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STATE OF ILLINOIS
PIATT COUNTY ZONING BOARD

GOOSE CREEK WIND, LLC
APPLICATION FOR A SPECIAL USE PERMIT

December 8, 2022

5:56 p.m. to 7:50 p.m.

Held at the Community Building, Monticello, IL

PIATT COUNTY ZONING OFFICER:

Ms. Keri Nusbaum

HEARING FACILITATOR:

Mr. Scott Kains, Esq.

PIATT COUNTY ZONING BOARD MEMBERS:

Mr. Jim Harrington, Vice Chairman

Mr. William Chambers

Mr. Kyle Lovin

PIATT COUNTY BOARD MEMBERS:

No County Board Members present.

COUNSEL FOR THE PIATT COUNTY BOARD:

Mr. Andrew J. Keyt, Esq.

COUNSEL FOR THE APPLICANT:

Mr. Mark A. Gershon, Esq.

Mr. Ben Jacobi, Esq.

APPLICANT - Apex Clean Energy:

Mr. Alan Moore, Senior Project Manager

COUNSEL FOR THE OBJECTORS:

Mr. Philip A. Luetkehans, Esq.

COURT REPORTER:

Ms. Jamie J. Mumm, CSR,

Official Court Reporter

Piatt County Courthouse

101 W. Washington

Monticello, IL 61856

(217)762-5861/jmummreports@gmail.com

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MR. HARRINGTON: If we can call the meeting to order and start off by standing and saying the Pledge of Allegiance.

5

(PLEDGE OF ALLEGIANCE.)

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7

8

9

MR. HARRINGTON: Miss Nusbaum, if you could call roll, please.

10

11

MS. NUSBAUM: Yes. Mr. Larson?
Mr. Harrington?

12

13

MR. HARRINGTON: Here.

MS. NUSBAUM: Mr. Lovin?

14

MR. LOVIN: Here.

15

MS. NUSBAUM: Mr. Wax? Mr. Chambers?

16

MR. CHAMBERS: Here.

17

18

MS. NUSBAUM: Mr. Foran? State's Attorney Perry?

19

20

MR. HARRINGTON: Are we going to do the County Members too, please?

21

22

MS. NUSBAUM: Yes. Mr. Henricks? Mr. Edwards? Miss Jones? Mr. Beem? Miss Piatt?

23

Mr. Shumard? All right, thank you.

24

25

MR. KAINS: All right. Thank you, Keri. Good evening, ladies and gentlemen. The Chair of this Zoning

1 Board is absent tonight. Mr. Wax has informed us he is
2 not feeling well, and it's like a pesky thing going
3 around.

4 All right. This is the ninth night of this
5 public hearing with respect to a special use permit for
6 Goose Creek Wind, for an application for a special use
7 permit to develop a wind energy project in northern
8 Piatt County. We will have tonight witnesses who will
9 speak in support of the special use permit application,
10 and assuming we get through these witnesses that we
11 have, and I've been given a list of ten persons. I
12 should note for the record, Mr. Luetkehans had something
13 else he had to attend to, so he is not here tonight, and
14 we will not waste our time. After we have witnesses in
15 support of the application, we will then start calling
16 witnesses who are opposed to the application. So that's
17 going to be the order of proceeding for tonight, and
18 just by way of information, this Board will meet again
19 in a session Wednesday night December 14th and next
20 Thursday night December 15th in this building, and at
21 that time Mr. Luetkehans who represents an opposition
22 group will call his expert witnesses on those evenings,
23 and there will also be opportunity for other persons in
24 opposition to this application testify on Wednesday and
25 Thursday. That will be at the discretion of

1 Mr. Luetkehans, their attorney. If you're not
2 represented by Mr. Luetkehans, you will go after his
3 witnesses.

4 All right. With that said, our first
5 witness tonight, please step forward to the podium,
6 Mr. David Hepler. Mr. Hepler has presented to me an
7 e-mail, looks like an e-mail chain. They will be
8 accepted. Mr. Keyt, you may mark those.

9

10 **(Miss Perry has arrived.)**

11 MR. KAINS: All right, Mr. Hepler, if you
12 could please raise your right hand, and the Court
13 Reporter will swear you in.

14 **(WITNESS SWORN.)**

15

16 D A V I D H E P L E R

17 called as a witness in the above-entitled cause, having
18 been first duly sworn, was examined and testified as
19 follows:

20

21 MR. KAINS: All right, sir, could you please
22 state your name, spelling your first name and last name
23 for the record?

24 MR. HEPLER: Yes. It's David Hepler, and
25 the last name is H-E-P-L-E-R.

1 MR. KAINS: And you are a resident of
2 Lincoln, Illinois; is that correct?

3 A. That's correct, sir.

4 MR. KAINS: Under the rules adopted and in
5 procedure for this hearing, residents of Piatt County
6 are allowed forty-five minutes to speak. Non-Piatt
7 County residents are allowed fifteen minutes. So
8 Mr. Hepler, your presentation can begin, and you have
9 fifteen minutes to address the Board.

10 MR. HEPLER: I'm fighting a cold. I won't
11 need that long, but I appreciate, Mr. Chairman and the
12 audience letting me be here, and if you can't hear me
13 please let me know. I'm going to read a statement just
14 because I thought it might be a little bit easier to
15 retain my thoughts.

16 My name is David Hepler. I'm from Logan
17 County. By way of brief background, I had a Chiropractic
18 practice in Lincoln for thirty-seven years, retiring in
19 December of 2019. My work put me in close contact with a
20 cross-section of our community. In 1996, I was elected
21 to the Logan County Board and served in that capacity
22 until December 1st of 2022, with the exception of a
23 four-year period from 2004 to 2008. During those
24 twenty-two years, I chaired most of the committees, the
25 Board Chair, the Vice-Chair, four terms as Chair of the

1 Regional Planning Commission, and most often the
2 Planning and Zoning Committee. These experiences give me
3 some familiarity with the nature and importance of
4 tonight's hearings.

5 I'm here this evening to relate the experience we
6 have had in Logan County with wind farms, at least as I
7 see it. I'm also here to discuss our dealings with Apex
8 Clean Energy with both the wind farm and the solar farm
9 in Logan County.

10 In the mid 2000's, then Board Chairman Bob Farmer
11 helped write our first wind ordinance assisted by the
12 Zoning Officer, County Engineer and State's Attorney. A
13 few years later our first wind farm, the Rail Splitter,
14 spanning northwest Logan County and into Tazewell
15 County, went operational. I know of no adverse impacts
16 or issues with this project, and it is now at midlife --
17 as since it is now at midlife a re-powering is
18 contemplated for 2023.

19 In about 2009, plans were formed for a wind farm
20 just west of Lincoln. During the nearly ten years in
21 project development, citing and construction, the
22 project changed hands a few times. One of those
23 developers was Apex Clean Energy. The wind farm did,
24 however, retain the same development team locally and
25 eventually went operational roughly ten years later.

1 During those years as Zoning Chair as well as Vice-Chair
2 and County Board Chairman, I enjoyed the pleasant and
3 cooperative working relationship with Apex Clean Energy
4 and their team. They held open houses, participated in
5 community events, stepped up when local causes had
6 needs, and conducted their business with the utmost of
7 transparency.

8 In January of 2015, a very controversial wind
9 farm project near Mt. Pulaski was brought to the County
10 Board. It failed in a six-to-six vote. In July of 2015,
11 it had been re-named the Hilltopper Wind Farm, and with
12 a project re-design and much more community engagement,
13 it passed the Board eight to four. A Phase II, Whitney
14 Hill, was subsequently approved and built. Both are
15 operational today.

16 The two greatest concerns raised at that time
17 were property values and the impacts on people's health.
18 A few months ago, in anticipation of two more wind farm
19 applications coming before the Logan County Board, I
20 posed those two scenarios to the Supervisor of
21 Assessments and the Logan County Public Health Director.
22 The Assessor, Jennifer Bryant, reported that not only
23 has there been no property devaluation in proximity to
24 Hilltopper and Whitney Hill, the values have actually
25 shown an increase. Don Canvi the Health Department

1 Director, also reported not a single case of ill health
2 had been noticed to his agency as attested by a
3 physician.

4 An interesting aside that might be of value to
5 this ZBA and the Piatt County Board, is that in 2015,
6 the wind farm developer asked the Mt. Pulaski-Elkhart,
7 District 23 School Board, for an endorsement of the
8 project. They even offered financial incentives to do
9 so. The School Board declined.

10 In the late summer and fall of 2022, the Top Hat
11 and Pike Creek Wind Farms went through the zoning
12 process. This time the District 23 School Board and the
13 school administration offered to host the public
14 hearings and later voted to endorse both projects.
15 Between Phase 1, Hilltopper, and Phase 2, Whitney Hill,
16 these projects have become the largest tax paying entity
17 in Logan County. In our last tax year, 2021, they
18 provided over one million seven hundred and fifty
19 thousand new dollars to the Mt. Pulaski-Elkhart School
20 District. They also now have a brand new ten
21 million-dollar high school paid for by wind without
22 raising anyone else's taxes.

23 Similar stories exist all over Logan County. Due
24 to substantial new revenue sources, Lincoln Community
25 High School has been able to hire new and valuable staff

1 and offer all programs and services at no costs to
2 students or their parents. At present the only exception
3 is Drivers' Education.

4 Smaller districts such as Hartsburg-Emden, New
5 Holland Middletown and Chester East Lincoln are thriving
6 due to large revenue infusions from wind. Chester East
7 Lincoln will receive over a half million new dollars
8 from Top Hat in its first operational year alone. New
9 Holland Middletown, with less than a hundred students,
10 will likewise receive hundreds of thousands of new
11 dollars from Pike Creek. We have been able to support a
12 network of thriving rural schools, which ultimately is
13 the future of our community. Moreover, since we operate
14 under tax caps in Logan County, the new monies collected
15 by the local county treasurer have resulted in several
16 years of across-the-board property tax rate cuts for all
17 of our homes and businesses.

18 Shifting gears back to Apex. On March 4th, 2020,
19 Apex made a presentation to the Zoning Committee for
20 what we believe was the first utility-grade solar farm in
21 the State of Illinois. A few weeks later we were plunged
22 into a worldwide pandemic. In spite of these challenges,
23 neither Apex, the Committee, or our staff gave up on the
24 project. Even often working remotely, Apex was fully
25 transparent with its requirements of us and responsive

1 to our several requests. In the summer of 2021, the
2 Mulligan Solar Farm was approved by the Logan County
3 Board, and in August of 2022, the Governor cut the
4 ceremonial ribbon to commence operations. The Apex team
5 could not have been more cooperative, responsive or
6 pleasant to work with. Based on our experiences with
7 both wind and solar farm development, I have every
8 expectation the officials and people of Piatt County
9 will share the same experience with Apex.

10 I conclude by stating that wind, solar and really
11 almost any significant projects are not without
12 drawbacks or at least concerns. As a longstanding
13 County Board Member, I have listened to good and sincere
14 people discuss property values, health, wildlife issues,
15 meteorology, impacts to farming, and aesthetics. To
16 varying degrees, there's truth and legitimacy in all of
17 these arguments. The challenge for myself individually
18 and the Logan County Board collectively has been to
19 balance these individual impacts against the broad
20 public benefits. In my opinion, the long term support
21 for public education, the millions of new dollars for
22 our county and township roads, the new equipment made
23 available to rural fire protection and emergency
24 response departments, the upgrades for our several park
25 districts, and the financial relief brought to thousands

1 of households in our community, has been the right
2 investment on behalf of our people and the right
3 decision to have made.

4 Thank you for consideration of my thoughts and
5 the opportunity to address the Zoning Board of Appeals
6 this evening.

7 MR. KAINS: Very good. Thank you,
8 Mr. Hepler. We'll have questions for you in just a
9 second. First of all, any questions for this witness
10 from Members of the Piatt County Zoning Board of
11 Appeals? Mr. Harrington?

12 MR. HARRINGTON: Yes.

13

14 EXAMINATION BY

15 MR. HARRINGTON:

16

17 Q. You mentioned one of your many solar -- or wind
18 farms was under consideration for re-power?

19 A. Yes.

20 Q. Can you tell me any more about that?

21 A. Sure, I'm glad to. Actually, that's the Rail
22 Splitter project, and how that came about, they
23 approached our Zoning and Economic Development Director,
24 Elizabeth Kavelman this past summer, the representative
25 did, and they would like to essentially use the same

1 footprint, and this is for Logan County in the area
2 around Emden, and this goes into Tazewell County, and
3 put all new power plants in. So essentially we would
4 get a new wind farm with new decommissioning agreements
5 and road use agreements for another thirty years. And
6 there's kind of an interesting corollary to this, and
7 that is that about a few weeks later there was an
8 opportunity to participate in a virtual symposium
9 sponsored by one of the national laboratories, this one
10 from out in California, in which it appears now that the
11 Department of Energy is promoting the re-powering. So
12 after a few months they may have material available to
13 be released to our County Board Members, and I'm sure it
14 can be released to yourselves as well. So that seems to
15 be the trend rather than just counting on
16 decommissioning. It's very exciting for us.

17 Q. So you're saying you're pretty much at a
18 preliminary stage currently? You haven't really gotten
19 any firm details on it yet, or are you further along
20 than that?

21 A. No, I think they feel very comfortable with Logan
22 County. I think that the representatives said that they
23 wanted to make sure that the Tazewell County Board was
24 not going to significantly modify their wind ordinance
25 that might make it less attractive to do the re-power in

1 Tazewell. I can't speak or for them, but I don't know
2 why they would not want to have, if it didn't affect the
3 footprints, you know, state-of-the-art turbine
4 technology, but I think they're confident that Logan
5 County would be supportive of a re-power.

6 Q. I hear ya. What height are those original builds
7 you're dealing with?

8 A. Those were, I think a little less than two
9 hundred feet, Rail Splitter was. The ones subsequently
10 have gotten larger.

11 Q. I understand. Being that you were so intricately
12 involved in apparently one or more of those, looking
13 back now if there were two or three things you could do
14 different, what would it be?

15 A. I hadn't thought about that question, but I
16 probably did after a few County Board meetings, I'm
17 sure. I think probably more forums like this where you
18 engage the public, and when I left the Board, I put a
19 fairly extensive memo together for the new member who's
20 going to take over the Zoning Committee, and one of the
21 recommendations I made was there's a project being
22 contemplated between Emden and New Holland. We haven't
23 heard of any opposition, but my recommendation was, as
24 this advances that they have an open house so that the
25 people in that community know that this is being

1 considered. I think that that would probably be the
2 biggest thing.

3 Q. I hear ya. That's all I've got.

4 MR. KAINS: Okay. Very good. Thank you. Any
5 other questions from Members of the Zoning Board of
6 Appeals? Questions from members of units of local
7 government including school districts? Questions from
8 any licensed attorneys? Questions from other interested
9 parties, members of the public opposed to the
10 application or neutral on the application? Questions
11 from Piatt County staff and consultants? Very good.
12 Mr. Hepler, thank you for your testimony. You're
13 excused.

14 MR. HEPLER: Thank you very much, and I
15 think I'll head back to Lincoln.

16 (WITNESS EXCUSED.)

17

18 MR. KAINS: Zachary Harrington?

19 MR. HARRINGTON: That's me, but I didn't put
20 an asterisk --

21 MR. KAINS: Okay. You're going to pass?
22 Okay, that's fine. Absolutely, sir. Constance Musick?
23 Ma'am, could you please raise your right hand and be
24 sworn.

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(WITNESS SWORN.)

C O N S T A N C E M U S I C K

called as a witness in the above-entitled cause, having been first duly sworn, was examined and testified as follows:

MR. KAINS: Very good. Ma'am, could you please state your name, spelling your first name and last name for the record?

MS. MUSICK: First name's Constance, C-O-N-S-T-A-N-C-E. Last name is Musick, M-U-S-I-C-K.

MR. KAINS: And in what town or city do you reside?

MS. MUSICK: I recently have moved back to Piatt County.

MR. KAINS: Okay, and in what town?

MS. MUSICK: It would be Mansfield.

MR. KAINS: Mansfield? Very good. Under the rules you have forty-five minutes, if you want to use that, but...

MS. MUSICK: I don't think I have enough for forty-five minutes.

MR. KAINS: I'm guessing that we gave the

1 folks a lot of time, but in the interests of moving
2 things along we appreciate folks not wanting to use all
3 of their time. Miss Musick, you may proceed.

4 MS. MUSICK: I'm here representing the
5 Laborers Local 703, which is going to be part of the
6 project. I've worked power plants, I've worked pipe
7 lines, I've worked windmills. The different worlds that
8 they have, I've found that the windmills are cleaner.
9 They are more presented, and they are more consistent
10 with the growth that's going on today. I know people are
11 against the viewing of it, but I have found out that it
12 is what we are growing toward. I mean it's cleaner
13 energy, and it brings revenue to our community, it
14 brings jobs, it brings in out-of-town people that move
15 here later to join our area. I mean we definitely need
16 something around, but we need to consider, you know, the
17 people in the area. We are all thoughtful. Every company
18 that I've worked with is thoughtful of the community
19 that they're in. That's all that I have.

20 MR. KAINS: Very good. Questions for Miss
21 Musick from Members of the Zoning Board of Appeals?
22 Questions from members of units of local government
23 including school districts? Questions from licensed
24 attorneys? Questions from interested parties, those
25 opposed or neutral on the application? Questions from

1 Piatt County staff and consultants? Very good, Miss
2 Musick, thank you. You're excused.

3 (WITNESS EXCUSED.)

4

5 MR. KAINS: I'm going to mess this one up.
6 Is it Joseph Walley?

7 MR. WALLEY: Jason Walley.

8 MR. KAINS: Jason Walley? I'm sorry, it is.
9 From Chillicothe, right?

10 MR. WALLEY: Yes.

11 MR. KAINS: There you go. I've got the right
12 Guy. Sir, can you please raise your right hand and be
13 sworn.

14 (WITNESS SWORN.)

15

16 J A S O N W A L L E Y

17 called as a witness in the above-entitled cause, having
18 been first duly sworn, was examined and testified as
19 follows:

20

21 MR. KAINS: Sir, could you please state your
22 name, spelling you first and last names for the record?

23 MR. WALLEY: Jason, J-A-S-O-N, Walley,
24 W-A-L-L-E-Y.

25 MR. KAINS: And Mr. Walley, you stated that

1 you are from Chillicothe?

2 MR. WALLEY: I am.

3 MR. KAINS: Then sir, you have fifteen
4 minutes to express whatever you would like to the Zoning
5 Board.

6 MR. WALLEY: Okay. I just wanted to take a
7 couple of minutes to come down and talk. I've been a
8 union operator for over twenty years. I've been in the
9 wind industry for almost twenty years. I mean as soon as
10 I got in, I straight went to wind. I'm a crane
11 operator, and I've done it for, like I say, twenty
12 years. I've been on new projects, re-power projects, and
13 maintenance. I'm here for any questions you guys have
14 in that aspect of it. I just got done with a big
15 project. I know you were questioning the re-power. They
16 just did one up at Big Sky in Ohio, Illinois. I was on
17 that project helping out with the demolition, and the
18 recycling of all the material and everything.

19 When it comes to maintenance, the amount of
20 time that we go into all the different locations and
21 stuff like that, we deal with the road commissioners,
22 the counties and stuff like that. The amount of time
23 that we take, and how do I put it, the care that we do
24 with them, you're talking about large machines and stuff
25 like that, that we want to follow every rule to make it

1 to where you guys accept us back the whole time. If
2 there's any questions on that, any questions when it
3 comes to the re-powers, you know, like I say I've been
4 doing it for twenty years. I come to these communities,
5 these small communities. I have guys that work for me
6 now that live here in Piatt that actually travel all
7 over to these wind farms and stuff like that. We really
8 take a lot of pride in doing stuff in the community when
9 we come in, making sure we try to stay in the same area,
10 we eat in the same places, we try to use our money to
11 the local establishments and stuff like that. Do you
12 guys have any questions?

13 MR. KAINS: Okay. Very good. Thank you,
14 Mr. Walley. Questions for this gentleman from Members
15 of the Zoning Board?

16 EXAMINATION BY

17 MR. HARRINGTON:

18

19 Q. You say you're a crane operator primarily, it
20 sounds like, and I guess what has been your experience
21 with, now that you're traveling back to some of these
22 wind farms, what, fifteen, twenty, what type of tenure
23 are we talking about? How long?

24 A. So I mean there's places like Twin Groves which
25 is just east of Bloomington, it's been there for

1 seventeen years I want to say, and I mean that thing is
2 still just hopping right along. Do they have
3 breakdowns? It's a machine. Does a tractor have
4 breakdowns? Yeah, you know. Do we go in -- when we go
5 in do we make a bigger footprint or anything on the
6 farmers' fields and stuff like that? No. We try to
7 minimize anything that we can when we go in. When it
8 comes to like, my family are farmers. If I could have
9 twenty of these on my property, I'd take them in a
10 heartbeat, you know. When it comes to re-power, like I
11 say, Big Sky, alls they did was take the blades down and
12 the nacelle down, and they put an extra section on and
13 went a little bit taller, and right back going. They
14 recycled -- now they're doing recycling with the blades
15 and everything. They're chopping them up, they're
16 putting in concrete and making park benches out of them
17 and stuff like that, and the rest of it's getting
18 re-cycled, going back into steal and stuff like that.

19 Q. Gotcha. If there was anything you could improve
20 in your current protocols, what would it be?

21 A. I think that -- I think that when it comes to
22 protocols with us as a company, we -- the only protocol
23 that we have when it comes to this, is we make sure,
24 like I said, that we're getting ahold of the road
25 commissioner and this and that. We really take a lot of

1 pride in coming and going and not damaging anything. Um,
2 if we need improvements, when we're coming in with a
3 bigger crane or something like that, we make sure that
4 we've got plenty of time to get with the road
5 commissioners, do what we need to, and then take care of
6 it when we leave to where it's like when come back, you
7 know, came in. So I think that it's been going so long
8 now that I think that all the companies that are coming
9 in are in that same category. Every one wants to be able
10 to come back, right? So we're all taking good care of
11 it as we go along.

12 MR. HARRINGTON: Very good.

13 MR. KAINS: Any other questions for this
14 gentleman from Members of the Zoning Board? Questions
15 from members of units of local government including
16 school districts? Questions from licensed attorneys?
17 Questions from other interested parties, persons in
18 opposition to or neutral on the application? Questions
19 from Piatt County staff and consultants? Very good.
20 Mr. Walley, thank you. You're excused.

21 (WITNESS EXCUSED.)

22

23 MR. KAINS: Jamie, if we could go off the
24 record for just a second.

25 (DISCUSSION HAD OFF THE RECORD.)

1 MR. KAINS: Thank you. We're back on. J.D.
2 Miller?

3 (WITNESS SWORN.)

4
5 J.D. M I L L E R
6 called as a witness in the above-entitled cause, having
7 been first duly sworn, was examined and testified as
8 follows:

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

13 MR. MILLER: My name is J.D. Miller. J.D.
14 M-I-L-L-E-R.

15 MR. KAINS: Very good, sir. And you are from
16 Decatur, Illinois?

17 MR. MILLER: That's correct.

18 MR. KAINS: Very good. You have fifteen
19 minutes. You may proceed.

20 MR. MILLER: Okay. As I stated, my name's
21 J.D. Miller. I'm the Organizer for the IBEW Local 146
22 in Decatur, Illinois, representing electrical workers
23 that live in Piatt County and the surrounding counties.
24 As a matter of fact, we have a lot of my members right
25 here that I represent, and I'd like to -- any other

1 union members that are in support of this, you know, to
2 secure the work and to support your families and it
3 helps with everything like that, could you please stand
4 up in support.

5 **(UNIDENTIFIED INDIVIDUALS STAND.)**

6 MR. MILLER: Great. You guys can sit. Great.
7 When the Future Energies Jobs Act was passed back in
8 2016, it contained provisions designed to generate more
9 electricity from wind and solar. Many wind projects
10 have been completed with many more under construction as
11 we speak. Participating counties around the State along
12 with their neighboring counties are all benefitting from
13 the tax revenue the towers create along with the jobs
14 created by these projects. Hundreds of millions of
15 dollars generated on projects like this, and I don't
16 know how Piatt County could pass up an opportunity to
17 increase its tax revenue for the next twenty plus years.
18 Like I said, I represent electrical workers and
19 obviously want to see members of my organization go to
20 work on these projects and this project in particular.
21 But it also makes a lot of sense to support this project
22 from the position of financial responsibility for the
23 citizens you represent. I don't envy your position at
24 all. You have people on both sides of the argument
25 either talking about personal gain or personal loss if

1 this project gets built. I'm asking you to take a hard
2 look at what's best for the community, for the entire
3 community. Please support the Goose Creek Wind Project
4 and recommend approval to the full County Board. Thank
5 you for your time and consideration.

6 MR. KAINS: Thank you, Mr. Miller.
7 Questions from the Zoning Board of Appeals for
8 Mr. Miller? Questions from members of units of local
9 government including school districts? Licensed
10 attorneys? Other interested parties, those opposed or
11 neutral on the application? Piatt County staff and
12 consultants? Very good. Mr. Miller, thank you. You're
13 excused.

14 (WITNESS EXCUSED.)

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16 MR. KAINS: Just a point of information.
17 The rules say that I have to ask all of those questions
18 on every single witness. Just part of the rules, and I'm
19 a rule follower. All right. Our next witness, oh, boy.
20 David, and it begins with a U.

21 MR. URENO: Ureno.

22 MR. KAINS: Very good. Mr. Ureno, if you
23 could raise your right and be sworn.

24 (WITNESS SWORN.)

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D A V I D U R E N O

called as a witness in the above-entitled cause, having been first duly sworn, was examined and testified as follows:

MR. KAINS: All right. Sir, could you please state your name, spelling your first and last names for record?

MR. URENO: My name is David Ureno. First name, D-A-V-I-D. Last name, U-R-E-N-O.

MR. KAINS: And are you from Monticello?

MR. URENO: I currently reside here, yes.

MR. KAINS: Very good. Then you, sir, have forty-five minutes if you'd like, but you may proceed.

MR. URENO: Thank you very much. My name is David Ureno, like I said. I've been involved in renewable energy power generation for the past, going on thirteen years in this industry. I recently moved to Monticello about two-and-a-half years ago to -- really to get my kids here in the school district. It's been a great move here. I really, you know, enjoy this town and everything that it has to offer.

Some of the things that I've encountered over the past thirteen years in the renewable industry, in traveling all over, you know, working in many

1 different locations. I've worked for a couple different
2 oleum companies. I've worked construction,
3 commissioning, operations and maintenance, um, and then
4 pretty much anything down to, with the exception of
5 decommissioning. I spent the first ten plus years in
6 this industry. Now I've switched over to the solar
7 side. I'm the operations manager for Illinois' first
8 utility-scale solar project.

9 I bring quite a bit of experience and knowledge
10 in just the power generation and industry and everything
11 like that, and just really want to show support for this
12 project. I have not worked for Apex Clean Energy
13 Projects, but I have worked for Vestas, the manufacturer
14 of the turbines that are going to be installed for this
15 project. One of the things that I enjoyed most about
16 that company was the level of training that the
17 technicians receive. It is truly second to none, the
18 best I've ever had the experience with. The primary
19 focus is always on safety. Everything we do in this
20 industry is targeted around safety. Anybody who puts
21 anything above safety isn't -- doesn't work in this
22 industry for very long, and there's a common saying that
23 goes around, that I'm a big fan of, and it's people
24 over production. That's a mantra that I'd like to live
25 by, and I find a lot of the companies in this renewal

1 energy industry do follow the same thought processes in
2 their operations.

3 A couple of the other things that I've really
4 encountered myself in the past, and dealing with the
5 landowners that I interact with on my current project
6 and past projects in the area and also out of the State,
7 is their concern when the future of their livelihood and
8 the families' livelihood with farming. I found that
9 within the last probably about eight years, I found a
10 dramatic decrease in the family members willing to take
11 over farm operations. Just from what I've been told is
12 that they just, you know, they grew up doing this, and
13 they're in the mentality where they don't want to
14 continue down the footsteps of their families' path,
15 unfortunately, and a lot of the times what I've been
16 told from the landowners that I interact with, is this
17 is one of the last options they have before actually
18 selling off their family farms, and these are some of
19 the people that I've interacted with that are century
20 families. So you know, it's -- I need to use the wave
21 of the future because it's now happening and it's
22 everywhere around us already. This truly is, for a lot
23 of people I encounter, I don't want to say the
24 last-ditch effort, but sometimes a last-ditch effort to
25 keep the farms in the families. So I just -- I find it a

1 big benefit to, you know, maintaining these properties
2 within these families as well.

3 Yeah, I'm sorry, it was kind of a last-minute
4 decision to show up. I didn't think I was going to be
5 able to schedule-wise. So I didn't have a lot of
6 information prepared, but just wanted to come in and
7 show my support for this project and the companies that
8 are involved.

9 MR. KAINS: Very good. Thank you, Mr. Ureno.
10 Questions for this witness from Members of the Zoning
11 Board of Appeals? Questions from units of local
12 government including school districts? Licensed
13 attorneys? Questions from other interested persons,
14 those opposed to or neutral on the application?
15 Questions from Piatt County staff and consultants? Very
16 good. Mr. Ureno, you're excused. Thank you.
17 Mr. Rich Wilcoxon. Sir, could you please raise your
18 right hand and be sworn.

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(WITNESS SWORN.)

R I C H W I L C O X O N

called as a witness in the above-entitled matter, having been first duly sworn, was examined and testified as follows:

MR. KAINS: Sir, could you please state your name, spelling first and last names for the record?

A. Rich Wilcoxon, R-I-C-H, last name, W-I-L-C-O-X-O-N.

MR. KAINS: And Mr. Wilcoxon, you are from Mansfield?

A. I am.

MR. KAINS: Very good. You have forty-five minutes if you'd like. Go right ahead.

MR. WILCOXON: I just want to stay I'm a member of Local Hall 703, the Laborers that will be supporting this project if it happens. I'm a 29-year member there. I would probably be working on this project if it happens. It will be one of the first opportunities that I get to work very close to home. I've been on three wind farms so far, two with White Construction; one that was an Apex project. I worked for Barton Mallow. They just finished up north of Gibson

1 City. We actually just finished that project in October.
2 So off and on, six years now, wind farms have been
3 feeding my family. So I just want to show my support for
4 it, and let you guys know that local people do work on
5 these things, and I'm proof. That's it.

6 MR. KAINS: Very good. Thank you,
7 Mr. Wilcoxon. Questions for the witness from the
8 members of the Board? Questions from members of units of
9 local government including school districts? Licensed
10 attorneys? Other interested parties? Anyone in the
11 public? Questions from Piatt County staff and
12 consultants? Very good. Mr. Wilcoxon, thank you.
13 You're excused.

14 (WITNESS EXCUSED.)

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16 Christian Johnson? Hello, Mr. Johnson.
17 It's been a couple of months since I've seen you. Sir,
18 could you please raise your right hand and be sworn.

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20 (WITNESS SWORN.)

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C H R I S T I A N J O H N S O N

called as a witness in the above-entitled cause, having been first duly sworn, was examined and testified as follows:

MR. KAINS: Sir, could you please state your name, spelling first and last names for the record?

A. My name's Christian Johnson, C-H-R-I-S-T-I-A-N, J-O-H-N-S-O-N.

MR. KAINS: And you are from Peoria, Illinois.

MR. JOHNSON: Yes, sir.

MR. KAINS: Sir, you have fifteen minutes to address the Zoning Board of Appeals. You may begin.

MR. JOHNSON: Fantastic. So my name's Christopher Johnson, I'm with the Land & Liberty Coalition, and we are an grassroots organization that goes all over the State. We go to a lot of events like this and speak in support for renewable projects. Mostly what I do is I travel around and try to educate and inform people about renewable energy.

How I got into actually doing this job, I think is relevant. I worked for eight years in the renewable space, finished my time in the renewable energy actually as an operations and maintenance

1 director. So I have quite a bit of experience on the
2 industry side of things. After doing that for such a
3 long time I decided I wanted to move into advocacy,
4 because I really like this space and I really wanted to
5 see more people have the opportunity to grow and prosper
6 in this industry. When I was working at the company, we
7 grew from four people, when I joined, to seventy-five
8 people when I left. This is a growing industry and it
9 really does bring jobs in, and while long term these
10 wind projects they will have operations and maintenance.
11 They may not be the largest team of people. It's not
12 going to be hundreds of jobs, but these are good and
13 long-term jobs that will be in the community for
14 decades, and I think it's really important that we take
15 an opportunity to think about, you know, as a country
16 right now, we're concerned about rural communities
17 losing jobs. People talk about it all the time, jobs
18 getting sent overseas, factories closing. I'm from
19 Peoria, and we lost Caterpillar which has been a huge
20 negative impact to our community up there. I don't see
21 why we would want to refuse people the opportunity to
22 work in a community. If people want to invest in our
23 communities, these are great opportunities not only to
24 bring in tax money, but also just money from people
25 being employed.

1 So a little bit about the organization. I
2 work with the Land & Liberty Coalition. We're part of
3 the conservative energy network. So they're a
4 bipartisan organization. Actually I'm a member of the
5 Republican party over in Peoria. I ran for County Board
6 over there, and I'm a member of the Young Republicans.
7 Why I bring this up is because I think it's important to
8 understand that this actually doesn't have to be a
9 partisan issue, which I think so often renewables can
10 take on a strange partisan identity. I don't think
11 that's necessary. At the end of the day we should be
12 looking at what is best for the community and not what
13 has a sort of stigma to it, and I think I'm living proof
14 with, you know, supporting my family now for ten years.
15 I'm thirty now, started when I was eighteen, a little
16 time in the military, a little time in college. We have
17 been able to keep food on the table. So, thank you.

18 MR. KAINS: All right. Very good.
19 Mr. Johnson, thank you. Questions for this gentleman
20 from Members of the Board? Members of units of local
21 government including school districts? Licensed
22 attorneys? Members of the public? Piatt County staff
23 and consultants? And just for the record, I have met
24 Mr. Johnson before at a hearing just a couple of months
25 ago in Livingston County in Pontiac, Illinois, where he

1 testified. So that's how I have some familiarity with
2 this witness. Mr. Johnson, thank you for your
3 testimony. You're excused.

4 (WITNESS EXCUSED.)

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6 MR. KAINS: Clint Garretson?

7

8 (WITNESS SWORN.)

9

10 C L I N T G A R R E T S O N

11 called as a witness in the above-entitled cause, having
12 been first duly sworn, was examined and testified as
13 follows:

14 MR. KAINS: Sir, could you please state your
15 name, spelling your first and last names for the record.

16 MR. GARRETSON: First name Clint, C-L-I-N-T,
17 last name Garretson, G-A-R-R-E-T-S-O-N.

18 MR. KAINS: And you are from Sidney,
19 Illinois?

20 MR. GARRETSON: Correct.

21 MR. KAINS: And in which county does that
22 lie?

23 MR. GARRETSON: Champaign.

24 MR. KAINS: Champaign County. Very good.

25 Then by rule, you have fifteen minutes please. Go right

1 ahead.

2 MR. GARRETSON: Again, my name's Clint
3 Garretson. I'm here representing Local 703, Laborers
4 Local 703, in support of the Goose Creek Wind Farm. Our
5 Local currently has forty-seven members that live in
6 Piatt County. I don't think a lot of people realize how
7 far workers are commuting right now to make a living.
8 It's tough, especially with gas prices. Any time we have
9 a local project, we need to take advantage of it and
10 allow people to make a living closer to home. This is a
11 great opportunity for local jobs for my Brothers and
12 Sisters. That is very important to me and to my local,
13 and that's all I have.

14 MR. KAINS: Very good. Thank you,
15 Mr. Garretson. Questions from the Board? Questions from
16 members of units of local government including school
17 districts? Licensed attorneys? Other interested
18 parties, those opposed or neutral on the application?
19 Questions from Piatt County staff and consultants? Very
20 good. Mr. Garretson, thank you. You're excused.

21 MR. GARRETSON: Thank you for your time. I
22 appreciate it.

23 MR. KAINS: Thank you.

24 (WITNESS EXCUSED.)

25 MR. KAINS: Brendan Burton?

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(WITNESS SWORN.)

B R E N D A N B U R T O N

called as a witness in the above-entitled cause, having been first duly sworn, was examined and testified as follows:

MR. KAINS: Sir, can you please state your name, spelling your first and last names for the record?

MR. BURTON: My name is Brendan Burton. Brendan is B-R-E-N-D-A-N. Burton is B-U-R-T-O-N.

MR. KAINS: Very good. You are from Clinton, Illinois?

MR. BURTON: That is correct.

MR. KAINS: Very good. Then by rule you have fifteen minutes. Go right ahead.

MR. BURTON: I won't use all of it. I'm a union iron worker. I'm from Local 380 which is in Champaign, Illinois. I've been a union iron worker for about eleven years, and I've worked on eleven wind projects. I've worked on Apex a wind farm before at Hoopeston, Illinois. Hoopeston is quite a long drive from DeWitt County. As an apprentice I made a very good wage on that. I am now a journeyman, and I've raised five kids off of my wages I made at wind farms. I've traveled out of state multiple times. Here lately there's been a big boom in wind locally, and I've been

1 able to be home every night. My family really
2 appreciates me being home every night. But anyway, like
3 I said, it's been not just a good paycheck, but it's
4 been good for my retirement, it's been good for my
5 health care, and with a family of seven, I was the only
6 breadwinner until here recently. Like I said, joining
7 the union trades, and especially wind, has been
8 excellent for my family. I spent a lot of that money,
9 but I don't care to hear it, in DeWitt County. I was at
10 multiple meetings at DeWitt County for that one too, and
11 I look forward to being on this job. I'm currently
12 working at Sapphire Sky which is just north of here
13 outside of Leroy, and if this one is a go, White
14 Construction will have it. I look forward to working
15 with them like I have on multiple projects.

16 MR. KAINS: Very good. Thank you, Mr. Burton.
17 Questions for the witness from the Zoning Board?
18 Questions for the witness from members of units of local
19 government including school districts? Licensed
20 attorneys? Interested parties either opposed or neutral
21 on the application? Questions from Piatt County staff
22 and consultants? Very good, Mr. Burton, thank you.
23 You're excused. That's the end of folks on my list. Now,
24 is there anyone in the room who wishes -- who is in
25 support of the application for the special use permit

1 who wishes to testify? Yes, sir. Step right up.

2 (WITNESS SWORN.)

3

4 S C O T T K O Z I A R

5 Called as a witness in the above-entitled cause, having
6 been first duly sworn, was examined and testified as
7 follows:

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9 COURT REPORTER: Could I please have your
10 name?

11 MR. KOZIAR: Scott Koziar, K-O-Z-I-A-R.

12 MR. KAINS: Could you give me the
13 pronunciation on your name?

14 MR. KOZIAR: Koziar.

15 MR. KAINS: Koziar. Very good. Thank you.
16 Mr. Koziar, where do you reside?

17 MR. KOZIAR: I'm from Woodbury, Minnesota.

18 MR. KAINS: That would be not be in Piatt
19 County.

20 (LAUGHTER.)

21 MR. KOZIAR: No. So fifteen minutes, but I
22 promise I'll take three or five.

23 MR. KAINS: You may proceed.

24 MR. KOZIAR: So my name's Scott Koziar. I'm
25 Senior Vice-President for Apex Clean Energy. I wanted to

1 bring up two topics here in the next three to five
2 minutes. First, I want to thank the Board, the Board
3 Members, the other county workers that have been at all
4 of these hearings for all that you guys have done. I
5 know this is not easy, and especially being away from
6 families for multiple multiple nights. I want to thank
7 the public, also those members of the public, those that
8 are for and those that are against. I appreciate you
9 guys coming out, giving your opinions, your feedbacks
10 to the project. We take these feedbacks seriously. We
11 incorporate them in this project, we take those with us
12 to our next projects to make sure that we continually
13 get better at our jobs and what we do. So I appreciate
14 everyone coming out and giving those opinions.

15 The main reason I just wanted to talk for a
16 few minutes is, yesterday we had announced that Rivian
17 had signed a power purchase agreement with Apex for
18 fifty megawatts from the Goose Creek wind project. We
19 were trying, behind the scenes, from senior management
20 to get another power purchase agreement across the
21 finish line so that we could make that same
22 announcement. Unfortunately, time ran out in the past
23 few days. We were not able to get that executed. But it
24 was executed this morning. So I am here to be, you know,
25 transparent in full, because we did talk about Rivian.

1 We have signed a power purchase agreement also with
2 Cargill. So as many of you know in the audience and
3 throughout the County, Cargill is a huge name in the
4 agricultural industry. They have over a hundred and
5 fifty-five thousand employees. They have sixteen
6 facilities here in Illinois, including just down the
7 road in Decatur, also in Paris. We have been working
8 over the past several months and we've come to an
9 agreement, like I say it was executed this morning, for
10 fifty megawatts, and that will help power their
11 facilities here in Illinois. Like it was talked about a
12 little bit yesterday with Rivian, just so that we are
13 fully clear, there is not a transmission line that would
14 be built from this project directly to Cargill's
15 facilities. As this works, they are buying physical
16 electrons, those are put onto the grid, and then they
17 are withdrawing fifty megawatts at their facilities that
18 they currently use. We are excited to be in relationship
19 with Cargill for this project, and see long-term
20 opportunities with them through other projects in
21 Illinois as well. With that, a member from Cargill was
22 not able to make it down today because this was just
23 executed this morning; however, they have provided a
24 letter that they would like to be put into the record.
25 So I have ten copies here that I can leave. That is it.

1 Thank you once again for Board Members and the public
2 for this process.

3 MR. KAINS: Very good. Thank you, Mr. Koziar.
4 You can hang on to those for just a second. We'll do
5 questions first, and then you may present it to
6 Mr. Keyt, Counsel for the Zoning Board. All right.
7 Questions for Mr. Koziar from the Zoning Board of
8 Appeals? Mr. Harrington?

9

10 EXAMINATION BY

11 MR. HARRINGTON:

12

13 Q. Thank you for attending. I guess due to integral
14 position, what would you say to concerned citizens in
15 regards to this project as to their concerns, whether it
16 be anything from neighboring residences,
17 participating/non-participating, the decommissioning
18 phase, or any of the other concerns that have been
19 brought up? What could you say to their concerns in
20 regards to what assurances, or you know, things that --
21 maybe some item you could bring out to speak to that?

22 A. Yeah, that's a good question. Um, you know, our
23 team of roughly four hundred and fifty employees that we
24 have at Apex, you know, we have a mission. Our mission
25 is to accelerate the change to clean energy, but our

1 number one, as mentioned by one of the gentleman that
2 came up here, our number one goal or headline is safety.
3 That's safety for our employees. That's safety for our
4 workers, our construction workers on site, that's safety
5 for our landowners, whether they are participating or
6 non-participating. We take very seriously looking at
7 things like setbacks, shadow flicker, ice throw, blade
8 throw. Those are all things that we take very seriously
9 and take into the design of our wind farms. In our
10 leases, you know, we work with each individual landowner
11 to work through those. In those leases there are
12 protections that we work with our landowners, whether
13 it's tile, whether it's decommissioning. Most of our,
14 you know -- actually all of our leases, I think Goose
15 Creek, it's almost like not only in their lease is there
16 a statement of decommissioning, but we also have to get
17 a decommissioning agreement with the county. We also
18 have to have a decommissioning plan that is approved by
19 AIMA. So just that alone, there's basically a three-step
20 process. There's three steps. With the individual
21 landowner we have an agreement that we need to, for
22 example, for decommissioning we need to do this. We also
23 have to have it approved by the County and the State
24 also does take a look at it as well. Things like the
25 wild life, wetlands, cultural, you know, as you guys

1 heard testify from some of our environmental folks, Jen
2 Geiger, some of the biologists. We are leading the way
3 in the industry of how we not only protect, avoid,
4 mitigate for the individual sites that are right here in
5 Piatt County, but also going above and beyond and
6 teaming with folks that you heard some of the halfway
7 projects, some of the other land conservation groups. We
8 were the first ones to put the land grant program
9 together that I think you guys heard, where, you know,
10 we are assisting buying land, putting it back into
11 conservation. I don't have any doubts that this is a
12 construction project, right? It's a large
13 infrastructure project just like anything else, and the
14 you know, half acre, acre that we take out of
15 production, we want to make sure that we're doing our
16 jobs to not only mitigate the best we can, but go above
17 and beyond that by mitigating, restoring further acres
18 or properties throughout similar regionally who we're
19 affecting with our project.

20 Q. Very good. Have you, in your tenure, managed or
21 worked through any decommissioning phases anywhere in
22 your company or previous employment?

23 A. Yeah. That's a good question. Um, so in the
24 U.S., there's approximately seventy thousand turbines
25 that are in operation. I would say a large majority of

1 those have been installed in the last ten to fifteen to
2 twenty years. So the only larger scale removal or
3 decommissioning projects that have been are on a lot of
4 the older ones that are in California. There's one in
5 Iowa. So I personally have not gone through a project
6 that's been fully decommissioned, because most of the
7 projects that are going, are, you know, mid life, and
8 they are getting re-powered like you've heard, so they
9 will be running for another thirty years beyond that.

10 Q. Since you bring it up, so for example the one in
11 Iowa, do you know what the reason was that it was not
12 re-powered -- or was decommissioned?

13 A. Um, yeah. The reason for that one, that one was
14 actually an old one where they had like the older
15 lattice towers, and they were only like -- I believe
16 they were like eighty or a hundred-foot towers. They are
17 just not economical any more. When it produces power it
18 can't compete with the likes of the towers that we're
19 talking about today. So, they took it down and removed
20 everything.

21 Q. Sure. I get it. That's all I've got.

22 MR. KAINS: Any other questions for this
23 gentleman from the Zoning Board? Questions from members
24 of units of local government including school districts?
25 Licensed attorneys? Other interested parties, members of

1 the public, opposed to or neutral on? Yes, I see a hand
2 back there. Please step forward to this microphone in
3 the center of the room please. You're going to have to
4 remind me again your name?

5

6

QUESTIONS POSED BY

7

MR. McKANIC:

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MR. McKANIC: Dennis McKanic.

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MR. KAINS: Could you please spell your last
name for the Court Reporter.

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MR. McKANIC: M-C-K-A-N-I-C.

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MR. KAINS: Very good. Go ahead. You have
questions for this gentleman?

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MR. McKANIC: I don't know if you can answer
this question for me or not, but for the length of time
that they've been building these and the billions of
dollars that have been going into engineering these
things, why do they not have fire suppression systems?
You can find that in any restaurant.

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MR. KOZIAR: Yeah. That's a good question. I
am not, I guess an engineer technically, so I don't know
the full scale. What I can tell you is that both, you
know, major manufacturers, you know, do look at that.
They are looking at that. In Ford County, for example.

1 MR. McKANIC: It just seems like
2 (individuals speaking at the same time) -- I'm sorry.

3 MR. KOZIAR: It's a matter of, you know,
4 engineering, of getting water pumped up, as far as I
5 understand it, water pumped up six hundred, five hundred
6 and fifty feet -- (individuals speaking at the same
7 time) --

8 MR. McKANIC: -- Yeah --

9 MR. KOZIAR: -- in doing it. So, I think when
10 they look at that versus the actual safety of -- if
11 there was a fire, if there was a suppression system,
12 even if such a suppress system somewhat works and
13 doesn't work, you don't want to send people up in an
14 area six hundred feet. So the safest thing is to just
15 let it burn and set a perimeter and then deal with, you
16 know, the construction --

17 Q. -- (individuals talking at the same time) -- it
18 just seems like they could have a suppression system
19 that's like boom --

20 A. -- (individuals talking at the same time) --
21 yeah, there's no doubt that eventually that technology
22 will be forthcoming, just like we talked about with
23 ALDS. I mean again that's something that took fifteen or
24 twenty years to kind of manufacture. Again, it's
25 finally becoming widespread. So that's one thing that

1 Apex has always committed is that, even though we don't
2 necessarily -- every county has different ordinances.
3 So specifically for ALDS, as a company, we've said we
4 are going to put ALDS on all of our projects just
5 because typically, you know, a wind farm -- what we have
6 seen is, you know, visual is maybe a number one impact,
7 and if we can help do that by doing ALDS where up to
8 ninety percent of the time those lights are shut off,
9 we'll do that.

10 MR. McKANIC: Yeah.

11 MR. KOZIAR: So now that it has become
12 viable, um, and kind of an industry, I don't want to say
13 standard yet, but an industry norm, we have committed to
14 include those in future projects. So my opinion is that
15 the fire suppression will be something that will be
16 built into these, you know, over the next four or five
17 years.

18 Q. I just kind of thought I would think that would
19 be something on the front burner, you know, being a
20 safety issue.

21 A. Yeah. It is, and I mean it's -- like I said,
22 it's -- I can't tell you like where they are necessarily
23 in the engineering of it, but I do know it's been talked
24 about and it's something, you know, the tier one OEMs
25 are working on it.

1 Q. Thank you.

2 MR. KAINS: Thank you, Mr. McKanic. Any
3 other questions for the witness by members of the
4 public? Questions for the witness from Piatt County
5 staff and consultants? Thank you, sir. You may --

6 MR. LOVIN: Hold on.

7 MR. KAINS: Oh, I'm sorry. Mr. Lovin?

8 EXAMINATION BY

9 MR. LOVIN:

10

11 Q. Apex does not own the wind farm in Ford County
12 any more; is that correct?

13 MR. KOZIAR: Uh, yes. So that project was
14 sold -- well, so it changed hands actually twice. So
15 Apex sold it to Aeris Capital, and then within I guess a
16 six-month period, it ended up being sold to Orsted.
17 What I can tell you about Apex is that the Ford County
18 project was the last project that we completed under a,
19 I guess a different -- or a term, business plan. So at
20 the end of last year, we still are a private and
21 independent company, but as you can imagine starting
22 from scratch like I was employee like number forty,
23 fifteen years ago, being able to put hundreds of
24 millions of dollars into these projects and own them all
25 the way through, you just can't do that. So it's like

1 any business, you're going to have to sell off portions
2 to get investment, keep moving forward. At the end of
3 last year we were able to get to a point where we
4 brought in a majority stake from Aeris Capital actually.
5 So our business has changed. We're going forward. We
6 will be owning a hundred percent of our projects and
7 will be operating them. Dr. Hepler testified about the
8 Mulligan solar farm. That is our first project. We
9 actually fully own and operate that project. We own --
10 we've got about ten turbines left to top out on a
11 project in Iowa. It's two hundred twenty-five megawatts.
12 That'll be our second project, we will own a hundred
13 percent and operate that. Goose Creek would be our
14 third project that we would fully own and operate going
15 forward. So, I hope that answers your question, that
16 yes, our past, just because of the size that we were,
17 you know, the financing, we had to develop them and sell
18 them. Now going forward, because of the capital infusion
19 we have we will be owning and operating going forward.

20 MR. KAINS: Mr. Harrington?

21

22 FURTHER EXAMINATION BY

23 MR. HARRINGTON:

24

25 Q. So I hear what you're saying, your business

1 model's changed due to the dynamics. What percentage of
2 these wind farms is subsidized by government money?

3 A. That's a good question. I'll break that down in
4 kind of two -- two buckets. So the first bucket is
5 pre -- operations. So anything that's pre-operations,
6 so everything that we've done today for the past, I
7 guess four, four-ish years, that is a hundred percent
8 funded by Apex private money, private equity, just like
9 any other developer, you know, Goose Creek, you know,
10 have already spent probably close to ten million dollars
11 on the project developing it, paying leases,
12 environmental studies all of that stuff. That's all
13 private money. Once the project goes into operation, as
14 most of you have seen, the IRA that passed the bill,
15 that basically extended tax credits for the ten years,
16 so that's a tax credit. So there's a tax credit for wind
17 and that basically is based on your production that you
18 have for your wind farm. So how that works is much like
19 me, as an individual, all right? I have two girls and so
20 I get a tax credit for having two kids. At the end of
21 the year when your tax bill comes and here's what you
22 sold power for, here's what your income was, you take a
23 tax credit and it reduces your liability. So we're
24 physically not getting cash, it is a tax credit, you
25 know, your mortgage insurance, property tax, all of

1 those credits that you take off your individual taxes
2 works the same way.

3 The one thing I will mention is that every form
4 of energy has some sort of tax credit, whether it's
5 nuclear, coal, oil, wind. Wind happens to be the one
6 energy that has never had it written into the tax code
7 permanently. So, you know, when I started fifteen years
8 ago it was every year we'd be on edge, you know, is it
9 going to be extended, is it not going to be extended,
10 where things like nuclear, the have -- it's basically
11 the same production tax credit type, but it's written in
12 the permit code and, you know, they don't worry about
13 that. Solar is a little bit different. You can use a
14 production tax credit, but under solar you can use an
15 ITC which is investment tax credit, where you can claim
16 basically that thirty percent up front. So if it's
17 ten million dollars, you can take a tax credit of three
18 on solar.

19 Q. Sure. What is the percentage applied to wind
20 currently?

21 A. What percentage of the wind in the U.S. --

22 Q. -- (individuals talking at the same time.) --
23 like you were mentioning --

24 A. -- yeah --

25 Q. -- the functionality of the tax credit, I'm

1 saying what is the current --

2 A. -- as far as I'm aware, every wind farm that's
3 out there utilizes the tax production credit. Otherwise
4 you wouldn't be competitive with your competitors.

5 Q. I think you misunderstand. I'm saying, if you
6 generate two billion dollars, what is the percent you
7 get to take off?

8 A. Oh, ok. It's based on the megawatt hours. So,
9 there is a formula of inflation that roughly is like
10 twenty-five cents per -- per megawatt hour, so it comes
11 out to be like under -- I want to say under ten percent.
12 It's somewhere like the five percent range. I mean
13 obviously it depends on how windy the site is, because
14 it's based on production. So here in Illinois it's a
15 little bit more than if you tried building a wind farm
16 in Florida where there's no wind. You're not going to
17 get nearly the effect of the credit.

18 Q. Right. The more production the better off you
19 are?

20 A. Right.

21 MR. HARRINGTON: Very good.

22 MR. KAINS: Any other questions from the
23 Board?

24 MR. CHAMBERS: I have a question.

25

1 EXAMINATION BY

2 MR. CHAMBERS:

3

4 Q. So for the tax credit side of things, some
5 arguments that were here, is that wind, or at least in
6 the past, has not been able to stand on its own without
7 those credits being involved. So you talked a little
8 bit about, you know, the inconsistency about, is this
9 going to be extended, what's going to be available in
10 the future. Do you have -- what's the outlook that you
11 have on the future of those funds, and do you see
12 current projects being able to stand alone and be
13 sustainable if those credits were to --

14 A. Yeah. That's a great question. So first, I'll
15 address like the outlook. So when you qualify for a
16 project, you qualify a project on COD. So that first day
17 that you actually flip the breaker and you start having
18 energy go to the grid, that's how you qualify. Once you
19 qualify, you are grandfathered for ten years basically
20 to take that tax credit, you know -- addressing your
21 second kind of question is, would wind farms stand alone
22 if their tax credit wasn't there. The answer is yes.
23 The tax credit, in my view, only puts us on par with the
24 other forms of energy. My personal opinion, and maybe --
25 I get it, this is not Apex's opinion, but my opinion, I

1 would rather just get rid of all energy subsidies, and
2 yes wind would stand on its own compared to other forms
3 of energy. So I look at the tax credit as -- it's not
4 can we build it or can we not build it. It's giving us
5 the ability to match what other forms of energy
6 currently have.

7 MR. KAINS: Any other questions from the
8 Board? Very good. Thank you, sir.

9 MR. GERSHON: Scott, one question. I know
10 you asked -- may I ask him an informational question to
11 clarify? I can ask someone else, but I think it would be
12 better to get this done.

13 MR. KAINS: Yes, but just briefly.

14

15 EXAMINATION BY

16 MR. GERSHON:

17

18 Q. Just a quick clarification question. Those tax
19 credits that nuclear, coal, and now wind are allowed to
20 use, are those a credit against income taxes, property
21 taxes, or a credit against local real estate taxes?

22 A. It's a combination. So say it's wind, coal,
23 nuclear, any other form of energy that's out there, none
24 of them are the same. So like for coal production,
25 you're getting like a depletion tax credit which means

1 that on the land that you own and you're depleting,
2 there's a special formula that they get for that.
3 Nuclear happens to be production-based, much like we
4 are, but it's not exactly the same. So it's all of the
5 above, how they receive their tax credits.

6 MR. KAINS: Based upon that question,
7 questions from the Board? Very good, sir. You may
8 approach with your exhibits. Those will be received.
9 Apex Koziar Exhibit 1 is admitted into evidence.
10 Now are there any questions -- are there any other
11 witnesses, persons who are in support of the application
12 for special use permit? Anyone in support who wishes to
13 testify? Yes, sir. Are you in support?

14 MR. WARREN: Yes.

15 MR. KAINS: Step up to the podium, please.
16 Sir, could you please raise your right hand and be
17 sworn.

18 (WITNESS SWORN.)

19

20 J A M E S W A R R E N

21 called as a witness in the above-entitled matter, having
22 been first duly sworn, was examined and testified as
23 follows:

24

25 MR. KAINS: Sir, please state your name.

1 MR. WARREN: James Warren.

2 MR. KAINS: James Warren. W-A-R-R-E-N?

3 MR. WARREN: Correct.

4 MR. KAINS: Where do you reside?

5 MR. WARREN: Mahomet.

6 MR. KAINS: In which county does that lie?

7 MR. WARREN: Champaign.

8 MR. KAINS: Champaign County. Very good.

9 Mr. Warren, I see you were on the list for last night
10 and we didn't get to you, and so you may proceed. You
11 have fifteen minutes to address the Board.

12 MR. WARREN: Okay. Thank you for that. First
13 of all, it's kind of a -- a -- what we have Goose Creek?
14 Or we don't have Goose Creek. It's as simple a thing as
15 that. I'm very old school. I did business always as a
16 hand shake. We never had lawyers doing any of our, you
17 know, I'm okay with lawyers, but that's just the way we
18 did business. What I'm going to talk about here for just
19 a second is, a John Deere dealer for years, since 19 --
20 - you know, since 1964, and that's a long time duration
21 that I've had good relationships with John Deere,
22 And what I was going to mainly say, is people from Goose
23 Creek are very fine, and your Board is very fine. It's
24 just I don't -- excuse me, I'm a little nervous to talk
25 in front of people.

1 MR. KAINS: That's all right, Mr. Warren.
2 Take your time.

3 MR. WARREN: When we started back at the
4 Sinclair Gas Station in Bondville, Illinois, and I had
5 Toro (phonetic spelling) and Jacobsen Roof, and Gravely
6 was our main thing we started with, and we had a John
7 Deere man come, who'd sell for our gas station, we
8 didn't have a '72, wasn't even invented yet, and so he
9 come to us and he says the lawn and garden business is
10 gonna be big. He says I think I can get you a John Deere
11 dealership. So therefore, we thought that would be
12 pretty good. And as it was, it turned out well. What I'm
13 saying, in John Deere, if I had a question I needed
14 answered, I had somebody to go to. Like with Goose
15 Creek people, they are very confident. If I need to know
16 something, I'm sure I would ask them. I don't need to
17 dillydally around and take twenty days to get an answer.
18 I'll have an answer right now. And so I think, and even
19 with the Board, I think you should work together, and I
20 think most of your problems can be resolved. I know with
21 -- I don't keep bringing up Deere, but with Deer if I
22 wanted to know something on mechanical, or I had
23 somebody to go to and talk to, and we're hearing -- very
24 I very much believe in that premise, whether it's
25 electrical, or like a problem with a blade coming off,

1 there's somebody Goose Creek can talk to and get you an
2 answer for that question if there is something.

3 I've been to several schools on insurance, since my dad
4 and I and my uncle ran our business. So any time there
5 was a school, I'd have to go to that to get answers to
6 my questions, and that's why I think all the people here
7 can go work together and get answers to their questions,
8 and basically that's all I've got to say.

9 MR. KAINS: Very good. Thank you, Mr. Warren.
10 Are there any questions from Members of the Board for
11 this gentleman? Questions from members of units of local
12 government including school districts? Licensed
13 attorneys? Questions from interested parties, members of
14 the public opposed to or neutral on the application?
15 Questions from Piatt County staff and consultants?
16 Mr. Warren, thank you for your testimony, and you're
17 excused.

18 A. Thank you.

19 (WITNESS EXCUSED.)
20

21 MR. KAINS: Anybody else in support of the
22 application for special use permit? It is 7:18. We are
23 going to be in recess for fifteen minutes. We will come
24 back and hear from folks who are in opposition to the
25 application. We will re-convene at 7:33. Thank you.

1 (RECESS TAKEN.)

2

3 MR. KAINS: Okay, folks. Please find your

4 seats. Okay, Jamie, let's go back on the record. During

5 the recess, I spoke with some folks who are in

6 opposition to the special use permit application, and

7 there was some perhaps misunderstanding or

8 miscommunication, but we do appreciate that Mr. Gershon

9 told us last night that they would have twenty to

10 twenty-five people testify in support, and to

11 Mr. Gershon's credit, he whittled that down, because

12 there would have been a number of union members getting

13 up to testify to essentially the same type of benefits

14 to them, their families, their unions, and the

15 governmental entities within Piatt County who would

16 benefit. So they have elected not to testify to shorten

17 things up. So now we're on to the opposition, and I

18 spoke with some folks, they said they're not ready, and

19 that's okay. I could force the issue, but without

20 Mr. Luetkehans here tonight, I am not going to require

21 folks in opposition to testify, unless they so choose.

22 Is there anyone who chooses to testify, give a statement

23 tonight? You're not required to by any stretch, but if

24 you are in opposition to the special use permit

25 application, you are free to approach the podium. Is

1 there anyone who would like to speak tonight in
2 opposition? That's fair. Now without Mr. Luetkehans
3 here, I can, I believe, speak for him, that he has
4 indicated that he will be ready to call expert witnesses
5 when we re-convene next Wednesday, December 14th, and
6 next Thursday December 15th. In the event he does not
7 use all of that time with his witnesses, members of the
8 public who are in opposition will then be requested to
9 testify. So, folks in opposition be ready to go next
10 Wednesday, Thursday and the following week.
11 Now Mr. Harrington, as Chairman pro tem, as
12 Vice-Chairman of this Board, I wish to address an issue
13 with the Board. It's been called to my attention that
14 this room is available now. It previously was not
15 available on Monday night, December 19th, and Tuesday
16 night December 20th. That week we are scheduled for just
17 one evening, that being Wednesday December 21. So with
18 the possibility that we could have this room and have
19 testimony and get this thing moving along even further
20 toward its conclusion, I would express to you,
21 Mr. Harrington, that it might be advantageous for the
22 Board to add those two nights, Monday December 19th and
23 Tuesday December 20th, both evenings commencing at six
24 p.m. in this building. But Mr. Harrington, I believe
25 that would require a motion and discussion.

1 MR. HARRINGTON: Right. I was going to say,
2 any thoughts, Board Members, in regards to his request
3 to add these nights, because I think, correct me, Scott
4 you're also proposing removing the nights from the week
5 between Christmas and New Years so everybody's aware of
6 that.

7 MR. KAINS: I think that would have to be a
8 second motion.

9 MR. HARRINGTON: Right, but I'm just saying
10 that's the discussion we're having here, and I suppose
11 to a certain degree, Keri, is there any reservations you
12 have or concerns?

13 MS. NUSBAUM: No. I did check the schedule,
14 the meeting calendar for the County, and there's no
15 other --

16 MR. HARRINGTON: Conflicts? Gotcha. Will?
17 Kyle? Thoughts?

18 MR. LOVIN: Do we have enough time to post
19 this?

20 MS. NUSBAUM: Uh-huh.

21 MR. HARRINGTON: So, if I could get
22 something in the form of a motion, we are proposing to
23 add December 19th and 20th, keeping the 21st the same,
24 and then after that passes we'll address the second
25 week.

1 MR. LOVIN: I'll make said motion to add the
2 19th and 20th.

3 MR. HARRINGTON: The motion is on the floor.

4 MR. CHAMBERS: Second.

5 MR. HARRINGTON: Keri, can I get a roll or
6 just I? I don't know which you want to go.

7 MS. NUSBAUM: Let's do roll. Mr. Chambers?

8 MR. CHAMBERS: Yes.

9 MS. NUSBAUM: Mr. Lovin?

10 MR. LOVIN: Yes.

11 MS. NUSBAUM: Mr. Harrington?

12 MR. HARRINGTON: Yes. So that is passed,
13 and now we go to the second item which would be to
14 remove -- you'll have to remind me of the exact nights.
15 I assume it's regarding the 27th and 28th?

16 MR. KAINS: The 27th and 29th.

17 MR. HARRINGTON: Right. In regards to
18 moving that, does anyone have any concerns or
19 reservations of any sort? Will or Kyle?

20 MR. CHAMBERS: I would make that motion then
21 to strike the 27th and 29th re-schedule it.

22 MR. LOVIN: I'll second it.

23 MR. HARRINGTON: Said motion and a second.

24 And roll?

25 MS. NUSBAUM: Mr. Lovin?

1 MR. LOVIN: Es.

2 MR. NUSBAUM: Mr. Chambers?

3 MR. CHAMBERS: Yes.

4 MS. NUSBAUM: Mr. Harrington?

5 MR. HARRINGTON: Yes. With that said, we
6 have amended our schedule, and it is yours.

7 MR. KAINS: Very good. Thank you. Folks
8 we're going to be in this room or in this building. I'm
9 not sure if it's this room or the upstairs room, but
10 we're going to be in this building.

11 MS. NUSBAUM: Next week, we will be upstairs
12 both nights.

13 MR. KAINS: Thank you, Keri. We will be
14 upstairs on Wednesday December 14th and Thursday
15 December 15th at 6:00 p.m. each night in this building
16 upstairs during those sessions of this public hearing.
17 Mr. Luetkehans is expected to call expert witnesses and
18 persons in opposition to the special use permit
19 application. In the event that Mr. Luetkehans and
20 members of the public in opposition do not complete
21 their testimony during that time, then it will be
22 carried over to Monday December 19th and Tuesday
23 December 20th. Our hope is for the presentation of
24 closing statements from counsel to be done on Wednesday
25 December 21, which at that point would signal the end of

1 this hearing with the exception of discussion by Zoning
2 Board Members and a vote on the permit application. And
3 that would come some time in January. There are a number
4 of dates on the schedule for January; however it's to be
5 seen whether transcripts will be able to be presented to
6 the Board Members and, I don't know if they're going to
7 be posted on the web site, Keri?

8 MS. NUSBAUM: I don't know that.

9 MR. KAINS: We don't know that yet whether
10 transcripts because they're very voluminous. If you can
11 imaging everything that's been said over the last, let's
12 see, this is the ninth evening. So they may not be able
13 to be posted. But transcripts have to be prepared.
14 Mr. Keyt will be preparing findings of fact for the
15 Board to consider, and so there will be a date in
16 January for the Board to consider findings of fact and
17 vote on this application. So that's kind of a road map
18 of where we're going. Folks in opposition, be ready to
19 go with your testimony next Wednesday, Thursday, perhaps
20 the following Monday even, and we will hear from expert
21 witnesses for Mr. Luetkehans next week. And with that,
22 anything from you, Mr. Gershon?

23 MR. GERSHON: Nothing from us. I would
24 obviously like to set a date certain, but...

25 MR. KAINS: Yes. We will be in recess. This

1 matter in recess until next Wednesday in this room
2 upstairs in this very building at 6:00 p.m. Thank you.

3 **(PROCEEDINGS THIS DATE CONCLUDED.)**

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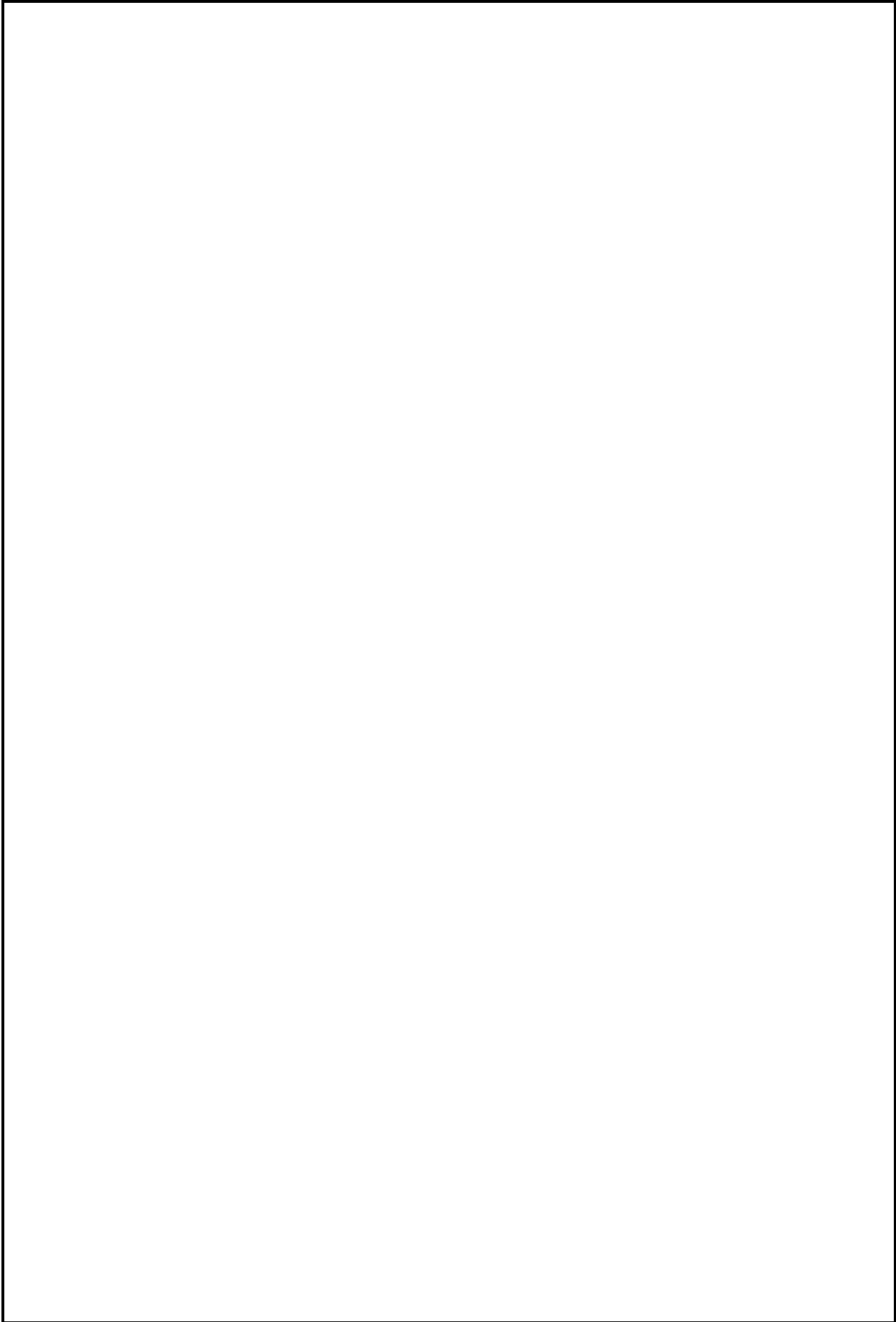
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I, Jamie J. Mumm, an Official Court Reporter and
Certified Shorthand Reporter in and for the Sixth
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certify that I transcribed from shorthand notes the
foregoing proceedings and that the foregoing is a true
and correct transcript to the best of my ability.



Jamie J. Mumm, CSR
Official Court Reporter
CSR #084-002330

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