
10 was understood of a reasonable solution for folks.

11 MR. KAINS: Thank you, Mr. Teubel.

12 Mr. Gershon and Mr. Rayford will call
13 witnesses. I don't have the authority to tell them
14 which witness to call when. The testimony is to be
15 given. They have their next witness ready to go. I
16 don't know who it is. I don't know what the subject
17 matter is. It will depend when a witness testifies
18 on when we are done with the current witness and
19 then we go to the next witness, so I am very sorry
20 that we don't have a specific schedule for you, and
21 I would -- in a perfect world, I would.

22 MS. VETTER: Okay. Well, I guess I am
23 kind of trying to -- am I misunderstanding?

24 Because if he hears the testimony of these

1 witnesses the same as whomever stays for all of
2 these meetings, then he would have the same
3 information and could answer that question for me on
4 the last night here if I happen to miss that special
5 guy who was here. He's heard the same testimony.
6 Why can't he speak out to a yes or no answer? Do
7 you see what I am saying? So that everybody can
8 hear what we are trying to discover here.

9 MR. KAINS: I understand your point. I
10 do. However, once Mr. Moore is done testifying, he
11 is done testifying, unless Mr. Gershon decides to
12 recall him as a witness or unless the board decides
13 to recall him as a witness. That is the only other
14 time we are going to hear from Mr. Moore. They will
15 have other witnesses here to testify, and there will
16 be the opportunity, just like now, for you to ask
17 them questions, but there is not going to be a big
18 final night. The big final night is these folks on
19 the board they will then discuss the issues and
20 vote.

21 MS. VETTER: Okay. So there is nobody who
22 has -- one person who has all knowledge and can tell
23 us something yes or no about different things?

24 MR. KAINS: From what I understand -- and

1 I don't know what witnesses Mr. Gershon has. I've
2 seen a witness list from each of the attorneys, but
3 I don't know anything. I am an unbiased hearing
4 officer. All I know is they have witnesses they are
5 planning on calling. I can't tell them when they
6 have to have a certain witness here, but you are
7 welcome -- and I understand having to be here for
8 10, 12, 15, 19 nights is difficult for everybody.

9 MS. VETTER: Uh-huh.

10 MR. KAINS: Okay. Now, you know, we may
11 be able to -- you may be able to ask Mr. Moore,
12 after a meeting, when they may have a witness coming
13 in. There is no prohibition on that, but we don't
14 know when specifically certain witnesses will be
15 called to testify.

16 MS. VETTER: Do they have a lineup of
17 witnesses and which order they are going to be
18 presenting to you guys?

19 MR. KAINS: I don't have that information.
20 I have names, and I don't even know what they are
21 speaking about.

22 MS. VETTER: Is that something that could
23 be put out to the public so we would know what
24 witnesses are coming up?

1 I mean not that they will necessarily
2 speak that night but at least we would know, okay,
3 you know, this guy who speaks about what is
4 happening with the birds, you know, he's going to be
5 here we think on Wednesday.

6 MR. KAINS: I will meet with the attorneys
7 to see if I can get some kind of guide that would
8 help you and everyone else.

9 MS. VETTER: Yes, it's for all of us. If
10 I ask them personally, nobody else gets to hear.

11 MR. KAINS: Absolutely.

12 MR. MOORE: May I say something quickly?

13 MR. KAINS: Yes, you can.

14 MR. MOORE: I certainly hear your point,
15 and to your point, 18, 19, 10, 5, however many
16 meetings, it is a lot. It's a lot for our team to
17 be here. It's why we don't have every single person
18 here knowing that this could take the entirety of
19 the evening.

20 We also don't set the rules for the
21 county, so we are working within the rules that
22 govern this process. And so we didn't draft those
23 rules nor approve the rules, and so we work within
24 them.

1 We can work at the end of any meeting to
2 talk about who would be present the next day, but
3 that's about as far in the future we can see, or the
4 next day being the next day of scheduled day.

5 MS. VETTER: Well, I would like to see
6 some idea of what we can look forward to the
7 following day so that we know what we would like to
8 speak to as well.

9 MR. KAINS: Thank you, ma'am. I
10 appreciate your comments and questions.

11 MS. VETTER: Thank you.

12 MR. KAINS: Are there any other questions
13 from members of the public?

14 Yes, back there. Come on up. State your
15 name, spelling your first and last name.

16 MS. COIL: Claudia Coil. C-l-a-u-d-i-a
17 C-o-i-l.

18 EXAMINATION

19 BY MS. COIL:

20 Q. My question is just: What percentage of
21 your leases are signed by actual Piatt County
22 residents who currently will be living here?

23 A. So of our agreements, 87 percent of the
24 agreements live in the state of Illinois, 31 percent

1 **live in Piatt County.**

2 Q. Okay. So 81 percent do not live in Piatt
3 County?

4 A. **Sixty-nine.**

5 Q. Sixty-nine, okay.

6 A. **But 87 live -- and that could be they live**
7 **in Macon County or DeWitt County or Champaign.**

8 Q. Just interested in Piatt.

9 A. **Uh-huh.**

10 MS. COIL: Okay. Thank you.

11 MR. KAINS: Thank you, Ms. Coil.

12 Any other questions?

13 Yes, sir. Please step forward.

14 MR. MECUM: My name is Tim Mecum,
15 M-e-c-u-m.

16 EXAMINATION

17 BY MR. MECUM:

18 Q. I have a couple questions.

19 These are pretty big towers, right?

20 How big is the concrete that they sit on?

21 Do you know, roughly?

22 A. **I don't know specifically. We will have**
23 **people here who can speak very specifically to the**
24 **number of yards of concrete and the width of the**

1 **foundation.**

2 Q. I mean diameter wise, do you have any idea
3 about how large they are?

4 A. I don't specifically. Somewhere generally
5 in the neighborhood of the base, once it's done, I
6 think is about 15 feet wide.

7 Q. Okay.

8 A. And below that, the width is about
9 somewhere in the neighborhood of 50 to 70 feet.

10 Q. Fifty to 70 feet deep?

11 A. Wide. Deep. The depth is 8 to 10 feet.

12 Q. Eight to 10 feet.

13 I noticed on your slide that, on your
14 decommissioning, you took everything out to down to
15 four feet. What happens to that other 10 or 12 feet
16 of concrete underneath?

17 A. It would remain there.

18 Q. Is that in compliance with all building
19 codes?

20 A. Yes.

21 Q. Okay.

22 A. And it is part of our agreement with every
23 landowner who is a participant, and every landowner
24 chose to participate. And, you know, it is their

1 **property, and we are excited to move forward with**
2 **them.**

3 Q. What building codes are these built to?

4 A. **I am not a building code expert. So, I**
5 **can say that we meet all the criteria for the WECS**
6 **Ordinance. When we file for building permits, we'll**
7 **meet all the criteria for Piatt County for that.**
8 **We'll meet all the safety codes within the state and**
9 **all the federal safety codes as well.**

10 Q. Okay. I am just surprised --

11 A. **But, again, I am not our construction team**
12 **lead.**

13 MR. MECUM: So my curiosity was about
14 leaving the concrete, you know, mitigating it just
15 to four feet instead of getting it out of there
16 because it was my understanding they had to take it
17 all out. That may be something to look into. That
18 is all I got.

19 MR. KAINS: Okay. Thank you, sir.

20 Any other questions for Mr. Moore from the
21 audience?

22 Yes, ma'am. Ma'am, could you please state
23 your name, spelling your first and last names?

24 MS. GALLAGHER: Sure. Kayla Gallagher.

1 K-a-y-l-a G-a-l-l-a-g-h-e-r.

2 EXAMINATION

3 BY MS. GALLAGHER:

4 Q. So we spoke in percentages about
5 landowners, but I was looking over your SUP and I
6 noticed there are only 14 last names. So there are
7 14 families who live in Piatt County. So we talked
8 -- we spoke in percentages, but can you confirm?

9 A. I would have to go back through all of
10 that to be specific. I mean I am almost positive
11 there is significantly more. I mean there is 151
12 agreements.

13 Q. Uh-huh.

14 A. So more than 14 last names. You can look
15 at the notice list. You can look at everything
16 within the application that identifies the
17 participating landowners.

18 Q. Sure. I just reviewed that SUP and
19 noticed that there are 14 last names. So you may
20 have 20 agreements under one last name with one
21 address. So I counted 14, but correct me if I am
22 wrong.

23 A. I think I got a third of the way down one
24 page and there was -- I got to like 14.

1 Q. I am sorry. This is residing in Piatt
2 County.

3 **A. Yeah. I can't speak to the specifics to**
4 **that at this point.**

5 Q. But that is available on the Zoning Board
6 of Appeals website, right?

7 **A. It is within our special use permit**
8 **application.**

9 Q. Perfect. One more thing. You have been
10 talking about the WECS all night. Having read that
11 myself, but I do know that last year the ZBA gave
12 specific recommendations about shadow flicker.

13 **A. Uh-huh.**

14 Q. I know that those were -- do those
15 recommendations from ZBA match the WECS?

16 **A. Correct. So the zoning board drafted and**
17 **approved the WECS, which is the wind energy**
18 **conversion system ordinance, which governs the**
19 **criteria about where we can site turbines, and so**
20 **that relates to setbacks, shadow flicker, etc., and**
21 **so we modeled every turbine.**

22 MR. GERSHON: If I can clarify, the zoning
23 board recommended, and as required by both the state
24 statute and county ordinance and the WECS Ordinance,

1 and the county board actually approved their
2 ordinance, not the zoning board.

3 MS. GALLAGHER: Sure. So the WECS does
4 not match the ZBA recommendation that was given last
5 year to the county board?

6 MR. GERSHON: I would have to direct that
7 question to the chair.

8 MR. KAINS: I think she is asking the
9 question of Mr. Moore.

10 Mr. Moore, you may answer it if you know.

11 MR. MOORE: I do not know. That would be
12 a question for the county board and the zoning
13 board.

14 MS. GALLAGHER: So the county board's
15 recommendation is available in the minutes on the
16 ZBA website as well?

17 And I don't know if we can ask questions
18 of the board. Not today, okay.

19 MR. KAINS: No. Do you have any other
20 questions of the witness, Mr. Moore?

21 MS. GALLAGHER: No.

22 MR. KAINS: Very good. Thank you,
23 Ms. Gallagher.

24 Any other questions from members of the

1 public for Mr. Moore?

2 Yes. There is a hand up in the very back.

3 There is a gentleman stepping forward.

4 I want to see a show of hands. Anybody
5 else back there with any questions for Mr. Moore?

6 Very good. State your name, spelling
7 first and last names.

8 MR. GANTZ: Steven Gantz, S-t-e-v-e-n
9 G-a-n-t-z.

10 EXAMINATION

11 BY MR. GANTZ:

12 Q. My concern is about blade flicker. I live
13 northeast of DeLand approximately three miles. I
14 live on Road 700, and Tower 59 is practically
15 straight west of me, and what I want to know is:
16 Will I have blade flicker at my house?

17 A. I don't have those numbers in front of me
18 this evening. We will have a gentleman who will be
19 here to speak specifically on that. The study that
20 we have submitted with our special use permit
21 application looks at every house participating and
22 not participating in the project area and can define
23 it down as to whether or not it receives any shadow
24 flicker or not.

1 Q. Okay.

2 A. If you would like, I mean I would be happy
3 to look that up and know specifically whether or not
4 you would see any shadow flicker and if so how much.
5 If I could get the address from you, I am happy to
6 follow up with you after this.

7 Q. Okay. 754 East --

8 MR. KAINS: And we don't need to do this
9 on the record. If you have any other questions, you
10 can meet with him during a recess that is coming up
11 very shortly. You can meet with him.

12 MR. MOORE: I am happy to get that
13 information for you.

14 MR. GANTZ: Okay. Thank you.

15 MR. KAINS: Okay, sir.

16 Sir, again, state your first and last
17 name.

18 MR. TEUBEL: Calvin Teubel. C-a-l-v-i-n
19 Teubel.

20 I know you said this is for opposition. I
21 am not in opposition or support, so it's a neutral
22 question, if that is acceptable.

23 MR. KAINS: That is acceptable. Thank you
24 for asking.

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EXAMINATION

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BY MR. TEUBEL:

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Q. Mr. Moore, with the projected revenue, how are those numbers projected? And is that based on a certain percent of productivity of all turbines being functionally at full capacity, or how are those numbers determined?

A. So, again, I'll preface this with I am not the dollars and cents expert, but the state mandates the valuation of every renewable energy project that is installed in the state. Right? And so they say for every megawatt of wind energy project that is installed in the state it is worth X number of dollars, and then that is applied.

So then you look at where the turbines are specifically placed and then the taxing rate, so what are the taxing bodies that are there where the turbines are installed and then how is that based on property taxes within Piatt County, how is that dollars and cents directed?

Q. And are those numbers gross or net, meaning is that --

A. It has nothing to do with generation, so whether or not the turbines are spinning or not

1 spinning; it is just the total capacity of the
2 project. So in this case it's a 300-megawatt
3 project, so is that the valuation of the project.
4 And then Piatt County has defined a property tax
5 rate. And then, if you divide that property tax
6 across every taxing entity within the project, that
7 will tell you very specifically for any taxing
8 entity what the total amounts to.

9 Q. And maybe I am not keeping up, but I guess
10 what I am trying to understand is how much to trust
11 each of the numbers that are put there and what the
12 local area can anticipate.

13 That is based on probably regulatory
14 parameters, but is that estimated, I mean with so
15 much for roads and so much for the schools?

16 How much of that is going to be guaranteed
17 for sure?

18 What is the variability range?

19 Is that plus or minus 50 percent?

20 Or, you know, what's further context?

21 A. Yeah. And if you give me a second, I can
22 look up the economic impact study I have here, but
23 there is no plus or minus.

24 Again, Dr. David Loomis will be here.

1 He's an expert on this. He's a third-party
2 professor who did this study for us. He can address
3 how it's specifically calculated.

4 But effectively the State of Illinois says
5 for a 300 megawatt project that the numbers that we
6 have used in our study, Piatt County says its tax
7 rate is X percent, and that is how you get to the
8 dollars and cents.

9 It's mandated at the state level, which
10 makes the valuation very easy for the county and
11 very easy for us to do a study to clearly say what
12 the tax rate is in Piatt county.

13 Q. And when he's here, will that be a
14 presentation?

15 A. Yeah.

16 Q. So that will be part of it?

17 A. Yeah.

18 Q. To be clear, we don't know when he will be
19 here. Will that be published in the paper or on a
20 website, even the night before of when they will be
21 here, or do we just show up and guess?

22 MR. KAINS: If we could predict, like we
23 the told the other lady -- if we could predict, we
24 would be in a lot better situation.

1 MR. TEUBEL: So we don't know a window
2 when he is going to show up?

3 MR. KAINS: He's going to be here for
4 several nights when he's up but --

5 MR. TEUBEL: Okay.

6 MR. KAINS: But if we could predict if
7 Mr. Moore was going to testify for two hours and
8 then have the next witness ready to go, but we still
9 have other questions for Mr. Moore.

10 MR. TEUBEL: I understand. But he is
11 going to be physically in person, so somebody is
12 going to have to tell him to come.

13 MR. KAINS: Oh, yeah, and probably a night
14 or two or three in case we go through witnesses
15 quickly.

16 MR. TEUBEL: Very good.

17 MR. KAINS: Thank you, Mr. Teubel.

18 Any other questions for the public?

19 Yes, sir. And is there anybody after this
20 gentleman?

21 Okay. After this gentleman testifies, we
22 have got to take a recess because we are going to
23 break Holly's fingers, and no one wants that.

24 Sir, if you could, please state your name

1 and spell your first and last names.

2 MR. REED: Name is Jim Reed. J-i-m
3 R-e-e-d.

4 EXAMINATION

5 BY MR. REED:

6 Q. Good evening, Mr. Moore. A simple
7 question. We are all aware of the disaster that
8 happened with so-called renewable energy in Texas a
9 year or so ago. Will these wind turbines have
10 systems in them to keep them/prevent them from
11 freezing up?

12 A. **To the best of my understanding, yes they**
13 **will.**

14 Q. Okay. Thank you.

15 MR. KAINS: Thank you.

16 All right. It's eight minutes after
17 eight. We are going to be in a brief recess until
18 about 20 after 8:00 and give folks 12 minutes to
19 stand up and stretch your legs, and then we will
20 resume with questions for Mr. Moore. We are in
21 recess until 8:20.

22 (BREAK TAKEN.)

23 MR. KAINS: All right. We are back on the
24 record. We were engaged in questions for Mr. Moore.

1 And, Ms. Rupiper, you had your hand up,
2 and you may go ahead and ask this gentleman some
3 questions.

4 MS. RUPIPER: Thank you.

5 FURTHER EXAMINATION

6 BY MS. RUPIPER:

7 Q. This is some follow-up questions based
8 upon the other questions that other members of the
9 public have asked.

10 Someone previously asked about the
11 anticipated money coming into the county and how you
12 came to that conclusion.

13 Can you tell me who your "dollars and
14 cents" expert is?

15 **A. Dr. David Loomis.**

16 Q. Okay. And when do you -- to the best of
17 your knowledge, when do you anticipate he will be
18 here to give testimony?

19 **A. I don't know that specifically.**

20 Q. Okay. Did you submit a witness list and
21 order of witnesses to the ZBA and/or their attorneys
22 at all?

23 MR. GERSHON: If I could respond to that
24 question?

1 MR. KAINS: Go ahead, Mr. Gershon. This
2 will clarify things.

3 MR. GERSHON: We exchanged a list of
4 witnesses with opposition counsel. He provided his
5 list of witnesses to us and we provided to him. We
6 also copied the chair and the hearing officer on
7 that.

8 I apologize. I assume that we also copied
9 the county's attorney on that.

10 MS. RUPIPER: Okay. Is that list
11 available to the public at all at this point?

12 MR. GERSHON: It is. You just saw it in a
13 slide. It was the list of the same people that you
14 saw on those first two slides.

15 MS. RUPIPER: Okay. Okay. And then --

16 MR. GERSHON: Could I clarify?

17 MS. RUPIPER: Sure.

18 MR. GERSHON: As of that hearing, we --
19 and to be fair to Mr. Luetkehans, he as well, while
20 we identified who we believe will speak, we may
21 choose to add additional witnesses to that. We may
22 choose to have some of those people not testify.
23 But the answer is, as of today, that is the list
24 that we believe will be speaking.

1 MS. RUPIPER: Okay. So at least at this
2 point, as of tonight, you will be calling Dr. David
3 Loomis to testify as to the money issue?

4 MR. GERSHON: Absolutely.

5 BY MS. RUPIPER:

6 Q. Okay. And then, moving on to the drainage
7 issues that have been discussed here tonight, who do
8 you anticipate who is your witness on those issues?

9 MR. KAINS: Mr. Moore, please answer if
10 you know.

11 **A. Correct. That would be -- specific to the**
12 **drainage agreements would be Adam Carlson.**

13 Q. Okay. And, again, do you have any idea on
14 what point in time during this procedure Mr. Carlson
15 will be giving expert testimony on the drainage
16 issues?

17 **A. Unfortunately, no.**

18 Q. Okay. And then I was up here previously
19 asking about the water issue and water usage and
20 well drilling, and I think you had stated
21 Mr. Carlson would also be the expert on that issue
22 as well; is that correct?

23 **A. Correct.**

24 Q. Okay. And, again, you don't anticipate --

1 to your knowledge, you don't know when he would be
2 testifying?

3 **A. I don't know specifically.**

4 Q. Okay. Other people have come up here
5 voicing concerns about the shadow flicker issue.
6 Will you be having an expert testifying on the issue
7 of shadow flicker?

8 **A. Yes.**

9 Q. Okay. And who is that?

10 **A. We will have several folks. First being**
11 **-- let me pull up everybody's names.**

12 Q. Okay.

13 **A. Dr. Jeffrey Ellenbogen, who will speak**
14 **specifically on health impacts of shadow flicker.**

15 Q. Okay.

16 **A. And then we will have a gentleman named**
17 **Jacob Runner, with a company EDR, who completed the**
18 **shadow flicker analysis.**

19 Q. Okay. One follow-up question regarding
20 state funding for schools. Do you know if
21 Dr. Loomis or maybe, to your knowledge, is it
22 possible that the more money that the project would
23 bring in to the community do you know, to your
24 knowledge, if that were to reduce otherwise state

1 funding that this community would get and how those
2 two issues balance out?

3 **A. It's part of our economic study, and**
4 **Dr. Loomis is much more educated on that to speak**
5 **very specifically about the project on this.**

6 Q. One of the concerns that I've heard about
7 this was that -- maybe you can speak to this or
8 not -- is that it would decrease the otherwise state
9 funding that would be coming into the community. Do
10 you think that is true or not?

11 **A. I do not think that is. Well, again,**
12 **Dr. Loomis is the best person to speak specifically**
13 **about that.**

14 Q. Okay.

15 **A. To my understanding the inbound money far**
16 **exceeds any potential risk of loss of money, but he**
17 **can speak very specific to it and address it case by**
18 **case.**

19 Q. Okay. Another member of the public asked
20 questions regarding impact to wildlife. Do you
21 anticipate or will you be having an expert
22 testifying on that subject?

23 **A. Yes.**

24 Q. And who is that?

1 **A. Her name is Jenny Geiger.**

2 Q. Jenny Geiger?

3 **A. Yes. We'll also have a gentleman named**
4 **Travis Brown, who is with a company called West, and**
5 **they conducted our wildlife studies.**

6 Q. Another person testified or asked a
7 question regarding the placement of concrete into
8 the ground and how it won't be removed. You know, I
9 understand that is up to the landowners and they
10 signed an agreement to that extent.

11 However, is there any sort of information
12 or study done about if that would increase or
13 decrease the productivity of that ground in the
14 future with that concrete in there? Do you know?

15 **A. I do not know. No.**

16 Q. Okay. Is there any indication or do you
17 have any knowledge or studies or perhaps maybe an
18 expert will testify, has there been any
19 consideration as to whether the amount of the
20 concrete placed underground, you know, for an
21 indeterminant amount of time, does it have any
22 impact on the water supply and the aquifer?

23 **A. It is not deep enough to impact the**
24 **aquifer, but there is not a study specific to that.**

1 Q. So would that be a question better
2 directed towards Mr. Carlson?

3 **A. Yes.**

4 MS. RUPIPER: That's all I have.

5 MR. KAINS: Thank you, Ms. Rupiper.

6 Last chance for questions for Mr. Moore.

7 All right.

8 Gentleman, in the back.

9 And you've already had a chance. Do you
10 have just one question? Okay. You'll be next.

11 Sir, could you please state your name,
12 spelling first and last names for the record,
13 please?

14 MR. MCKANIC: My name is Dennis McKanic.
15 D-e-n-n-i-s M-c-K-a-n-i-c.

16 EXAMINATION

17 BY MR. MCKANIC:

18 Q. Once the cost of these turbines is
19 recuperated, other than the cost of maintenance and
20 staff, is the cost of energy going to go down for
21 the consumers?

22 **A. So, again, we are not a utility. We don't**
23 **control the prices that go to rate payers.**

24 Q. Uh-huh.

1 A. What we have seen is that the demand for
2 electricity for renewables is very high because it
3 is inexpensive. There is some colloquial
4 information that it can lead to lower rates for rate
5 payers. But, again, we are not a utility and,
6 therefore, we don't define the additional fees that
7 are put onto rates to specific individuals or an
8 individual home.

9 MR. KAINS: Thank you, sir.

10 Now, generally I don't allow you to come
11 up a second time and ask questions, but I am going
12 to allow it because, quite honestly, what this board
13 wants to hear is from you the public, and if you
14 have questions and they are important for you, then
15 they are important for the board to hear.

16 So, sir, come on up. And I have forgotten
17 your name already.

18 MR. MECUM: Mecum, Tim Mecum.

19 MR. KAINS: Go right ahead.

20 FURTHER EXAMINATION

21 BY MR. MECUM:

22 Q. My understanding is that you are going to
23 build 50 of the 60 permitted towers. Is that
24 correct?

1 **A. Correct.**

2 Q. And I guess where I am going with that
3 question, how many more of these, second phase, have
4 you guys got planned?

5 Are we -- is this it or are we looking at
6 more of these?

7 **A. For the project that we are permitting**
8 **now, this is it.**

9 Q. Nothing down the road?

10 **A. We don't have anything in development**
11 **currently in the county. I can't speak to what any**
12 **other developer is doing or any other company is**
13 **doing, but for this project, Goose Creek Wind, we**
14 **will build 50 turbines.**

15 MR. MECUM: That's all I have got.

16 MR. KAINS: Okay. Thank you, Mr. Mecum.

17 Sir, could you please state your name
18 spelling your first and last name for the record?

19 MR. DYLAN GALLAGHER: Dylan Gallagher.
20 D-y-l-a-n G-a-l-l-a-g-h-e-r.

21 EXAMINATION

22 BY MR. DYLAN GALLAGHER:

23 Q. Mr. Moore, how many projects/wind farms
24 has Apex built?

1 **A. We have built -- I think we operate 11**
2 **wind farms and solar farms. We have constructed a**
3 **few more than that. So we have over 40,000**
4 **megawatts currently in development. We are**
5 **operating about 2 billion dollars' worth of**
6 **projects.**

7 Q. So of those, how many have you built?

8 And how many do you still operate?

9 And what is the longest running farm you
10 guys still own?

11 **A. I'll be honest and say I don't have that**
12 **information directly in front of me. It has been**
13 **prior to me, to my time. So the longest one --**

14 Q. Who would be the person to ask about that?

15 **A. I am happy to get that for you. It won't**
16 **take me a handful of minutes or, after this evening,**
17 **I am happy to get all that information for you. We**
18 **certainly have it.**

19 Q. Do you guys currently have an interested
20 party in buying this project after it's completed?

21 **A. No. Our intention is to own the project.**

22 Q. For how long? The life?

23 **A. Correct.**

24 Q. Okay. That's it. Thanks.

1 MR. KAINS: Thank you, Mr. Gallagher.

2 Anyone else? Thank you.

3 Questions for Mr. Moore from Piatt County
4 staff and consultants?

5 Now, Mr. Gershon, redirect examination, if
6 you have any questions for your witness.

7 MR. GERSHON: Thank you. I'll try to make
8 them short. I want to address what I think may be
9 confusion on a few issues.

10 FURTHER EXAMINATION

11 BY MR. GERSON:

12 Q. With respect to the Illinois Pollution
13 Control Board, you were asked whether or not you
14 have submitted this project to the Illinois
15 Pollution Control Board. Is there any requirement
16 that you submit this wind project to the Illinois
17 Pollution Control Board?

18 A. No.

19 Q. You talked about your past, your
20 experience in wind farms. Are you aware of any wind
21 farm being required to submit to the Illinois
22 Pollution Control Board?

23 A. No.

24 Q. Are you required to meet the Illinois

1 Pollution Control Board's requirements?

2 **A. Yes.**

3 Q. Are you also required to meet the county's
4 WECS Ordinance requirements with respect to the
5 sound?

6 **A. Yes.**

7 Q. There were also questions regarding the
8 difference between the AIMA agreement on
9 decommissioning and the WECS Ordinance.

10 Does the Illinois Department of
11 Agriculture's AIMA -- by executing that agreement,
12 do you have any right to violate the county's WECS
13 Ordinance?

14 **A. No.**

15 Q. Are you required to comply with the county
16 WECS Ordinance requirements with respect to
17 financial security?

18 **A. Yes.**

19 Q. Does that requirement, according to the
20 WECS Ordinance for the county, require that you put
21 up 100 percent of the financial surety determined by
22 the county to be required?

23 **A. Yes.**

24 Q. On a related issue, there was a question

1 -- I think a fair one -- of whether or not why we
2 hired a -- you hired an engineer to do a third-party
3 study to determine the decommissioning amount.

4 Are you required by the WECS Ordinance to
5 hire a third-party engineer to determine that
6 amount?

7 **A. No.**

8 Q. I am sorry?

9 **A. I mean yes. Sorry. Yes. Sorry.**

10 Q. And critically important on this, the
11 county is also, pursuant to the WECS Ordinance, to
12 review that financial assurance amount, financial
13 security amount.

14 Do you have any authorization to pick the
15 person the county chooses to do that?

16 **A. No.**

17 Q. So, to our knowledge, the county's
18 obligated to have their own person review that?

19 We have no right to choose who that is?

20 **A. Correct.**

21 Q. Thank you. There were a lot of questions
22 on your having set the depths for removable of
23 improvements on decommission. Did you set the
24 depths for removal under the WECS ordinance?

1 **A. No.**

2 Q. Did you set the depths for removal under
3 the AIMA?

4 **A. No.**

5 Q. Are you required to comply with both the
6 WECS ordinance and the AIMA?

7 **A. Yes.**

8 MR. GERSHON: Thank you. That's all the
9 questions that we have. Thank you.

10 MR. KAINS: Mr. Luetkehans, recross?

11 FURTHER EXAMINATION

12 BY MR. LUETKEHANS:

13 Q. Did you just say you are required to put
14 up 100 percent of the financial assurance at the
15 beginning under the agreement with the WECS
16 Ordinance?

17 MR. KAINS: Mr. Moore, if you know.

18 **A. We are required to follow the county WECS**
19 **Ordinance. So if it requires us to put up**
20 **100 percent of the security, then we would be**
21 **required to put up 100 percent of the security.**

22 Q. But when we looked at this earlier and I
23 look at it again, there is no requirement in the
24 WECS Ordinance that 100 percent of the security be

1 put up at the time of the building permit or any
2 other time. Correct me if you can find it. I'm
3 happy to be wrong, but I sure as heck can't find it.

4 **A. Correct.**

5 MR. LUETKEHANS: Nothing further.

6 MR. KAINS: Mr. Gershon?

7 MR. GERSHON: I can do this by question or
8 I can read the ordinance. What is easier for you?

9 MR. KAINS: Ask a question.

10 FURTHER EXAMINATION

11 BY MR. GERSHON:

12 Q. Does the WECS Ordinance, in section 13E,
13 say that the financial plan must be approved by
14 Piatt County to ensure that funds will be available
15 for decommissioning and land restoration?

16 **A. Yes, it does.**

17 MR. GERSHON: Thank you.

18 MR. KAINS: Thank you.

19 Mr. Luetkehans?

20 MR. LUETKEHANS: No.

21 MR. KAINS: Thank you. All right. The
22 last questions for this witness comes from the
23 zoning board.

24 Any members of the zoning board have any

1 questions for Mr. Moore that haven't already been
2 asked and answered?

3 Very good.

4 Thank you, Moore.

5 I'm sorry. Mr. Harrington?

6 EXAMINATION

7 BY MR. HARRINGTON:

8 Q. So, Alan, in regards to decommissioning,
9 there's been a lot of discussion and, obviously,
10 we've got some more to learn here, but in the case
11 that, hypothetically, you don't have this for the
12 life of the project, how does that play out in
13 regards to decommissioning in regards to how the
14 county administers it after it leaves your
15 possession?

16 A. Any obligation under our permits would
17 carry to any future successor, assignee or owner of
18 the project, so they would be bound under the same
19 obligations that we are.

20 Q. Good. And in the essence of your
21 agreements -- right? -- with your said landowners,
22 is there any language that states what their
23 obligation is in that?

24 A. That the landowner's obligation -- that

1 **the landowner's obligation to restoration or removal**
2 **of facilities?**

3 Q. Their responsibility of it, yes.

4 **A. They have no responsibility to.**

5 Q. So the individuals that signed with you
6 don't have any obligation to take it down, right?

7 **A. Correct.**

8 Q. So, technically speaking, if you had an
9 agreement, that wind tower or whatever structure
10 ended up being could hypothetically be there forever
11 then, right?

12 **A. No. I mean there is the security in place**
13 **to remove the facilities at the end of the life of**
14 **the project.**

15 **If we are in violation of our permits,**
16 **that security is in place to remove the facilities**
17 **in total per the decommissioning plan.**

18 Q. Right. Per the plan?

19 **A. Correct.**

20 MR. HARRINGTON: Right. Okay. In regards
21 to that, that is all I got for now.

22 MR. KAINS: Thank you, Mr. Harrington.

23 Anybody else on the Zoning Board of

24 Appeals have a question for Mr. Moore?

1 Very good.

2 Mr. Moore, you may step down; however, I
3 understand you are here every night, and there is
4 always the possibility that either your attorney or
5 the board may recall you.

6 All right. Mr. Gershon, we have
7 18 minutes before 9:00. Your next witness -- who
8 would your next witness be?

9 MR. GERSHON: The next part of the
10 presentation would be my very exciting review of
11 what the WECS ordinance requirements are and the
12 code.

13 I think it might, at the pleasure of the
14 zoning board, be better if we tried to address the
15 question that was raised about how we can and to
16 what extent we can identify who would be here, if
17 that is acceptable.

18 MR. KAINS: Yes. So you are your next
19 witness?

20 MR. GERSHON: Correct.

21 MR. KAINS: And how long is your
22 testimony?

23 MR. GERSON: Mine really isn't testimony.
24 It is outlining what we are obligated to do under

1 the code, but I could do it in less than 15 to
2 20 minutes for the actual presentation.

3 MR. KAINS: Mr. Luetkehans?

4 MR. LUETKEHANS: I guess I am kind of
5 confused. That should be what we are doing in
6 opening or closing. Mr. Gershon testifying about
7 what is the in code, I'm not really sure what we are
8 doing.

9 MR. KAINS: I think, if he wants to give
10 an overview of what is in the code, I am going to
11 allow that.

12 Now, the question becomes, if it's going
13 to take him 15 minutes, the questions for that, I
14 guess it's up to the board. Are we ready to plow
15 through his 15 minutes of an explanation of the
16 code, questions for him from everyone? Do we want
17 to do that here in the remaining 17 minutes before
18 9:00 or do we want to start with that tomorrow night
19 at 6?

20 MR. HARRINGTON: I don't feel it gives the
21 opportunity for cross examination there.

22 MR. KAINS: Okay.

23 MR. CHAMBERS: Agree.

24 MR. LOVIN: Agree.

1 MR. KAINS: All right. The next question
2 is -- let's try to give these folks some idea of who
3 is going to be here tomorrow night to testify.

4 Mr. Gershon, the ball is in your court.

5 MR. GERSHON: So let me explain just so
6 everyone understands again. Neither we or, to be
7 fair, Mr. Luetkehans determine the rules. The
8 zoning board determined those.

9 And absolutely you're right to do so.

10 But as a result, tonight is a good
11 example. We had three people who were going to
12 testify tonight. So it now means that I have two
13 people from today who will testify tomorrow in
14 addition to whoever else I thought might be coming
15 in tomorrow.

16 But we have no objection -- and I will say
17 that both Mr. Luetkehans and I spoke with the
18 hearing officer on the break -- I don't believe --
19 I'll let him speak for himself -- I don't believe he
20 does either -- but at the end of each session we
21 will give you our best guess as to who is going to
22 testify.

23 Just recognize, if there had been a
24 hearing yesterday, I would have named three people

1 who were going to be here. And here is where it
2 gets more complicated. One of the people now may
3 not be here tomorrow because his schedule is such
4 that we've got to move him as well. That is why
5 it's almost impossible to go beyond that.

6 But let me tell you who I think will be
7 testifying tomorrow, and that will be: Myself, just
8 on the rules; Jeff Ellenbogen to testify on health
9 issues; Jason Connelly to testify on safety issues;
10 and if you want to bet me a dollar, I bet Eddie
11 Duncan on those issues tomorrow. That is who we
12 expect to have in the room.

13 I want to make clear to everyone here:
14 I've had witnesses who miss their plane. We can
15 never guarantee it, but that is currently who we
16 expect to have here. And how long that goes will be
17 based on how many questions there are and how long
18 it is.

19 MR. KAINS: Absolutely. I think we all
20 understand the process. It's not perfect, but that
21 is very good. So those are the people who are going
22 to -- what are the subject matters again?

23 Yours is with respect to the ordinance?

24 MR. GERSHON: Mine, the ordinance.

1 Jeff Ellenbogen, Dr. Jeff Ellenbogen, with
2 respect to health issues and concerns.

3 Jason Connelly is testifying with respect
4 to safety concerns.

5 And Eddie Duncan, who is with RSG, will be
6 testifying with respect to noise issues.

7 MR. KAINS: Okay. Very good.

8 Anything from you, Mr. Luetkehans?

9 MR. LUETKEHANS: No, sir.

10 MR. KAINS: Mr. Chairman, I think it's
11 appropriate if we take a recess with your consent.

12 MR. WAX: Yes. I think we should.

13 MR. KAINS: All right. We will be in
14 recess until tomorrow evening at 6:00 p.m., and we
15 will be here. Thank you.

16 (END OF PROCEEDINGS.)

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CERTIFICATE OF REPORTER

I, Holly Wingstrom, CSR #84-003888, reported in machine shorthand the proceedings had in the above-entitled cause and transcribed the same by computer-aided transcription, which I hereby certify to be a true and accurate transcript of the proceedings had.


Holly Wingstrom, CSR #84-003888
Official Court Reporter

Dated: 11/22/2022

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