

1 STATE OF ILLINOIS
2 PIATT COUNTY ZONING BOARD

3 PROSPERITY WIND, LLC
4 APPLICATION FOR A SPECIAL USE PERMIT

5 August 30, 2023
6 5:30 p.m. to 9:12 p.m.

7 PIATT COUNTY ZONING OFFICER:
8 Ms. Keri Nusbaum

9 HEARING FACILITATOR:
10 Mr. Scott Kains, Esq.

11 PIATT COUNTY ZONING BOARD MEMBERS:
12 Mr. Loyd Wax, Chairman
13 Mr. William Chambers

14 PIATT COUNTY BOARD MEMBERS:
15 Todd Henricks
16 Michael Beem
17 Gail Jones
18 Kathleen Piatt
19 Paul Foran

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

22 COUNSEL FOR THE APPLICANT:
23 Ms. Amy Antonioli, Esq.
24 Mr. Jerald Hess, Esq.
25 Mr. Ryan Granholm, Esq.

APPLICANT - PROSPERITY WIND, LLC:
Mr. Alan Moore, Senior Development Manager
Mr. Adam Carlson
Mr. Jason Conley

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1 (Proceedings had on August 30, 2023)

2

3 DR. WAX: We'll call the meeting to order.

4 Miss Nusbaum, would you call the roll please?

5 MS. NUSBAUM: Larson? Harrington? Lovin?

6 Wax?

7 DR. WAX: Here.

8 MS. NUSBAUM: Chambers?

9 MR. CHAMBERS: Here.

10 MS. NUSBAUM: State's Attorney Perry?

11 DR. WAX: Any County Board Members here?

12 MS. NUSBAUM: Henricks?

13 MR. HENRICKS: Here.

14 MS. NUSBAUM: Edwards? Beem?

15 MR. BEEM: Here.

16 MS. NUSBAUM: Jones?

17 MS. JONES: Here.

18 Ms. NUSBAUM: Piatt?

19 MS. PIATT: Here.

20 MS. NUSBAUM: Foran?

21 MR. FORAN: Here.

22 MS. NUSBAUM: Thank you.

23 DR. WAX: Okay. We'll turn this over to you,

24 Mr. Kains.

25 MR. KAINS: All right. Thank you, Dr. Wax.

1 Good evening. Night three. I have a couple of things
2 on my mind, but I'm just going to put on the record
3 right now. One, last night there was questioning from a
4 citizen and after each question that was asked,
5 Mr. Hess, on behalf of Prosperity Wind, LLC stood up and
6 raised an objection, and I just want to state for the
7 record that it's my opinion that Mr. Hess is doing his
8 job. He's not intending to intimidate, harass or beat
9 up anybody. He does his job. Prosperity has three very
10 skilled attorneys over here, you know, and so, I just
11 want to say that they're doing their job, and that the
12 objections, you know, some of them I sustained, and told
13 Mr. Hartke to ask another question. Some of them I
14 overruled Mr. Hess and allowed the question to stand. I
15 call 'em as I see 'em. I'm basically like an umpire, and
16 sometimes I get 'em right, sometimes I get 'em wrong,
17 but the one thing that there may be a perception of that
18 I got wrong last night was I don't want anybody to think
19 that I was helping Mr. Hartke. He was asking questions
20 that were objected to, and with good grounds for
21 objections, and then I made -- I kind of jumped in and
22 asked Miss Anderson a question that I thought Mr. Hartke
23 was getting at. I was not doing that to help Mr. Hartke.
24 I was not doing that to do anything to delay any
25 objections by counsel. I was doing it to move the

1 hearing along. That's my job, is to be fair impartial
2 and facilitate this hearing in an efficient way. So --
3 and there may be someone who thinks that perhaps I
4 jumped in and tried to take over for Mr. Hartke, that
5 certainly wasn't my intent either. My intent was just
6 to move the hearing along. Mr. Hartke was asking --
7 they were questions that had a basis. He was having a
8 hard time getting it to the point where it was a solid
9 legal question that was not going to be objected to, and
10 that's -- I only stepped in for that limited purpose,
11 and I did it two or three, maybe four times last night.
12 I thought about it a lot last night and I thought about
13 it a lot this morning. So, I just wanted to let every
14 one know that I wasn't trying to help, I wasn't trying
15 to hinder Mr. Hartke. I wasn't trying to help
16 Prosperity's Counsel, and I wasn't trying to hinder
17 them. I was just trying to move the hearing along. All
18 right. Enough on that.

19 Prior to calling your next witness, Miss
20 Antonioli, Mr. Hess, Mr. Granholm, do you have any
21 preliminary matters you wish to raise before we have
22 more testimony?

23 MR. HESS: Yes, sir, Mr. Kains. Thank you
24 very much. I would like to make a very brief proffer
25 like I did yesterday to address a couple of questions

1 from the ZBA, which they had asked us to get information
2 and get back to them, and specifically Dr. Wax had asked
3 if we could provide a short summary of some of the
4 statistics on Firetrace International's web site. Just
5 to be clear for the record, these are all statistics
6 from www.Firetrace.com. These are their statistics.

7 MR. KAINS: Okay. Now hang on a second.

8 MR. HESS: Yes, sir.

9 MR. KAINS: Firetrace is the name of the
10 company that does the fire suppression -- detection and
11 suppression system?

12 MR. HESS: Yes, sir.

13 THE COURT: This is from their web site?

14 MR. HESS: Yes, sir. Mr. Kains, Dr. Wax had
15 asked for this. I'm well aware of your instruction on
16 how we're going to treat the internet, so I will defer
17 to you on what you would like to do. We're just trying
18 to be responsive.

19 DR. WAX: I appreciate that.

20 MR. KAINS: If it's from their web site,
21 then this goes just specifically to statistics relating
22 to?

23 MR. HESS: To their system that we have
24 selected to install as the fire suppression system on
25 each turbine.

1 MR. KAINS: Would this be in lieu of calling
2 a --

3 MR. KEYT: Can I make a suggestion at least
4 from the County's perspective?

5 MR. KAINS: Sure, Mr. Keyt.

6 MR. KEYT: I think under the rule of
7 completeness it would be easy to ensure that the record
8 is clear, that we have whatever the print-out from the
9 web site would be and to just mark it as evidence for
10 the record.

11 MR. HESS: I don't have a print-out, but I
12 can certainly do that and introduce that either tomorrow
13 or whenever. I would have no objection to that.

14 MR. KAINS: All right. Why don't you do
15 that, but I am going to allow you to make your proffer.
16 It will be brief?

17 MR. HESS: Quite brief.

18 MR. KAINS: All right. Go right ahead.

19 MR. HESS: The proffer would be the summary
20 statistics, Dr. Wax. Firetrace International states
21 they have installed twenty-eight thousand systems on
22 wind turbines around the world. They have been in
23 operation for over twenty years. The particular model
24 that we have selected is rated to completely extinguish
25 and suppress all four classes of fires in less than ten

1 seconds. It is certified to comply with the American
2 National Standards Institute, Standard 2166, for the
3 standards for self-contained automatic extinguisher
4 units. That would be my proffer. I will provide
5 print-outs.

6 MR. KAINS: All right. It's allowed.
7 Anything else, Mr. Hess?

8 MR. HESS: I believe the only other proffer
9 that I was going to make is in response to a question
10 from Mr. Harrington. Mr. Harrington had asked what is
11 the manufacture's recommended inspection schedule. This
12 is also on the web site. They recommend annual
13 inspections.

14 MR. KAINS: An annual inspection?

15 MR. HESS: Yes.

16 MR. KAINS: All right. Very good. Thank you.
17 All right. I guess we're ready for testimony. Miss
18 Antonioli? Mr. Granholm?

19 MR. GRANHOLM: Yes. Thank you, Mr. Kains.
20 Good evening, Mr. Kains. Prosperity Wind, LLC calls Dr.
21 David Loomis, who is our expert witness on the economic
22 impacts associated with this Project.

23 MR. KAINS: Very good. Thank you, Mr.
24 Granholm. Dr. Loomis, can you please raise your right
25 hand to be sworn by the court reporter.

1 (Witness sworn.)

2 D A V I D L O O M I S

3 called as a witness on behalf of the Applicant in the
4 above-entitled cause, having been first duly sworn, was
5 examined and testified as follows:

6

7 MR. KAINS: Very good. For the record, Dr.
8 Loomis, could you please state your name, spelling first
9 and last names.

10 DR. LOOMIS: David Loomis, D-A-V-I-D,
11 L-O-O-M-I-S.

12 MR. KAINS: Thank you, Doctor. Mr. Granholm,
13 your witness.

14 DIRECT EXAMINATION BY

15 MR. GRANHOLM:

16

17 Q. Thank you. Doctor Loomis, did you prepare a
18 42-page report titled Economic Impact Analysis for the
19 Prosperity Wind Project?

20 A. My copy has thirty-eight pages, but we may be
21 counting pdf pages versus numbered pages. So, yes.

22 Q. That's correct, Doctor. There are thirty-eight
23 numbered pages with some titled pages.

24 A. I did prepare that.

25 Q. And is that Economic Impact Analysis included as

1 Appendix C.1 to Prosperity Winds Special Use Permit
2 Application?

3 A. Yes, I believe so.

4 Q. And is that Appendix C.1 a true and correct copy
5 of your Economic Impact Analysis?

6 A. Yes.

7 Q. Do you have any corrections or revisions to make
8 to that report?

9 A. No.

10 Q. And if you'll turn to page 34 and 35 of that
11 Appendix C.1. Is this a CV that describes your
12 educational and your professional background?

13 A. Yes, it is.

14 Q. And would you give a brief overview of your
15 professional background beginning with your work as an
16 Economics Professor?

17 A. Yes. So up until June first of this year, as a
18 Professor of Economics at Illinois State University, I
19 taught at the University for 26, 27 years. During that
20 time I have been involved in energy and energy policies.
21 We have both a graduate program in Electricity, Natural
22 Gas, and Telecommunications, Economics, as well as I was
23 a part of a faculty group that helps create an
24 undergraduate major in what's now called Sustainable
25 Renewable Energy at the University. I was also

1 Co-Founder and the Director of our Center for Renewable
2 Energy, again also at Illinois State University.

3 Q. And Dr. Loomis, will you please give a brief
4 overview of your work with your company Strategic
5 Economic Research?

6 A. Yes. The company Strategic Economic Research
7 really grew out of my academic research. I started to
8 publish in the area of economic impacts of wind and
9 solar, so I appear in publications as a part of that,
10 and in probably the last at least ten years, fifteen
11 years, I've done reports like this one presently here
12 for Prosperity Wind, but I've also done reports for
13 solar, transmission, natural gas generating plants, and
14 other energy projects.

15 Q. Doctor Loomis, let's discuss some of the
16 specifics here in your Economic Impact Analysis Report.
17 Would you please turn to page one. Could you please
18 describe figure one that appears on page one.

19 A. Yeah, figure one on page one in the Executive
20 Summary, looks -- it is just a pie chart, and I believe
21 it's the same or very similar to the pie chart that
22 Mr. Moore presented on that first night, looking at the
23 property taxes that will be paid by Prosperity Wind.
24 This one is giving the actual dollar amounts, and the
25 categories of entities, the jurisdictions that'll

1 receive those monies. The largest of those being schools
2 at fifty-eight point five million, and then the next
3 biggest slice would be the County at thirteen point
4 three million, and then townships at ten point three
5 million, but it also marks out Parkland Community
6 College, fire districts, and other miscellaneous taxing
7 jurisdictions.

8 Q. And what is the total of all of the property
9 taxes that are provided in figure one over the life of
10 the project?

11 A. So the total property taxes over the life of the
12 project would be ninety-three point five million
13 dollars.

14 Q. And how would you determine what each taxing
15 entity that's listed on figure one, what is the relative
16 share of the total property taxes paid would be?

17 A. So in Illinois we have a state-wide law that
18 values with turbines in terms of their fair cash value
19 and equalized assessed value. So we examine the fifty
20 primary turbine locations, determine the taxing
21 jurisdictions that are relevant to that parcel of land,
22 and then apply that standard valuation in terms of the
23 equalized assessed value to the number of megawatts for
24 that turbine, the assessed value, and the tax rate that
25 would be associated with that taxing entity, and then we

1 obviously sum those up across all of the turbines.

2 Q. On Monday evening Chairman Wax asked Mr. Moore
3 some questions about this figure one, and one of his
4 questions was about the variables that you assessed to
5 calculate these figures. Are those the variables that
6 you just described?

7 A. Yes. So in the -- there's a standard valuation
8 formula. It accounts for two factors. One is
9 depreciation. The other is a trending factor that
10 adjusts for inflation on a year-by-year basis, and then
11 of course over thirty years you need to make some
12 assumption as to what the future tax rates are going to
13 be for each of these jurisdictions. So that's in a sense
14 another variable in the calculations.

15 Q. And each of those variables that you've been
16 discussing, those are described on page thirteen of your
17 report; is that correct?

18 A. Yes. That's correct.

19 Q. And for each of those variables, you've given us
20 some of this information, but would you please walk us
21 through how you determined what the appropriate figure
22 was for each of those?

23 A. Yeah. So as was mentioned before, the fair cash
24 value is determined by the State law, that's three
25 hundred and sixty thousand dollars per megawatt of

1 capacity, but that was in 2007 dollars, and so it needs
2 to be adjusted now for being 2023, and then we need to
3 account for future inflation as well for what that would
4 be. As I mentioned on that page in the second bullet
5 point, I've assumed future inflation rate is going to be
6 constant at two point three six percent annually, which
7 I consider to be a very conservative view of future
8 inflation considering that we had inflation at, you
9 know, eight to nine percent in the CPI in the last year.
10 I chose that number two point three six because it came
11 from the latest update in the Wall Street Journal of
12 future a -- of Economists forecasting what their
13 expectation of what future inflation would be. So that's
14 why it's down to two decimal places. That's what I
15 pulled out of the Wall Street Journal. And then the tax
16 rates are the 2023 tax rates that are applied for the
17 2022 tax year.

18 Q. And those tax rates are set by the various taxing
19 entities that have jurisdiction over the Project?

20 A. That's correct. So the school district would have
21 jurisdiction control over the tax rate for their
22 respective school district. The County would have
23 jurisdiction over the County tax rate.

24 Q. And what did you assume would be the life of the
25 Project?

1 A. I assumed a 30-year life for the Project.

2 Q. There was a question on Monday evening regarding
3 what would happen if the Project operates for more than
4 thirty years. In that situation, would the County and
5 other taxing entities continue to collect tax revenues
6 from the Project?

7 A. Yes, they would, as long as the wind farm is in
8 operation. It would be taxed. And in fact, if you
9 notice on page fourteen, table three, the later years of
10 those taxes that are being paid actually start to
11 increase. So in this summary table the beginning year
12 total is four point eight million. So first year taxes
13 across all those jurisdictions are four point eight
14 million dollars, and then it declines due to a four
15 percent depreciation rate that's built into the law.
16 It's set. But there's a maximum depreciation such that
17 you can't depreciate the wind farm more than seventy
18 percent. So in other words, thirty percent of the
19 original value. Once the wind farm is, therefore it hits
20 that maximum depreciation, the only thing you
21 controlling the valuation is inflation. So you start to
22 see this trending factor up. So actually if we extended
23 this analysis another ten years, you would see rising
24 tax revenue come in for that next ten years. In an
25 effort to be very clear and full disclosure, that's why

1 I itemize every year for the thirty years in the report,
2 because it would be misleading to say oh, this wind farm
3 is going to produce four point eight million dollars in
4 the first year. Well yeah, but it goes down from there.
5 And so you see the annual average there. The annual
6 average over the thirty-year life is three point one
7 million dollars, and so there's -- you can detail, you
8 know, on a year-by-year basis, but it's front loaded. My
9 point was, you get -- you start out at four point eight
10 million and then it declines, and so over that
11 thirty-year period you get three point one million on
12 average.

13 Q. Doctor Loomis, you mentioned a couple of times
14 the impact of inflation on tax revenue, and your two
15 point three six percent assumption of inflation. What
16 would be the impact on tax revenue from the Project if
17 the inflation rate were higher than two point three six
18 percent?

19 A. Then the tax revenue would be higher than what I
20 have in my report.

21 Q. Let's turn to one specific type of tax revenue
22 that will be provided, the revenue that will be provided
23 to the public schools. Chairman Wax asked some questions
24 on Monday evening about the impact -- increased tax
25 revenues from the Project on the amount of the

1 assistance that schools might receive from the State of
2 Illinois. Does your Economic Impact Analysis address
3 that issue?

4 A. Yes, it does.

5 Q. And that's covered on pages seventeen to
6 nineteen?

7 A. Correct.

8 Q. Would you please give an overview of your
9 conclusions regarding how school funding might be
10 impacted by revenues from the Project?

11 A. So to be clear, the school districts receive
12 money from the State of Illinois to help fund their
13 operations, and so the concern that I think was raised,
14 was would -- even though they get this tax money from
15 Prosperity Wind, would there be some type of off-setting
16 reduction in State funding that went to the schools
17 because now they have additional monies. To be clear,
18 there is that possibility of a reduction, in theory, in
19 general, but in this particular case, that is not
20 relevant to these particular school districts. These
21 particular school districts are what are classified as
22 Tier 4 school districts, and I'm happy to clarify what
23 that means, but ultimately it means that they are
24 getting very little new money from the State of
25 Illinois. In fact, I itemized in the report on page

1 nineteen, in FY 23 the Blue Ridge School District
2 received six hundred -- or was scheduled to receive six
3 hundred and eleven dollars. Six hundred and eleven
4 dollars. There's no descriptor on that like thousands.
5 It's six hundred and eleven dollars from the State of
6 new money. They get what they had in the previous year.
7 That's under the hold harmless provision. So the only
8 thing that might possibly be at risk is that six hundred
9 and eleven dollars. Deland-Weldon was scheduled to
10 receive one hundred and seventy dollars. Now that
11 compares to table six, on page seventeen, to Blue Ridge
12 would get one point eight million dollars in the first
13 year from Prosperity Wind, and Deland-Weldon would get
14 one point one million dollars. Okay? And so the new
15 money at risk is, again, not at risk. They're still
16 gonna get their six hundred and eleven dollars in new
17 money because they're a Tier 4 school district and
18 that's the least that they can get, to be what is going
19 to be a Tier 4 school district.

20 Q. Doctor Loomis, you mentioned the tier funding
21 concept, and that was something that Mr. Moore and
22 Chairman Wax discussed on Monday as well. Would you
23 please give us an overview of how that tier funding
24 model works?

25 A. Yeah. The State of Illinois transitioned from

1 what they called a GSA, general state aid, to an
2 evidence-based funding model a number a years ago, and
3 the idea was that the State Legislature, over a ten-year
4 period was supposed to allocate new money out of the
5 State budget over and above what had been going to
6 schools before, and each and every year they were
7 supposed to do that. They have not, in fact, done that,
8 but that's what the promise was in the original
9 legislation. School districts were then put into four
10 buckets or four tiers. The poorest school districts,
11 those are Tier 1 school districts. Tier 2 is kind of the
12 next level up, Tier 3 and Tier 4. The guideline for
13 where you go from one to two varies from year to year,
14 but a Tier 1 school district -- let me back up. To put
15 those into different categories and say, well what's a
16 poor school district, what's a rich school district, how
17 do we determine that? The State looks at the student
18 population that individual school needs to educate, and
19 then they say this is how much you need to educate
20 students in your school. Then they look at the local
21 resources, local property taxes, the EAV, in the local
22 area, Equalized Assessed Value, and says how much money
23 do you have in local resources, and then they compare
24 your local resources to what you need to educate your
25 population, and they've come up with a percent resource

1 adequacy. So they say how much of your local resources
2 can fund this. If your last year, I think it was
3 seventy-three percent, if your resource adequacy was
4 below seventy-three percent, you were a Tier 1 school
5 district. If you were between seventy-three percent and
6 a hundred percent, or ninety-nine percent really, you
7 were a Tier 2 school district. If you had a hundred
8 percent of your resource adequacy, you're a Tier 3
9 school district, and if you had over a hundred percent
10 of your resource adequacy, you were a Tier 4 school
11 district. So the two school districts that we're talking
12 about here are Tier 4 school districts because their
13 resource adequacy, and again, that is the Illinois State
14 Board of Education term. I know schools never have
15 enough resource adequacy, but that's their term. They
16 have said that you have more than a hundred percent in
17 your local resources in educating the population that
18 you currently have at their school.

19 Q. In your opinion, for the Blue Ridge School
20 District, and the Deland-Weldon School District, is the
21 funding tier of either of those districts likely to
22 change as a result of the property tax revenues
23 associated with the Prosperity Wind Project?

24 A. No.

25 Q. Doctor Loomis, are there any reasons why local

1 tax revenue is a superior source of funding compared to
2 State aid for school districts?

3 A. Yeah, there's a number of reasons why local
4 resources are superior. The number one would be that
5 it's subject to local control. As we just said, the
6 local school district is going to determine the tax rate
7 of all those properties within its taxing jurisdiction.
8 So it's within its control then to raise the tax rate in
9 order to increase the budget. So you have local control.
10 There really is no local control when it comes to those
11 State funds. The second would be that when you're
12 reliant on local resources that comes through property
13 taxes, in Illinois property taxes are typically billed
14 out in two installments at regular times. You get your
15 property bill for your residence or land, what not, and
16 so the school district can kind of count on that money
17 coming in, in terms of a cash flow basis, to say okay
18 property taxes get billed here, here's when people pay
19 their bills, here's when we will receive our money. In
20 the case of State aid, there have been numerous cases,
21 especially when we were going through State budget
22 crises where we had no State budget, but also in other
23 years where school districts received whatever they got
24 from the State at the very end of a school year. So
25 they've had to pay their teachers, do things, but the

1 fiscal year ends June 30th and they're getting the money
2 during the summer after they've already spent it. So you
3 can imagine, you know, that that creates great
4 headaches. So even if you're counting on that State aid
5 you can never be sure when that's going to arrive. So, I
6 think local resources are superior to State funding.

7 Q. Thank you, Dr. Loomis. Mr. Kains, we no further
8 questions.

9 MR. KAINS: Thank you, Mr. Granholm. Thank
10 you, Dr. Loomis. Are there any questions for Dr. Loomis
11 regarding his testimony from Members of the Zoning Board
12 of Appeals?

13 DR. WAX: I have one comment, and a couple
14 more questions, and by the way, I appreciate counsel
15 asking my questions already for Dr. Loomis. You covered
16 them extremely well.

17

18 QUESTIONS POSED BY

19 DR. WAX:

20

21 Q. I would switch to the earlier part of your
22 document, and you've explained the school situation
23 extremely well, the tier matter very well. I'm happy
24 with that. As far as the job, we're back to what we've
25 kind of thought of before. How do you actually determine

1 -- well, it's not how you determine. I'm assuming it's
2 some sort of model from other areas. The jobs and the
3 earnings that are accounted for, that are listed for,
4 Piatt County will have this many jobs, and Piatt County
5 will have this much income. Are you implying that these
6 are Piatt County residents and Piatt County will
7 actually receive this money? Or is this someone working
8 in Piatt County who are non-residents and working, I'm
9 sure some of that is the case, but roughly what
10 percentage of what you list are actually coming to Piatt
11 County residents and Piatt County?

12 A. Yeah, I did run two separate models. The Piatt
13 County results are focused on Piatt County residents and
14 not, you know, out-of-State workers that are only here
15 for a short period of time. The software that I do use
16 that comes from government statistics looks specifically
17 at Piatt County. So it's looking at the existing
18 employment, the existing industries, the existing
19 businesses that are here in Piatt County, and we're
20 matching that up with expenditures that Prosperity Wind
21 will make in the community to build the wind farm for
22 the construction results and then operation. So it is
23 built on Piatt County specific, you know, economic data.

24 Q. Okay. Sounds good. Your last assumption on page
25 thirteen. Tell me what that means. I'm having trouble

1 not thinking that that means it was strictly on the
2 model from somewhere else and there's no actual taxes
3 calculated.

4 A. Right. What I meant by, I think the phrase there
5 that tripped you up was no comprehensive tax payment was
6 calculated. And these calculations are only to be used
7 to illustrate the economic impact of the Project. Really
8 what I'm looking there is to say I relied and tried to
9 be very transparent in the assumptions that I used for
10 this, and to the best of my ability this is -- these are
11 the tax revenues that every jurisdiction is going to
12 get. So in that sense it is comprehensive of what
13 Prosperity Wind will use. The reason that -- and so I
14 think for our purposes, you can think of this as a
15 comprehensive payment. What happened in other cases is
16 that people will take these property tax estimates and
17 use them for other, you know, other purposes other than
18 our economic impact in discussion of this. So I want to
19 prevent being sued for coming up with a number and then
20 they say well for some other purpose, you know, for
21 example, you know if a fire district goes out and files
22 my report and says well we built a new fire house
23 because of these numbers. Well I was not paid to
24 estimate for that fire district and for that bond issue
25 and so forth. So this is really to look at for

1 Prosperity Wind, what are going to be the economic
2 benefits that flow to the community, not for other
3 purposes.

4 DR. WAX: Very good. Thank you for your
5 detailed report and your excellent explanation.

6 MR. KAINS: Mr. Chambers?

7

8 QUESTIONS POSED BY

9 MR. CHAMBERS:

10

11 Q. So I've got a question for you that will be along
12 the same lines to Loyd's questions related to the
13 employment numbers, the job projections there. So, you
14 mentioned a little bit about where that data comes from,
15 the government data on employment within Piatt County.
16 The question I would have is how granular is that data?
17 Is it very specific on specific industries? And if so,
18 does that factor into the actual projections that you've
19 come up with, you know, because Piatt County would be
20 heavily agriculturally focused, and I was curious as to
21 how that formula includes the projection.

22 A. Yeah. It is based on those industries within the
23 County. The software in particular that I use is IMPLAN,
24 and they divide the US economy into, I think it's five
25 hundred and forty-six different sectors of the economy.

1 So if you were, for example, to look at agriculture, it
2 will have I want to say twenty different categories of
3 agriculture. So it's not just here's agriculture. So you
4 know, it's corn, soybean, vegetable, farming, you know,
5 flowers, you know, all different kinds of agriculture,
6 and it looks for those specific categories there. In
7 this particular case what we're concerned about is
8 things that Prosperity Wind, because you're going to
9 build a wind farm and you're going to operate a wind
10 farm, do the industries in those purchases exist in
11 Piatt County, and if they don't exist, if there's no --
12 no company that's in that industry in Piatt County,
13 even if I say oh, you know, Apex is going to spend "x"
14 number of dollars in this industry, the software will
15 say well there is no industry in Piatt County to be able
16 to spend that money in there, and it will result in zero
17 economic impact because that industry doesn't exist, and
18 so it will handle those cases, you know, and is using
19 Piatt County-specific data.

20 Q. So it only populates the numbers in where there
21 is overlap being expected, expected impact and
22 employment that actually exists in the County?

23 A. Correct.

24 Q. The only other question I had is kind of a small
25 one here that you may not be able to answer. So we've

1 got the different taxing districts for the schools these
2 two being Blue Ridge and Deland-Weldon. The three spare
3 locations are all within the Blue Ridge School District
4 and not within the Deland-Weldon. I was curious if you
5 had say in the event that spare locations are used
6 rather than the preferred fifty locations, if there's a
7 number for the potential swing in revenue change for
8 those spare locations?

9 A. Yeah. I have not looked. I concentrated for
10 these purposes on those fifty primary locations.

11 MR. CHAMBERS: That's all I have.

12 MR. KAINS: Thank you, Mr. Chambers. Dr.
13 Wax, anything further?

14 DR. WAX: No.

15 MR. KAINS: Very good. Questions for the
16 witness from members of units of local government
17 including school districts? Questions for Dr. Loomis
18 from other interested parties? Members of the public
19 opposed to the Application or neutral on the
20 Application? Yes Miss Reed? I'm sorry, Miss Ryan? If
21 you could please state your name, spelling the first and
22 last for the court reporter.

23 MS. RYAN: Susan Ryan, S-U-S-A-N, R-Y-A-N.

24 MR. KAINS: Very good. Go right ahead, Ms.
25 Ryan.

1 QUESTIONS POSED BY

2 SUSAN RYAN:

3

4 Q. So did I understand, you used modeling again for
5 those numbers for employment?

6 A. The economic impacts in terms of jobs that would
7 be created or supported in Piatt County, yes, was
8 modeled.

9 Q. We had this conversation last time, I think. I
10 know that you testified in DeWitt County for Tradewind.
11 I guess I'm surprised or curious because DeWitt County
12 is one line down in the complex. So you didn't use any,
13 because they're similar to Tradewind, you didn't use any
14 actual numbers from DeWitt County, employment numbers
15 using White Construction, the same company, you know,
16 etc.?

17 A. No, I usually treat, you know, each project --
18 certainly I have industry knowledge and I've been doing
19 this a long time, but for, you know, for proprietary and
20 confidentiality reasons I don't take another company's
21 data and apply it to a neighboring county.

22 Q. They just wouldn't give it to you, or you didn't
23 ask?

24 A. So I did testify in DeWitt County of the proposed
25 impacts, but it's actually very hard to get post

1 construction data. All right? To say how do you verify
2 these employment estimates, and as an academic
3 researcher I would love to have that data. I always love
4 to have data. The only time I have had one instance here
5 in Illinois, where I was -- I got data post
6 construction, it was in Macon County for a wind farm
7 after it had been constructed, and I was able to compare
8 a report just like this that I had prepared for that
9 wind farm in Macon County at a hearing just like this
10 before the ZBA, and I think it was two years after
11 construction be able to go back and look at the data. So
12 because there was a lawsuit I had access to a lot of
13 data that I wouldn't necessarily have access to. So, I
14 had access to every construction worker that worked on
15 that site because it was a union project and they kept
16 scrupulous records, and the estimates were in terms of
17 direct employment, were within five percent of what I
18 estimated.

19 MS. RYAN: Okay. That's all. Thank you.

20 MR. KAINS: Thank you, Miss Ryan. Any other
21 questions from the public for Dr. Loomis? Questions
22 from Piatt County staff and consultants?

23 MR. KEYT: I have a very short one.

24 MR. KAINS: Yes. Mr. Keyt?
25

1 CROSS-EXAMINATION BY

2 MR. KEYT:

3
4 Q. You indicated it was within five percent. Five
5 percent which way?6 A. Five percent of the direct jobs impact was -- of
7 what I predicted, was what I was able to obtain from
8 those local union records in terms of employment. I will
9 say, the thing that I did note in there was even though
10 they hired the local union, where those union workers --
11 they worked out of Macon County unions, but they didn't
12 always live in Macon County.13 Q. My question is five percent higher or five
14 percent lower than your estimate?

15 A. I don't recall.

16 MR. KEYT: Okay.

17 MR. KAINS: Thank you, Mr. Keyt. Re-direct,
18 Mr. Granholm?

19 MR. GRANHOLM: No further questions.

20 MR. KAINS: Final questions from the Members
21 of the ZBA? Dr. Wax? Mr. Chambers?

22

23

24

25

1 FURTHER QUESTIONS POSED BY

2 MR. CHAMBERS:

3
4 Q. Same question as Mr. Keyt, so that was just
5 direct impact as in the construction and direct
6 employment? That was not indirect as in any secondary
7 impacts, correct?

8 A. Yeah. So, when you're doing the direct impacts,
9 by definition those are employed by, you know, by the
10 developer or the construction company that's acting on
11 their behalf. The indirect impacts are difficult for you
12 to observe and kind of tease out. But what I was able to
13 do is to say what did they actually spend on concrete.
14 And in that case they set up a local site to mix, pour,
15 you know the concrete local to the project similar to
16 what we've been talking about here. So I was able to
17 then say what did they spend on that concrete. What I
18 have to still rely on the software to do is to say I can
19 verify that the wind farm company spent ten million
20 dollars on concrete. What I can't do is go to the
21 concrete company and say for this specific job, or this
22 specific task and that site, how many people did you
23 hire. I have to rely on industry averages then to say
24 well if you're gonna spend ten million dollars on
25 concrete, you know, a concrete company has to do that.

1 And those statistics are going to be common to any
2 concrete, right, by whatever way you get to that. So I
3 was able to verify the spending that happened, but I
4 still had to model how many jobs did that spending
5 result in when it comes to those indirect impacts. Does
6 that make sense?

7 Q. Sure. What I'm also getting at there, that post
8 construction data that you were able to obtain to go
9 over it, that was still confined mostly to the direct
10 impact and not -- I think we're talking more long term
11 here, but not long term, secondary impact jobs or the --
12 I'm forgetting the --

13 A. Induced?

14 Q. Yeah. So there's nothing that you've been able
15 to get ahold of really, post-construction assessment of
16 those other permanent jobs?

17 A. Well, not in this way where you're going to do it
18 on a small scale. Even though I'm retired, I'm working
19 with still two econ students in the econ department, and
20 our Project is to look at all hundred and two counties
21 in Illinois, and we've traced back the economic activity
22 for the last, I think we went back to 2010. So we have
23 the economic activity of 2010, and said of those
24 counties which are the fastest growing so we can rank
25 them, and then how many of those counties had a wind or

1 solar farm in them, and can we prove out a causal
2 relationship and then show exactly well here's how much,
3 you know, total employment has increased and so forth
4 since the wind or solar farm came into existence. Yeah.
5 So we've kind of ear marked here's the top ten, here's
6 the top twenty growing ones, and quite a number of those
7 had wind or solar farms in them, but we haven't gotten
8 to the, you know, statistical model to then say, was
9 that causal, was that incidental, and then what's the
10 net effect. But we're kind of working that angle in
11 aggregate.

12 MR. CHAMBERS: Okay. That's all.

13 MR. KAINS: Very good. Thank you. Dr. Wax?

14 DR. WAX: One last question.

15

16 FURTHER QUESTIONS POSED BY

17 DR. WAX:

18

19 Q. I don't know if it's even an appropriate question
20 or if what I'm suggesting is ever done, but did you ever
21 have an opportunity or did you take this model data,
22 essentially the numbers and the pie chart information,
23 and sit down with the Piatt County Supervisor of Tax
24 Assessments and try to come to an agreement and say
25 okay, I'm on track or I'm not on track?

1 A. Um, so I've done better than that. We collected
2 data on every wind farm -- every wind turbine has its
3 own property identification number, pin number. We've
4 gone to every county assessor and asked for the pin
5 numbers of every wind farm -- or wind turbine in their
6 county. We also did for solar, but solar has been no new
7 in terms of utility scale solar, so there's very few of
8 those, and then I employed some econ students to look up
9 those individual property tax records on every tax web
10 site to then say well here's what the formula has, what
11 did these people actually pay in taxes, and we produced
12 the report that summarizes. It goes along exactly with
13 what I'm saying, large amounts of money has gone to fund
14 schools. Counties like McLean County that has the
15 largest number of wind turbines had, you know, a huge
16 amount of tax revenue for a sustained number of years.
17 So we do it similar to this report. Year by year, here's
18 how much came in, pin number by pin number, to the
19 various taxing entities and has summed that up.

20 DR. WAX: Thank you. Very good.

21 MR. KAINS: Very good. Thank you Dr. Loomis.
22 You may step down. However, you may be subject to
23 recall either by counsel or perhaps by the ZBA at a
24 future date.

25 Miss Antoniolli, do you have any other

1 witnesses?

2 MS. ANTONIOLLI: Thank you, Mr. Kains, yes.
3 Next on behalf of Prosperity Wind, I would like to call
4 our sound expert Mr. Eddie Duncan from RSG.

5 MR. KAINS: Would you please state your name
6 spelling first and last names for the record?

7 EDDIE DUNCAN: Yes. My name is Eddie
8 Duncan, E-D-D-I-E, D-U-N-C-A-N.

9 MR. KAINS: Very good. Miss Antoniolli?
10 (Witness sworn.)

11

12 E D D I E D U N C A N
13 called as a witness on behalf of the Applicant in the
14 above-entitled cause, having been first duly sworn, was
15 examined and testified as follows:

16

17 DIRECT EXAMINATION BY

18 MS. ANTONIOLLI:

19

20 Q. Mr. Duncan, can you please state your job title
21 and then briefly summarize your professional background
22 and experience?

23 A. Sure. I am a Senior Director at RSG headquartered
24 in White River Junction, Vermont, with offices around
25 the country. I'm a Board Certified Noise Control

1 Engineer. My experience is a little over twenty years in
2 the field of acoustics and acoustical consulting and
3 noise control engineering, with a focus especially in
4 environmental permitting and within the energy sector.
5 So I've been working on wind farms for eighteen,
6 nineteen years.

7 Q. Okay. Thank you. Now I have with me
8 Mr. Duncan's CV, and that includes his educational and
9 professional background. Ryan is going to kindly pass
10 that around for your review, and then I would move to
11 admit that into the record as Applicant's Group Exhibit
12 Number 13.

13 MR. KAINS: Are we on 13, Mr. Keyt?

14 MR. KEYT: Yes, sir.

15 MR. KAINS: Mr. Duncan's CV will be admitted
16 as Applicant's Exhibit 13. Go right ahead.

17 MS. ANTONIOLLI: Thank you. Mr. Duncan, you
18 prepared a 64-page report titled Sound Modeling Report
19 Prosperity Wind, correct?

20 A. I believe it was sixty-four pages. I don't recall
21 off the top of my head, but that sounds about right,
22 yes.

23 Q. And you have in front of you, a copy of the
24 Appendices. If you could please turn to Appendix E.5?
25 Okay, and is Appendix E.5 to Prosperity's Special Use

1 Permit Application a true and correct copy of your sound
2 modeling report?

3 A. Yes, it is. Sixty pages. Sixty-four if you're
4 counting the covers.

5 Q. Okay. Thank you. Do you have any corrections or
6 revisions to make to your sound modeling report?

7 A. I do not.

8 Q. And will you please give a brief overview of your
9 work with Apex on sound modeling studies for wind farms?

10 A. Sure. We've worked with Apex Clean Energy for a
11 number of years, assessing noise assessments for a
12 variety of Projects, many of them in the wind energy
13 sector. So in that work what we'll do is work with Apex
14 to understand what the proposed Project is, we'll then
15 do sound propagation modeling to project what the sound
16 levels are and compare those sound levels to the
17 applicable limits, depending on what the jurisdiction
18 is, and then if we need to we'll work with them on
19 siting and mitigation and things of that nature.

20 Q. Okay. And did you also work on a sound modeling
21 study for the Goose Creek Wind Farm?

22 A. Yes, I did.

23 Q. So yesterday evening Mr. Gantz asked some
24 questions to Miss Anderson about modeled sound levels at
25 his residence, and you were in the room. Do you

1 remember the questions?

2 A. I do, yes.

3 Q. Did you perform the sound modeling?

4 A. Yes.

5 Q. Can you please explain now for us how the
6 modeling results changed at Mr. Gantz' residence between
7 the Goose Creek Project and the Prosperity Wind Project,
8 and then some of the variables that caused that change?

9 A. Yes. So focusing in, I think, on the two critical
10 bands, just as a reminder, we're modeling sound levels
11 at full octave bands, from 31.5 Hz to 8 kHz because that
12 is the IPCB regulation. So the two critical octave bands
13 there are 500 Hz and 1 kHz. What I mean by critical is,
14 given the wind turbine model, those are the sound levels
15 that most closely approach the IPCB limits. The high
16 frequency and low frequency sounds don't come close. So
17 for those two critical octave bands, the sound level at
18 500 Hz was, I believe, 2 dB less than Goose Creek, and
19 at 1 kHz, I believe, is 3 dB -- 3 to 4 dB less than
20 Goose Creek. So in Goose Creek, I believe Mr. Gantz'
21 residence was 1 dB under the IPCB limit, and in this
22 assessment it would be 3 to 4 dB left than the IPCB
23 limits in those bands.

24 Q. And are those results in your report for
25 Prosperity Wind?

1 A. They are. I did -- I forgot that I did not answer
2 the second part of your question. Why.

3 Q. Okay.

4 A. So the reason why is, as Miss Anderson alluded to
5 yesterday, it's related to updated information on the
6 transformer. So we now have specific information on the
7 transformers versus in Goose Creek we were using
8 representative data for what they expected for a
9 transformer. So it's a little different because now we
10 have selected transformers to work with. We know what
11 the dimensions are, we know what the ratings are
12 precisely so we can then better calculate that. The
13 difference primarily is related to the physical
14 dimensions of the transformer. So given the
15 representative transformer in Goose Creek, it was larger
16 in terms of the physical dimensions than the transformer
17 that's proposed here for Prosperity, and so that results
18 in a lower sound power level.

19 Q. Okay. Thank you. And I will get to the point in
20 your report where it is, but first, we also heard a
21 question from Mr. Harrington about the location of the
22 transformers and whether that was at all an issue, or
23 whether or not that was changed between the two
24 projects.

25 A. Yeah, that's right. The location is the same as

1 it was in Goose Creek. It's modeled at the exact same
2 locations.

3 Q. Okay. And where can we find this information on
4 sound levels relating to Mr. Gantz' residence in your
5 report?

6 A. So it would be on page 49 of the report. I
7 believe the receptor ID number for Mr. Gantz' residence
8 is 292. So, it's about a third of the way from the
9 bottom of the page on page 49.

10 Q. Thank you. How did you verify that receptor 292
11 is Mr. Gantz' residence?

12 A. Yeah, so in that same appendix, prior to the
13 table of results, there are maps of receptors throughout
14 the Project area, and I believe Mr. Gantz' residence is
15 the closest residence to the substation. So, on page
16 39, figure 21, we can see it's a map of receptor
17 locations, and it also shows wind turbine locations and
18 substation locations. So the closest residential
19 receptor to the substation is receptor 292 which is
20 located to the east/northeast of the substation.

21 Q. Okay. Thank you. And will you please also walk us
22 through some of the conservative assumptions that you
23 used in modeling sound for Prosperity Wind?

24 A. Sure. The modeling assumptions, the conservative
25 modeling assumptions we use are very much the same --

1 Q. I'm going to have you slow down just a bit for
2 the court reporter.

3 A. Sure -- are very much the same as the standards
4 as outlined yesterday in her presentation. The three
5 primary factors, being the 2 dB adjustment factor that's
6 added to the sound power level. That is the manufacturer
7 sound level emissions. So the manufacturer says the
8 sound level or the sound emissions from this turbine
9 will be "x", and so we model "x" plus two. The other is
10 that all residences are modeled as being down wind from
11 the turbines. So it's as if the wind is generated at
12 the turbine and every one is down wind. And then -- so,
13 I forget what the third assumption is here off the top
14 of my head, but there is another. I forget off the top
15 of my head, but there are a number. The other one
16 though that Miss Anderson did not mention was, and this
17 applies mostly for the residences that are closer to the
18 substation is that the transformers are modeled in what
19 we call the ONAF condition. It's a cooling mode on the
20 transformer, assuming that the fans that are on the
21 transformer are operating. This would typically only
22 happen during the day and when it's hot out. So we're
23 comparing sound levels to the nighttime standard, but
24 it's, you know, less likely that those fans would even
25 operate at night.

1 Q. And those conservative assumptions that you
2 mentioned, do those happen in reality? All of those
3 assumptions together?

4 A. No, and that reminds me of what the third
5 conservative assumption is, and that is that all of the
6 wind turbines in the model are operating simultaneously
7 at their maximum sound levels in each octave band. So
8 that is not possible because the maximum sound levels in
9 each octave band happen at different wind speeds, and it
10 just doesn't happen that the turbines are operating at
11 their maximum sound level simultaneously, especially
12 when we're talking fifty wind turbines.

13 Q. Okay. Thank you. And finally, we heard a
14 question from Mr. Hartke last night about the shape of
15 sound pressure levels. The figure that he referred to,
16 they didn't appear to be a perfect circle, but rather
17 more elliptical in shape. Can you -- specifically he
18 referred to figure 23, on page 54 of your report. And
19 can you please explain to us why that might be?

20 A. Yes. Figure 23, what we see are two turbines,
21 C12 and C13, and we do see concentric circles for that
22 first sound level ISOLines. So these are lines of equal
23 sound levels. So we do see a circle for the first line.
24 It's the second line out from there which is 50 dB that
25 is not a perfect circle, and the reason for that is the

1 turbines C12 and C13 are east to west from one another,
2 and so the space between those two turbines, those sound
3 levels will be additives. So it would look -- this is
4 correct. It would look on the map as though the sound
5 levels are traveling further east to west, because
6 they're at -- the sound levels from one turbine are
7 adding to another turbine. As we get further away to the
8 south, we're not going to see that elliptical shape to
9 the south because the turbines are oriented east to west
10 in this location, not north to south.

11 Q. Okay. Thank you for that explanation. That's all
12 the questions I have.

13 MR. KAINS: Very good. Thank you, Miss
14 Antonioli. Questions for Mr. Duncan from Members of
15 the Zoning Board of Appeals?

16

17 QUESTIONS POSED BY

18

DR. WAX:

19

20 Q. I'll try one. I assume, sir, that you're familiar
21 with groupings of where peoples' responses to various
22 things and they've been placed into a vel curve, where a
23 majority of the people fall into two responses, fall
24 into the major part of the curve, and you have a few
25 over on one end that are not affected whatsoever, and a

1 few on the other end that may be significantly affected.
2 Wouldn't this apply to peoples' response to sound?

3 A. Yes. So I'm familiar with a concept of a vel
4 curve and peoples' responses and certain percentage at
5 one end and a certain percentage at the other. In some
6 cases the data for response to sound fits a vel curve
7 and in some cases it doesn't. I think there's a limit
8 to how much I can speak to that because those responses
9 are often getting into help studies. So it's a little
10 different than what I'm dealing with within a noise
11 assessment for a project.

12 Q. Okay. I'm trying to get at whether there could
13 be, in response to sound, some people who are absolutely
14 not bothered whatsoever. The majority of the people
15 might be bothered a bit, but could live with the
16 standards that are set. And there might be a very small
17 percentage of one to five percent that they're extremely
18 affected by and even cause health issues. Is that a
19 possibility?

20 A. I can't speak to the health issues portion of it,
21 but I mean I can say that the population as a whole has
22 different sensitivities to noise. So I can say that. We
23 all have that experience, you know. Your spouse might
24 be more sensitive to sound than you are, a certain sound
25 than you are, but in terms of five, ten percent, the

1 specifics of that, and the health outcomes I can't speak
2 to that. That's outside my area of expertise.

3 Q. Okay. Neither one of us are health experts on
4 this thing, but sound could be heard by some people much
5 more than others?

6 A. For sure. We know that the hearing thresholds
7 for people vary. Yeah, some people will hear sounds that
8 other people can't hear.

9 Q. May I ask a question then, in which you may or
10 may not feel comfortable responding to, but let's assume
11 that there is one or two percent, or a small percent of
12 people, who hear sounds over and -- I mean that even the
13 Illinois Pollution Standard levels they hear sounds that
14 are outside your dotted lines that show they should not.
15 What would be the company's response to a small
16 percentage of people who believe they're severely
17 affected by this because they have a sound problem, it's
18 affecting their hearing and it's bothering them. I'm
19 just wondering, is there a company policy that okay
20 we're going to try to hear their complaint and try to
21 take care of somebody who, the very small percentage who
22 doesn't, you know, they don't fit within this category,
23 the standards, but they're still having problems. What
24 would be the company's response?

25 MS. ANTONIOLLI: I will give you a little

1 teaser that we are going to recall Mr. Moore to talk a
2 little bit more about Apex's complaint and response
3 procedure, and I think that would clear up a couple of
4 things.

5 DR. WAX: Okay thank you.

6 A. And that would be my response. I can't speak for
7 the company responses, but the company can. The one part
8 of that question that I just want to touch on is the
9 ability to hear something, and the IPCB limits are kind
10 of different things. So if one person can hear
11 something and another person can't, the sound level's
12 not different. The sound level's the same sound level.
13 So, just audibility is different than sound level
14 limits.

15 DR. WAX: Thank you.

16 MR. KAINS: So any other questions from the
17 Board? All right. Very good. Questions for Mr. Duncan
18 from members of units of local government including
19 school districts? Questions for Mr. Duncan from members
20 of the public opposed to the Application or neutral on
21 the Application? Questions for Mr. Duncan from Piatt
22 County staff and consultants?

23 MR. KEYT: I have one.

24 MR. KAINS: Mr. Keyt.

25

1 CROSS-EXAMINATION BY

2 MR. KEYT:

3 Q. Okay. So if I understand it, there were fifty
4 turbines sites that were sound modeled; is that correct?

5 A. That's correct, yes.

6 Q. In the Application it asked for approval
7 fifty-three turbine sites?

8 A. That's my understanding, yes.

9 Q. Do we know which three turbine sites were not
10 modeled?

11 A. I do not know off the top of my head, but I'm
12 sure that Apex could answer that question.

13 MR. KEYT: Thank you.

14 MR. KAINS: Very good. Questions on
15 re-direct, Miss Antonioli?

16 MS. ANTONIOLLI: No. No further questions.

17 MR. KAINS: Very good. Final questions come
18 from the ZBA. Anything else? Very good. Thank you,
19 Mr. Duncan. You may step down, subject of course to
20 recall. All right. Miss Antonioli, Mr. Hess,
21 Mr. Granholm, your next witness?

22 MR. HESS: Thank you, Mr. Kains. We would
23 respectfully call Jennie Geiger.

24 MR. KAINS: Ma'am, would you please raise
25 your right hand and be sworn.

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(Witness sworn)

MR. KAINS: Could you please state your name, selling your first and last names for the record.

JENNIE GEIGER: Yes. My name is Jennie Geiger, J-E-N-N-I-E, G-E-I-G-E-R.

MR. KAINS: Go ahead, Mr. Hess.

MR. HESS: Thank you.

DIRECT EXAMINATION BY

MR. HESS:

Q. Miss Geiger, please state your job title and give a short summary of your professional background and experience.

A. Sure. I am the Director of Environmental for Apex Clean Energy. My background is that I have a BS which is a Bachelor's of Sciences in Wildlife Biology from the University of Georgia and a Master's in Environmental Policy and Administration from Colorado State University. My experience is varied, but after I graduated from college I spent many years as an aid and field technician traveling around the country and doing various bird work, also being an environmental educator, teaching adults and students about birds and various

1 other wildlife things, and then as a sustainability in
2 environmental health and safety consultant for the
3 federal government, and the last ten years I've spent in
4 the renewable energy realm, the past eight and a half
5 years with Apex.

6 Q. Thank you, Miss Geiger. At this time, Mr. Kains,
7 we're handing out a one-page document which is to
8 establish Miss Geiger's written credentials to allow her
9 testify as a wildlife expert, and we would ask that it
10 be admitted as Exhibit 14.

11 MR. KEYT: Exhibit 14.

12 MR. KAINS: Miss Geiger's credentials will be
13 accepted into evidence as Exhibit 14. Go ahead, Mr.
14 Hess.

15 MR. HESS: Thank you, Mr. Kains. Miss
16 Geiger, can you briefly talk about what your
17 responsibilities are in general at Apex Clean Energy?

18 A. Yes. My overall responsibilities are generally
19 to understand potential environmental impacts from our
20 projects, and then work to reduce those impacts to the
21 greatest extent possible.

22 Q. And are you familiar with Section 11 of Piatt
23 County's Wind Ordinance?

24 A. I am.

25 Q. And Section 11 states that an applicant for

1 special use permit quote:

2 *"Through the use of a qualified professional such*
3 *as an ornithologist or wildlife biologist, shall conduct*
4 *and avian habitat study, as part of the special use*
5 *application process, to determine if the installation of*
6 *WECS(s) will have a substantial adverse impact on birds*
7 *and/or bats."*

8 What steps did you take to comply with this
9 provision?

10 A. Apex hired a qualified third-party professional
11 company, Western EcoSystems Technology, to conduct
12 wildlife studies throughout the Project area in order to
13 assess potential risk to wildlife from the Project.

14 Q. May I approach the witness to show you her a
15 portion of our application?

16 MR. KAINS: Yes, you may.

17 Q. Mr. Kains, I'll state for the record that I've
18 just handed Miss Geiger what's previously been admitted
19 as Applicants's Group Exhibit Number 1, which is
20 Prosperity Wind's Special Use Permit Application.
21 Specifically I've handed her Volume 1 of the Appendices,
22 and separately the narrative portion.

23 Miss Geiger, if you could look at Appendix E.6
24 that is in Volume 1. What is this document?

25 A. This document is a summary of all the actions

1 that we have taken to assess and address potential risks
2 to wildlife from the Project, and it includes an outline
3 of all the correspondence with the U.S. Fish & Wildlife
4 Service, Illinois Department of Natural Resources that
5 we did, as well as studies that we conducted, and the
6 measures that we are implementing with the Project
7 based on the results of studies to minimize and avoid
8 impact.

9 Q. At your request, did you have this document
10 prepared?

11 A. I did.

12 Q. And who prepared this document?

13 A. Mr. Travis Brown from WEST.

14 Q. Have you worked with Mr. Brown at WEST before?

15 A. Many times.

16 Q. And based on your experience, Federal and State
17 Regulators, and folks like Mr. Brown conducting these
18 studies, they coordinate, they know each other? It's a
19 pretty small world?

20 A. Yes. They very much trust WEST in their work.

21 Q. In this memo in the underlying studies of data,
22 is this the type of work that Apex regularly conducts
23 and shares with Federal and State wildlife experts and
24 regulators?

25 A. Yes.

1 Q. And is it Apex's regular course of business to
2 rely on these types of wildlife studies and data to
3 demonstrate compliance with Federal and State
4 requirements?

5 A. Yes, it is.

6 Q. Taking you back to Section 11, Piatt County's
7 Wind Ordinance, and I've quoted before. It continues to
8 say, quote:

9 *"To determine if the installation of WECS(s) will*
10 *have a substantial adverse impact on birds and/or bats."*

11 Will Prosperity Wind have a substantial adverse
12 impact on birds or bats?

13 A. No. Based on numerous years of studies and
14 coordination that we've had with both Fish & Wildlife
15 Service, and Illinois Department of Natural Resources,
16 as well as the avoidance and mitigation measures that we
17 have agreed upon with those agencies, the Project will
18 not have a substantial adverse impact.

19 Q. I want to turn your attention now to the
20 narrative portion of the Application, which is
21 Prosperity Wind's Exhibit 1. At this time if you would
22 look at page 41 of the narrative portion, Prosperity
23 Wind's Application, the second paragraph on page 41
24 states:

25 *"Apex Clean Energy has been coordinating with the*

1 *US Fish & Wildlife Service and Illinois Department of*
2 *Natural Resources since early 2019."*

3 Can you unpack that a little bit for the ZBA?
4 What does this coordination look like?

5 A. Sure. We began coordinating with both agencies,
6 Fish & Wildlife and IDNR in 2019, when the Project was
7 first developing to understand if they had any concerns
8 with the general Project area, where we were siting the
9 project, as well as to agree on studies that would be
10 appropriate to assess potential risks or impacts to
11 species of concern. After that, once we started doing
12 surveys, we met with the agencies on multiple occasions
13 to talk about the results of the surveys, make sure that
14 they didn't have any questions or concerns, and take any
15 recommendations that they might have for the Project. We
16 have continued to coordinate with them. Even a couple
17 of months ago we met with Fish & Wildlife Service.

18 Q. Will this coordination continue going forward?

19 A. Yes.

20 Q. The next paragraph on page 41, and this is the
21 last paragraph on that page, right before the table,
22 states:

23 *"Apex Clean Energy used the results from the*
24 *studies, along with recommendations from the Fish &*
25 *Wildlife Service and Illinois Department of Natural*

1 *Resources, to inform appropriate impact avoidance,*
2 *minimization, monitoring, and adaptive management*
3 *measures for the Project. Table 9.0-1 summarizes the*
4 *measures that Prosperity Wind has implemented into*
5 *turbine siting to avoid potential impacts to species of*
6 *concern. Additionally, associated facilities have been*
7 *designed to either avoid habitat or implement avoidance*
8 *measures based on agency coordination."*

9 The Application then provides a table, Table
10 9.0-1. Is that an accurate summary and table, an
11 accurate summary of the avoidance and minimization
12 measures Prosperity Wind has taken?

13 A. Yes, it is.

14 Q. So in summary, Prosperity Wind's wildlife studies
15 closely coordinated with State and Federal regulators
16 and additional avoidance and minimization measures that
17 are summarized in Table 9.0-1?

18 A. Yes.

19 MR. HESS: Thank you, Miss Geiger. Mr.
20 Kains, I have no further questions.

21 MR. KAINS: Very good. Thank you Mr. Hess.
22 Questions for Miss Geiger from the Zoning Board of
23 Appeals? Mr. Chambers?

24

25

1 QUESTIONS POSED BY

2 MR. CHAMBERS:

3

4 Q. A question I have is, in the last hearings that
5 we had, a significant public concern point was bird and
6 bat populations and effects. The question I have,
7 there's going to be the post-construction surveys. Is
8 there any plans to make those public, that the public
9 would be able to see those reports?

10 A. At this point in time the only plans we have are
11 to provide them to the agencies.

12 Q. Then a second question, so if incidental take
13 permits are part of the way things would work, could
14 work after construction, is there any particular species
15 that if, hypothetically, if an incidental take permit is
16 to take place, you would have a perception of what
17 species that would likely be in this area?

18 A. Yeah. So bats is more of the concern here. So the
19 species bat we would consider doing something like that
20 for would be the only species here, and currently that's
21 the Indiana bat and the Northern long-eared bat.

22 Q. But not, for example, a raptor species?

23 A. No. Incidental take permits are only for
24 federally protected species or limited species, and
25 there are no federally listed raptors in this area.

1 MR. CHAMBERS: Thank you.

2 MR. KAINS: Thank you, Mr. Chambers. Dr.
3 Wax, do you have any questions for the witness?

4 DR. WAX: Just one.

5

6 QUESTIONS POSED BY

7 DR. WAX:

8

9 Q. Please tell me if this is correct or not. I
10 believe the manufacturer of the turbine that you're
11 using offers an option of a bird and bat suppression
12 system. Is that correct?

13 A. The only thing that I'm aware of that Vestas
14 offers that we're putting on there is the opportunity to
15 curtail the turbines for wildlife purposes. You can
16 curtail it for other things also, but in this case we
17 would be curtailing the turbines in the Fall for bats.

18 Q. To your knowledge, how does that system work?

19 A. It's been very effective. Fish and Wildlife
20 Services is very supportive of it as is IDNR.

21 Q. It he's been very effective, but specifically do
22 you know how -- what it does to scare away or discourage
23 or whatever birds and bats?

24 A. Well this particular system just shuts the
25 turbines down. So at certain wind speeds, it'll just

1 stop the turbines so there is no impact to the bats.

2 Q. Would it be correct then to assume that you're
3 not utilizing that because of your surveys that indicate
4 no -- neither birds or bats of great concern are near
5 your facilities? Would that be correct?

6 A. It is true that there is no bat habitat in the
7 Project area. As Miss Anderson said yesterday, that's
8 more for Summer. During the migration period, similar
9 to birds, bats also migrate. So during migration
10 periods bats will be flying through the Project area. So
11 we have committed to meeting IDNR's recommendation to
12 curtail it, to stop the turbines during Fall migration
13 at night to minimize that risk. I lost my train of
14 thought there. So it will be -- it will have a benefit,
15 and we are going to be curtailing.

16 DR. WAX: Okay.

17

18 FURTHER QUESTIONS POSED BY

19 MR. CHAMBERS:

20

21 Q. Quick follow-up to what Loyd asked. I believe
22 there is deterrent systems, but those would probably
23 after market or third party. Are you familiar with
24 those?

25 A. Enough. I'm not an expert by any means on that.

1 They exist. They work for some species, they don't work
2 for some species. It really kind of depends what the
3 issue is that you might want to use them for. Right now
4 I don't anticipate we're going to need anything like
5 that on this Project.

6 Q. That was going to be my next question, if you
7 believe a system like that would be effective or have an
8 integral impact in this Project space?

9 A. At this point in time, I don't think that they're
10 quite ready for deployment, and I don't see a need for
11 it at this time.

12 MR. KAINS: Thank you, Mr. Chambers.
13 Questions for Miss Geiger from members of units of local
14 government including school districts? Questions for
15 Miss Geiger from members of the public opposed to the
16 Application or neutral on the Application? Questions
17 from Piatt County staff and consultants? Mr. Hess, any
18 re-direct?

19 MR. HESS: No, sir.

20 MR. KAINS: Very good. Final questions for
21 the ZBA? Anything you fellows have come up with? All
22 right. Very good. Thank you, Miss Geiger. You may step
23 down, subject to recall of course. Miss Antoniolli?

24 MS. ANTONIOLLI: I would turn it over to
25 Mr. Granholm.

1 MR. KAINS: Mr. Granholm, your next witness?

2 MR. GRANHOLM: Michael MaRous, our expert
3 witness on property values.

4 MR. KAINS: Please raise your hand and
5 be sworn.

6 (Witness sworn.)

7 MR. KAINS: Can you please state your name,
8 spelling first and last for the record.

9 MICHAEL MaROUS: Michael MaRous,
10 M-I-C-H-A-E-L, M-a-R-O-U-S.

11 MR. KAINS: Very good. You may proceed, Mr.
12 Granholm.

13 DIRECT EXAMINATION BY

14 MR. GRANHOLM:

15

16 Q. I'm going to hand Mr. MaRous a copy of the
17 exhibits to Prosperity Wind's Special Use Permit
18 Application, which was previously admitted as our
19 Exhibit 1.

20 MR. KAINS: Very good. You may approach the
21 witness.

22 A. Thank you.

23 Q. Mr. MaRous, before I begin this questioning, I'm
24 going to acknowledge that the page numbers in this
25 report differ. There's some Roman Numerals at the end.

1 So, Mr. MaRous, you prepared a 198-page report, titled
2 Market Impact Analysis, Prosperity Wind, Piatt County,
3 Illinois; is that correct?

4 A. Yes.

5 Q. Is that market impact analysis included as
6 Appendix C.2, Prosperity Wind Special Use Permit
7 Application?

8 A. Correct.

9 Q. And is Appendix C.2 a true and correct copy of
10 your market impact analysis?

11 A. It's in the middle in the binder and the binder's
12 stuck. So I need about ten seconds to remedy that. Yes,
13 it appears to be.

14 Q. Do you have any corrections or revisions to make
15 to Appendix C.2?

16 A. No.

17 Q. Towards the end of your market analysis, Roman
18 Numeral pages XXXVII to XLIII, you have provided a
19 Statement of Qualifications; is that correct?

20 A. Yes.

21 Q. And just to briefly summarize, will you give an
22 overview of your qualifications starting with your
23 educational background?

24 A. Sure. I had the honor of attending and graduating
25 from the University of Illinois, Champaign-Urbana with a

1 B.S. in the School of Finance with a specialization in
2 Urban Land Economics. I was immediately employed by a
3 real estate consulting appraisal firm in the Chicago
4 area, and then about five years later, after I was
5 awarded my MAI designation, I started and founded MaRous
6 and Company. Subsequent to doing appraisals, or
7 beginning, I've done about fifteen thousand appraisals
8 of over twenty billion dollars of assets, primarily in
9 the State of Illinois. I am licensed at the highest
10 level, General Certified in Illinois and five other
11 states. I am Past President of the Chicago Chapter of
12 the Appraisal Institute. I also am an Illinois Licensed
13 Broker. I've also been awarded the Counselors of Real
14 Estate.

15 In my evaluation work, I've been very active in
16 central Illinois. I've done both State Farm
17 headquarters. I've done work for the University of
18 Illinois. I've done the Caterpillar two million square
19 foot Distribution Facility, probably fifteen major
20 properties in Peoria and East Peoria, and thousands of
21 agricultural parcels.

22 I've had also the occasion to be an elected
23 public official. I sat as a liaison to Planning and
24 Zoning of ZBA of Park Ridge. I also sat as an Alderman
25 on the Finance Committee and Public Safety, and I'm the

1 former Mayor of the City of Park Ridge.

2 So over my career I've been involved in doing
3 many many value impact studies, and many have been for
4 energy, solar, wind, natural gas to electric, but also
5 similar studies for development or re-development for
6 zoning variations and special uses, for mixed use
7 properties, for churches, for industrial uses, for waste
8 transfer facilities, residential subdivisions among
9 others.

10 Q. Thank you, Mr. MaRous. You covered all of my
11 questions about your qualifications. With that, Mr.
12 Kains, Mr. MaRous is available for questions.

13 MR. KAINS: Very good. Thank you. Questions
14 for Mr. MaRous from Members of the Zoning Board of
15 Appeals?

16 MR. CHAMBERS: I'll start off.

17

18 QUESTIONS POSED BY

19 MR. CHAMBERS:

20

21 Q. So these are similar questions to some that we
22 had last hearing, and so I wanted to go over a couple of
23 these again, the ones that brought probably the most
24 concern or the most focus as far as the public
25 questioning, at least. So my first question is, could

1 you explain to us what's your definition and your
2 knowledge of vista stigma?

3 A. Of what?

4 Q. Vista stigma?

5 A. Well as I understand it, that has to do with the
6 view that someone may have, generally, from a
7 residential property where certain parties may feel that
8 their view is impaired, and you know, that goes you
9 know, to many different characteristics, but it also
10 goes back to do people control the property beyond which
11 they own.

12 Q. All right. So some of the questions I have, the
13 reason I wanted to ask that first is to lay a little
14 foundation because some of the questions I have are
15 related more specifically to that and the central impact
16 of the vista, the wind farm, on impact on residential
17 property value. So do you believe that this stigma can
18 have an adverse impact on property value?

19 A. Are we speaking, just to be clear, on wind farms
20 and turbines alone for your questions?

21 Q. In this case, yes.

22 A. Sure. I mean it makes it cleaner and so forth
23 with the answer. I think that's a real good question,
24 and I've been studying and I've looked at about fifty
25 studies, and I've looked at hundreds of wind farms, and

1 what's very interesting is the initial wind farms had
2 less control and they had significantly more density.
3 So in this situation, you've got a six megawatt machine
4 and the initial turbines were one to one and a half
5 megawatts. So for this Project you could have two
6 hundred, two hundred plus machines. And from my
7 observation and in speaking with brokers and active
8 participants, it's the density that's the issue. And I
9 think the other issue has to go, in my opinion, has to
10 do with setbacks, and initially the setbacks were seven
11 hundred fifty to a thousand feet from the edge of the
12 house. Now again, with the new projects that have bigger
13 machines that are generally three to six megawatts, the
14 minimum is usually twelve hundred and fifty feet. In my
15 opinion, I like to see fifteen hundred. In this Project
16 I think sixteen seventy is the minimum setback. So when
17 you have -- if you have a seven hundred and fifty foot
18 setback from a house, do I think that's a problem if
19 there's views? I mean if it's in back of the garage and
20 there's no views, maybe not. But if your proximate,
21 that's an issue. The other concern, and I think we're
22 all familiar with the flashing red lights which was a
23 concern, and that's fascinating because you see them
24 from a distance, but when you get into a wind farm it's
25 unlike a Walmart where you go in and the lights are

1 shining down on you. When you actually go into a
2 Project they're flashing up and you don't see it. But I
3 think these ADLS systems are a huge benefit for them. So
4 under proper controls well done, in my opinion, no. Now
5 does that mean some people don't like them? You know,
6 some people don't wanna look at barns, some people don't
7 wanna look at silos, some people don't wanna, you know,
8 look at unkempt properties. But I can't say if done
9 properly that there is a vista stigma that would
10 negatively impact property values, particularly for this
11 Project where you only have fifty turbines spread out
12 over a large area.

13 Q. So your opinion is that for this Project that
14 vista stigma does not pose a risk of negative impact on
15 property value?

16 A. No, it does not, in my opinion.

17 Q. The only other question I have, and this was more
18 along the same lines, but more about vista stigma, and
19 as a Realtor you'll have some insight on this, but the
20 issues that we discussed before in relation to vista
21 stigma is being a pool of buyers, so listing that
22 particular property, if you have property A within the
23 footprint of the wind farm and property B that is not
24 within the footprint of the wind farm and they are
25 virtually identical, buyers choose, you know, the

1 property that is outside the wind farm versus the one
2 that is in. So the question would be, do you see a
3 decrease in interest in buyer activity for homes within
4 the Project, in terms of value?

5 A. You sound like you asked the questions that I do
6 the market participants. So, the answer is the net
7 differential is zero because what you have is you have
8 certain buyers that say that they don't want to buy, and
9 where I've found, if the key is good location, paved
10 road, modern house, close to a family member, close to
11 services, and a strong economic stability where there's
12 money for the schools, there's money coming into the
13 community, so the off-sets of the few that don't like
14 it, there are quite a few let's say the younger people
15 with families that are coming back because it provides
16 the infra structure for the community. Now as an
17 example, if you have a house on three acres, and you
18 have ten people look at it, I've never ever seen where
19 all ten people could afford it, liked it, would make an
20 offer. You're just not going to have people, you know,
21 let's say the husband likes it and the wife doesn't like
22 it. Guess what? They don't make an offer. And there's
23 all kinds of issues that impact it. It could be the
24 color of the siding. It could be the landscaping. It
25 could be the small closets. It could be only one

1 bathroom. But because of the positive economics and the
2 stability to the community, my observation and in
3 talking with brokers, no that hasn't limited. Certain
4 people? Yes, but then there's others that replace them.

5 Q. So in your opinion, the buyers that are removed
6 from that pool of potential buyers, their absence does
7 not affect the value?

8 A. Not in this instance, no. I think because of the
9 economics, it's going to be a benefit and make the
10 market stronger, and that's what's evidenced by looking
11 at the similar projects throughout Illinois and
12 throughout the country.

13 MR. CHAMBERS: That's all I have.

14 MR. KAINS: Thank you, Mr. Chambers. Dr.
15 Wax, do you have any questions of Mr. MaRous?

16

17 QUESTIONS POSED BY

18 DR. WAX:

19

20 Q. You have apparently done thousands of these
21 studies, sales, comparisons, and this sort of thing. In
22 this report it seems like everything falls within a very
23 narrow, very narrow median range of no effect. Have you,
24 in your experience, ever run into situations where there
25 were diminished values and also increased values?

1 A. So Dr. Wax, that's a real good question, and I've
2 been out in areas where I thought I was gonna see
3 negativity. So I was looking at a big wind proposed
4 project near Lafayette, Indiana, and just north of there
5 is White County. Along I-65, there's over a gigawatt of
6 power that goes on for about twenty miles. So that's
7 close to the capacity of a nuclear power plant. And
8 they're all over and they're flashing red lights. So I
9 went. I had sales that were proximate. I had, you
10 know, maybe five, six, seven turbines within two
11 thousand feet, others within fifteen hundred feet, and
12 looked at comparables, and found that there was no
13 differential in value. So then I reached out to a local
14 brokerage community, and they said that they have not
15 had a tax increase in fifteen years, and the money
16 that's come into the community has helped the schools,
17 has helped the infra structure, and it's actually
18 brought people in. It's just been part of the
19 agricultural community. That's one I thought, because
20 there's so many, it goes almost like fifteen or twenty
21 miles. It goes for a long way, if you've ever gone that
22 way. I think there was a project in the Dakotas that was
23 poorly planned, that was not maintained, that was older,
24 that was dense. I found an indication that there was --
25 it had a negative impact. But again, that kind of goes

1 to zoning or you get into a situation where you have a
2 community that's not well maintained, has no infra
3 structure. That leads to the demise as a community. But
4 where there's been well planned, and you know, the State
5 of Iowa is just killing it if anybody's been to Des
6 Moines lately. They have corn, soybeans. They have
7 wind. They have solar. And on their license plate is a
8 turbine, but because of it, they've gotten about ten
9 billion dollars of data centers development that want to
10 jump onto the renewable energy. Their values have gone
11 way up. Des Moines is kind of like Indianapolis, it's
12 kind of that subtly, very strong growing midwest town.
13 So again, I've looked probably at six or seven projects
14 in Iowa, and there's some strong opinions there where
15 people don't like them and they're very negative. But
16 once it's developed, and I talked -- I've talked to
17 every assessor that has wind in Iowa, and the values
18 have only gone up.

19 Q. Okay. Let's run one hypothetical thing. Let's
20 assume, some non-participant or someone reasonably close
21 to the turbines has a property for sale and they either
22 have to take a ten, fifteen, twenty percent loss on it,
23 or they can't sell it. In your opinion, should the
24 company be concerned or try to make this situation
25 whole?

1 MR. HESS: I'm very sorry to interrupt, Dr.
2 Wax. With all due respect, I would make an objection.
3 The new state law specifically prohibits property value
4 guarantees from being a condition in a special use
5 permit. So I would object on relevance grounds. Now if
6 Dr. Wax wants to just understand his opinion, I have no
7 objection. But just to state for the record, I don't
8 think it's an issue that can be considered legally
9 speaking in this proceeding. So I would have a relevancy
10 objection.

11 MR. KAINS: Okay. I understand your
12 objection, Mr. Hess, and I appreciate that, but I'm
13 going to overrule it, and ask the witness to answer Dr.
14 Wax's question if he knows.

15 A. So as an appraiser we look at a lot of
16 properties, and a lot of properties come on the market
17 very overpriced for what they have to offer the
18 condition, the modernization, etc. So even though
19 something is on the market for two hundred and fifty
20 thousand, and what we had before interest rates, which
21 I'll be honest with you, doubling of interest rates has
22 had a negative impact on values, but you know, starting
23 in August, September of 2020, you know, when people got
24 hot and got bored and they wanted more space, and the
25 market was very strong, people were overpricing their

1 properties and some were getting lucky. So the first
2 key is it has to be fairly priced. So even though
3 somebody has it on for three hundred and they only get
4 offers for two seventy, that may not be the wind. That
5 may be they're just over priced. If you can prove
6 properly that it's fairly priced, it's properly
7 marketed, it's maintained, it's shown well, then that's
8 a whole other issue. But I haven't found that. I've
9 found it's usually a side story there where there's poor
10 maintenance, there's on obsolete kitchen, one bathroom,
11 outside areas need a ton of work. Even though it may be
12 a nice house, that's what's impacted it. And a lot of
13 people like to blame it on the wind, but that hasn't
14 been the case, because there's others that will snap it
15 up, but you know, if the value's two seventy, the
16 value's two seventy, it's not three hundred.

17 DR. WAX: Okay, thank you.

18 MR. KAINS: Anything else, Mr. Chambers?

19 MR. CHAMBERS: No.

20 MR. KAINS: Very good. Questions for
21 Mr. MaRous from members of units of local government
22 including school districts? Questions from members of
23 the public opposed to the Application or neutral on the
24 Application? Miss Coil? If you could, Miss Coil, state
25 your name spelling your first and last for Jamie.

1 CLAUDIA COIL: Claudia Coil, C-L-A-U-D-I-A,
2 C-O-I-L.

3 MR. KAINS: Very good. Go ahead with your
4 questions for Mr. MaRous.

5

6 QUESTIONS POSED BY

7 CLAUDIA COIL:

8

9 Q. There are currently a lot, a number of leases in
10 the County where a turbine won't take place. So the
11 first question would be, I don't know if this is
12 speculative or whatever, but is the real estate agent up
13 front with saying that that property, you know, across
14 the street or whatever, it doesn't have a lease, could
15 that potentially be used at another time?

16 A. So in my experience, and I'm not a lawyer, but
17 when they go through a siting process for a special use,
18 that's the project. If they build the project, they
19 can't go modifying it unless they go back and re-do all
20 of this again. So, even though let's say the three extra
21 turbines here as an example, there's gonna be fifty
22 turbines, the three turbines are extra, and let's say
23 one of those is two thousand feet from you, my
24 understanding, once the Project is done sited, that you
25 know, they can't go put another turbine on that. That's

1 really a question for the lawyers, not for me, but then
2 that's been my experience time and time again. So you're
3 protected. They can't do it without going through the
4 whole process, and you know how difficult and expensive
5 that is based on what's happened here.

6 Q. Not so difficult in Illinois. Also, if there are
7 leases that were not used, and you know, the potential
8 of another company coming in or Apex having another
9 project, would that deter future buyers?

10 A. In my opinion, no, because -- again, I'm not a
11 scientist, I'm not a lawyer, but in looking at these
12 issues they can't steal the wind and they generally have
13 to have spacing of fifteen hundred to two thousand feet
14 away. So it doesn't make economic sense for them, and
15 it's not proper siting, and I think they would have very
16 -- a new party coming to lease, particularly if it's in
17 the Project footprint. I've seen what has been projects
18 in McLean where they're developing relatively close, but
19 not in the same footprint. Again, it's gonna require to
20 go through this same process. But from a scientific,
21 into the wind, I think there's people here that can
22 answer that, I've never seen it happen.

23 MR. KAINS: Thank you, Miss Coil. Any other
24 questions from the public? Yes, sir. Could you please
25 state your name and spelling first and last names for

1 the record?

2 JOHN HANNAH: My name is John Hannah,
3 J-O-H-N, H-A-N-N-A-H.

4 MR. KAINS: Go ahead with your questions for
5 Mr. MaRous.

6 QUESTIONS POSED BY

7 JOHN HANNAH:

8
9 Q. What if you're a property owner, and you've had
10 seed corn on your property, and now the seed corn
11 company will not accept your property because of the
12 wind turbines, if you signed up for that? Wouldn't that
13 dramatically affect your profit margins?

14 MR. HESS: With respect to that, I'm going to
15 object. I think if the question goes to your property
16 value, I think it's an appropriate question. I believe
17 the way Mr. Hannah, with his last two words, if it goes
18 to profit margins, I think that's beyond the scope of
19 Mr. MaRous's direct testimony. So if Mr. Hannah means is
20 it going to affect property values, no objection. But
21 if it's about profits in agriculture, I don't think
22 it's appropriate.

23 JOHN HANNAH: I will say property values
24 because it's going to be based upon the outcome of
25 what's going to be made per acre.

1 MR. KAINS: What I'm going to do is, I'm
2 going to sustain the objection and then I'm going to
3 allow you to ask Mr. MaRous about the effect on property
4 values, if someone won't accept seed corn. Is that
5 fair?

6 MR. HANNAH: Yes.

7 MR. KAINS: Very good.

8 A. So as I understand the question, if your seed
9 corn buyer will not accept the seed corn because of
10 having a turbine on your property or proximate, the
11 first question would be like anything else, if you go to
12 the gas station and there's a red bag on the pump and
13 you can't get gas, you're gonna go somewhere else. So
14 if nobody in the market would buy your product, that
15 would be obviously a negative. But if one buyer
16 wouldn't, I don't think -- that one doesn't make a
17 market.

18 Q. Well what I'm saying is my property value would
19 go down because I have been able to prove I've made this
20 much money per acre on this piece of property in the
21 past several years. And now because of the wind turbine
22 I'm not able to do that. Wouldn't that show that I
23 would be losing property value?

24 A. And again, to answer that you'd have to test the
25 market to see if you went out broadly to the market, and

1 if there's not a substitute buyer. If you're basically
2 precluded from developing the property, obviously farm
3 ag values are based on productivity. I've never seen
4 that happen. In fact, you know, there's people, funds
5 chasing to buy land where they're in areas like McLean
6 County, and because it's kind of made the whole infra
7 structure stronger and it's provided the ability for
8 land owners to upgrade their ag equipment, we've seen
9 nothing but increased land values. But clearly if your
10 product doesn't have demand, that would have an impact
11 on your property, but I've never seen that happen.

12 MR. KAINS: Thank you, Mr. Hannah. Any other
13 questions for Mr. MaRous from those opposed to the
14 Application or persons who are neutral on the
15 Application? Questions from Piatt County staff and
16 consultants? Re-direct examination?

17 MR. GRANHOLM: No questions.

18 MR. KAINS: Very good. Thank you,
19 Mr. Granholm. Final questions from the Members of the
20 Zoning Board of Appeals?

21 MR. CHAMBERS: Just one for me based on
22 Mr. Hannah's question. I've been in the seed corn
23 industry, so I'll kind of re-phrase it a little bit.

24

25

1 FURTHER QUESTIONS POSED

2 BY MR. CHAMBERS:

3

4 Q. This may or may not change your answer. So seed
5 corn has to be grown a certain way, and you have to get
6 authorization from your seed company to grow it, and
7 then you go about your business and get paid. So what
8 he was asking is, if the seed company says we won't grow
9 our seed corn on land with turbines because it has to be
10 harvested differently, it affects the logistics of it in
11 picking it. So that seed corn is no longer an avenue of
12 use for that property because it has turbines on it. In
13 that case, would it affect the value?

14 A. So here's the appraisal answer, and it's called
15 highest and best use. Where just like sometimes on Main
16 Street you may have an old house, and it's kind of
17 obsolete, and because of functional obsolescence only
18 one bathroom, and it ends up let's say it's worth two
19 hundred thousand, but you have a commercial user, a law
20 firm, or a gas station that wants to buy it and knock it
21 down, they'll pay more. In this situation, you would
22 look at the value, and it's really a present value of
23 that lease payment to get the value of that farm, and
24 then you would look at the value of the land, and if you
25 have to have an alternative crop, let's say soybeans or

1 wheat, or grazing, you'd look at the value there and you
2 would add them together to see if there's a diminution.
3 But again, with having a turbine on the property, I've
4 seen nothing but significant increases all over the
5 country, and again, there's buyers all over looking to
6 buy sites with those leases. It's coupon clipping, and
7 it's a very desirable investment. You'd have to add the
8 two together to see if the net value is less. If the net
9 value is less, then that would be a consideration.

10 MR. CHAMBERS: That's what I was going for.
11 Thank you.

12 MR. KAINS: Thank you, Mr. Chambers. Dr.
13 Wax?

14 DR. WAX: No.

15 MR. KAINS: Mr. MaRous, thank you very much
16 for your testimony. You may step down, subject to
17 recall.

18 It is 7:32, and let's take a ten-minute break
19 plus. Let's try to come back about 7:45. We are in
20 recess.

21 (Recess taken.)

22

23 MR. KAINS: Okay, folks. If we could get
24 started. I just want to make one clarification. When I
25 admonish the witnesses as they are leaving the witness

1 stand that they are subject to recall, they are subject
2 to recall only by their attorneys. If they wish to call
3 them back to the stand, they have that right, or if the
4 Board wants to hear from them. But it's my understanding
5 that after tonight, there will be a couple of witnesses
6 who counsel's asking that they be excused, and I will
7 allow Mr. MaRous and Dr. Loomis to be excused. I am
8 guessing that all of the witnesses you have from
9 Prosperity Wind will be here through the duration of
10 this hearing; is that correct?

11 MR. HESS: I believe that's correct, but
12 Mr. Conley has a conflict next week. So we will be
13 asking at the appropriate time to excuse him. He will be
14 here the rest of this week. I believe it might be the
15 same for Miss Geiger, so if I could talk with her on
16 break, I can confirm that.

17 MR. KAINS: We will accommodate their
18 schedules, but if the Board wants them back...

19 MR. HESS: Yes, sir.

20 MR. KAINS: Very good. Counsel, call your
21 next witness.

22 MS. ANTONIOLLI: Thank you, Mr. Kains. On
23 behalf of Prosperity Wind, we'd like to call Mr. Jacob
24 Runner.

25 MR. KAINS: Mr. Runner, please raise your

1 hand to be sworn.

2 (Witness sworn.)

3 J A C O B R U N N E R

4 called as a witness on behalf of the Applicant in the
5 above-entitled cause, having been first duly sworn, was
6 examined and testified as follows:

7 MR. KAINS: Sir, would you please state your
8 name, spelling first and last for the record?

9 JACOB RUNNER: Yes, good evening. It's
10 Jacob Runner, J-A-C-O-B, R-U-N-N-E-R.

11 MR. KAINS: Miss Antonioli, you may proceed
12 with your questions.

13 MS. ANTONIOLLI: Mr. Runner is our shadow
14 flicker expert.

15

16 DIRECT EXAMINATION BY

17 MS. ANTONIOLLI:

18

19 Q. Mr. Runner, can you please state your job title
20 and then also summarize your professional background and
21 experience?

22 A. Sure thing. I am the GIS Practice Leader for
23 Environmental Design and Research, DEC out Syracuse, New
24 York. I have over a decade of experience conducting
25 spatial analyses including shadow flicker studies like

1 the one conducted tonight. In regards to shadow flicker
2 analyses, I've conducted dozens of these over the course
3 of the last several years for wind Projects across the
4 United States.

5 Q. Thank you. I have here with me a copy of
6 Mr. Runner's CV, and that includes his education and
7 professional background, and I'll pass it around and
8 then I'll ask that it moved into the record as
9 Applicant's Group Exhibit Number 15. Is that correct?

10 MR. KAINS: Mr. Runner's CV will be admitted
11 into evidence as Applicant's Exhibit Number 15.

12 Q. If I may, I'm going to bring the Application,
13 Volume 2 of 2 of the Appendices, to show him Appendix
14 E.4.

15 MR. KAINS: You may approach the witness.

16 Q. Is appendix E.4 to Prosperity Wind's Special Use
17 Permit, a true and correct copy of your shadow flicker
18 report for Prosperity Wind?

19 A. It is.

20 Q. And do you have any corrections or revisions to
21 make to that report?

22 A. I do not.

23 Q. Okay. Can you please give us a brief overview of
24 your work with Apex on shadow flicker for wind farms?

25 A. Sure. I've conducted eight shadow flicker

1 analyses and reports for Apex across the United States
2 including this one tonight for Prosperity Wind.

3 MS. ANTONIOLLI: Thank you. I have no
4 further questions for Mr. Runner.

5 MR. KAINS: Very good. So the discussion
6 that we will have would be about Mr. Runner's report on
7 shadow flicker. First, questions from Members of the
8 Zoning Board? Any questions on shadow flicker?

9 DR. WAX: I'll ask a question. I've probably
10 forgotten this from the past or from the reading your
11 lengthy report.

12 QUESTIONS POSED FROM

13 DR. WAX:

14

15 Q. How far away can -- is shadow flicker perceived
16 from the origin?

17 A. So generally we include a reference or a couple
18 of references for this in the report, but it's generally
19 considered to be, you know, perceivable out to ten rotor
20 diameters. So that would be, for this Project, one
21 thousand six hundred and twenty meters.

22 Q. So somebody could be affected? You could see it
23 that far away?

24 A. From a conceptual standpoint, yes, but there's
25 multiple things, you know, like a very -- if all the

1 things in the world was perfectly flat, there was no
2 haze or any sort of infra structure or anything in
3 between, conceptually yes, but I think in a real world
4 scenario you have trees and buildings and all of those
5 sorts of things that occur, you know, across the
6 landscape. Those would likely interfere with it to
7 extend to that far of a distance.

8 DR. WAX: I don't have anything else.

9 MR. KAINS: Very good. Anything else?
10 Mr. Chambers? All right. Very good. Questions for
11 Mr. Runner on shadow flicker from members of units of
12 local government including school districts? Questions
13 from interested parties, members of the public opposed
14 to the Application or neutral on the Application?
15 Questions for Mr. Runner from Piatt County staff and
16 consultants? Counsel, any Re-direct?

17 MS. ANTONIOLLI: No, not from me. Thanks.

18 MR. KAINS: Very good. Thank you. Any final
19 questions from the Zoning Board? Thank you, Mr. Runner.
20 You're excused. Your next witness?

21 MS. ANTONIOLLI: Yes, thank you. Next on
22 behalf of Prosperity Wind, I would like to call Mr. Eric
23 Hansen from Westwood who's our decommissioning expert.

24 THE COURT: Mr. Hansen, you testified last
25 night; is that correct?

1 ERIC HANSEN: That is correct.

2 MR. KAINS: Rather than have you be sworn in,
3 I'll just remind you that you remain under oath and
4 promise to be truthful in your responses to questions.

5 ERIC HANSEN: Understood.

6 MR. KAINS: Very good. If you could, we
7 have a new court reporter tonight, so if you could spell
8 your first and last names for her.

9 ERICK HANSEN: Eric Hansen, E-R-I-C,
10 H-A-N-S-E-N.

11 E R I C H A N S E N

12 recalled as a witness on behalf of the Applicant, having
13 been previously sworn, was examined and testified as
14 follows:

15 DIRECT EXAMINATION BY

16 MS. ANTONIOLLI:

17

18 Q. We heard a brief summary of his qualifications
19 last night. I won't review those tonight, but I do have
20 copy of his CV that summarizes his educational and
21 professional background that I would ask you to review,
22 and then move into the record as Applicant's Exhibit
23 Number 16.

24 MR. KAINS: Applicant's 16 is admitted. Go
25 right ahead with your question, counsel.

1 MS. ANTONIOLLI: Thank you.

2 Q. Mr. Hansen, Westwood prepared a 23-page report
3 titled A Decommissioning Plan for Prosperity Wind, for
4 the Prosperity Wind Project; is that correct?

5 A. That is correct.

6 Q. Is Appendix E.7 to Prosperity Wind's Special Use
7 Permit Application a true and correct copy of the
8 decommissioning plan?

9 A. Yes, it is.

10 Q. And your name is not on the report, just to be
11 clear about that, but you were involved with preparing
12 that report; is that right?

13 A. That is right.

14 Q. Whose name do we see on the cover of that?

15 A. That is signed by Professional Engineer Kevin
16 Anderson who works for Westwood.

17 Q. Why do we see Mr. Anderson's name on the report?

18 A. He is a register Engineer in the State of
19 Illinois as required, and oversaw the work as the lead
20 Engineer.

21 Q. Thank you. And do you have any corrections or
22 revisions to make to the decommissioning plan?

23 A. None.

24 Q. And can you please just give us a brief overview
25 of your work on decommissioning plans for wind farms?

1 A. Absolutely. Westwood has prepared scores of
2 decommissioning plans including over thirty in the State
3 of Illinois, ranging from Lotus Wind most recently to
4 Top Hat Wind, Livingston Wind, and I've been involved in
5 decommissioning plans in other states as well, Ohio most
6 recently, North Dakota and Minnesota.

7 Q. And is Westwood also the Civil Engineer for the
8 Prosperity Wind Project?

9 A. Yes. We are the Civil Engineer. Correct.

10 MS. ANTONIOLLI: Thank you. I don't have
11 any further questions.

12 MR. KAINS: Thank you, Miss Antoniolli.

13 Questions on decommissioning from the Board?

14

15 QUESTIONS POSED BY

16 DR. WAX:

17

18 Q. Could you run us through the procedure, okay, how
19 do you approach this? You're assigned to decommission,
20 and apparently you've done this several times, a
21 decommissioning. Run us through the steps of what you
22 do and how you do it, and how long it takes.

23 A. Yes. So the decommissioning will be planned out
24 on a site-wide basis. A plan is prepared to remove the
25 various elements that are required under the plan as

1 dictated by the Agricultural Impact Mitigation Plan.
2 Usually it begins with removal of the turbines
3 themselves and the larger infra structure pieces. Those
4 are taken down, cut up into transportable pieces, and
5 then removed from the site for either re-use, recycling
6 or disposal, and that progresses through the different
7 pieces of the Project from the O&M building to the
8 turbines themselves, the substation, and the
9 transmission line that would be built as well. Once the
10 major infra structure pieces are removed, and then the
11 work on road removal begins, and basically work yourself
12 out backwards through the roads, and then once the
13 material is removed, then it moves into a restoration
14 stage, and the soils and the working areas are
15 de-compacted according to the State guidelines, and once
16 those pass tests and inspection, top soil is re-spread,
17 final site stabilization is declared, and vegetation is
18 re-established or it's returned to the agricultural use,
19 whichever the landowner prefers.

20 Q. Okay, my memory is escaping me here. I don't
21 recall what I had for breakfast. Are the buried lines at
22 five feet, are they left? Or is that -- are they left
23 there?

24 A. The majority of the lines are left below five
25 feet. Everything is removed to a depth of five feet. So

1 where connections are made with the turbines themselves,
2 or as they come up near the substation in the collection
3 system, those portions will be removed, but the majority
4 of the lines are left in place. The collection lines
5 are left in place below that depth.

6 Q. As I understand, there are at least instrumental
7 plans and studies under way to grind up some of the
8 parts that are typically non-recyclable, but I don't
9 know if those are actually in real life reusable yet or
10 not. So what parts of the total units are actually
11 recyclable, and what has to be put into some other
12 place?

13 A. The recyclable components are generally the metal
14 components, the steel from the tower itself, the motor
15 windings, the copper, and other metals within the
16 generation system and the transmission system, metal
17 within the nacelle, the concrete from the turbine
18 foundation that's taken out down to five feet can also
19 be recycled into aggregate, crushed and recycled, and
20 then the same goes for the substation, the transformer,
21 the windings, the copper in that would be recoverable.
22 What is not recoverable in large part is the plastics
23 are not of value and the fiberglass for the blades are
24 not of value. So those would be disposed of as solid
25 waste.

1 Q. So the fiberglass is a significant part of the
2 blades; is that correct?

3 A. That is correct.

4 Q. And are there studies going on in ways to grind
5 that up into smaller parts that can be used?

6 A. There is research under way. A number of ideas
7 are being pursued, but nothing has become commercially
8 viable yet to re-use the fibers or find a use for the
9 ground material on a commercial basis.

10 Q. Okay. I've forgotten now, but how much oil is in
11 each turbine head, the nacelle?

12 A. I don't have the exact quantities for the 162
13 turbine. So I'm not sure of the exact quantities.

14 Q. That's all collected --

15 (Multiple speakers at the same time)

16 A. Yes.

17 Q. -- and taken -- where is that taken?

18 A. That would be taken to a recycling center and
19 processed there for use as a fuel for burning or
20 re-processed for re-incorporation into a hybrid mixed
21 synthetic conventional oil for lubricating.

22 Q. Very good. From the date that you're given the
23 order to start this on site, and I know there's a date
24 determined, and I don't know if you've done the fifty
25 turbines and the laydown yard, the O&M building, this

1 sort of thing, but from some number, pick a number that
2 you have worked on and tell us how long from the time
3 that you're assigned to removing the field and doing it,
4 how long does that take?

5 A. Such an action would take several months. There's
6 considerable planning to set the sequencing and the
7 staging of the different pieces. You need to line up
8 the disposal options or the recycling options, trucking.
9 So it would take most of a construction season, several
10 months for that to occur.

11 DR. WAX: Very good. Thank you.

12 MR. KAINS: Mr. Chambers?

13

14 QUESTIONS POSED BY

15 MR. CHAMBERS:

16

17 Q. So a previous number that we dealt with on the
18 last application we planned for the pedestal for the
19 base was restoration to four feet, and then there was a
20 different recommendation for other things that was five.
21 And you just mentioned that the depth for restoration on
22 the base on the pedestal was five feet. Is there a
23 reason that that has changed from four to five as
24 related to the previous application?

25 A. Let me verify the rationale. On page 3 of our

1 report it describes that removal, but does not have the
2 rationale for the move, but it is to maintain
3 consistency with the State rules and the Department of
4 Agriculture guidelines.

5 Q. Okay. And I think the only other question I
6 have, and again going by the previous version of what
7 I'm a little more familiar with. Some of the questions
8 we had last time was on the financials for the
9 decommissioning, there was a set dollar amount per
10 turbine, and then there was a salvage value which was
11 left to the County to recoup the salvage value. Is that
12 the same layout that is in this decommissioning plan?

13 A. No. The decommissioning activities are taken as
14 a whole, and so the salvage actions are part of the
15 overall actions --

16 (Multiple people speaking at the same time.)

17 Q. -- that's not a separate thing?

18 A. Correct.

19 MR. CHAMBERS: Very good. That's all I have.

20 MR. KAINS: Thank you, Mr. Chambers. Anything
21 else, Dr. Wax?

22 DR. WAX: I think that's it.

23 MR. KAINS: Very good. Questions for
24 Mr. Hansen from units of local government including
25 schools? Questions from interested parties? That would

1 be members of the public opposed to the Application or
2 neutral on the Application. Questions for Mr. Hansen on
3 decommissioning? Questions from Piatt County staff and
4 consultants? Any re-direct, Miss Antonioli?

5 MS. ANTONIOLLI: Sure. Just a few.

6

7 RE-DIRECT EXAMINATION BY

8 MS. ANTONIOLLI:

9

10 Q. Just a few questions here on re-direct.
11 Mr. Hansen, are you familiar with the WECS Ordinance for
12 Piatt County?

13 A. Yes.

14 Q. If I bring this up to you -- is it okay if I
15 bring up the WECS Ordinance, Section 16, directly to
16 that question?

17 MR. KAINS: Sure.

18 Q. Can you please read for us that Section 16,
19 titled Decommissioning of the Piatt County WECS
20 Ordinance?

21 A. Yes.

22 *"The WECS project must provide a decommissioning*
23 *plan to ensure that the WECS equipment is removed and*
24 *land is restored to its previous use upon the end of the*
25 *Project's life, before a construction permit is issued.*

1 *The plan shall comply with the terms of AIMA."*

2 And do you know what the term AIMA refers to?

3 Can you explain that?

4 A. Yes. Agricultural Impact Mitigation Agreement.

5 Q. When you were answering the question previously
6 and you mentioned the agricultural requirements, is that
7 what you were referring to, AIMA?

8 A. That is correct. I believe I said plan instead of
9 agreement.

10 Q. We do have as part of the Application, the AIMA
11 for the Prosperity Wind Project and that's Appendix D.1.
12 So may I approach the witness with an Appendix D.1?

13 MR. KAINS: Yes, you may. Okay. So I'm going
14 to direct you to Section 21.A.3 of the AIMA for the
15 Prosperity Wind Project, and what does that tell us?

16 A. It says that wind turbine foundations shall be
17 removed to a depth of five feet.

18 Q. So could that be where the five feet comes from?

19 A. Yes.

20 Ms. ANTONIOLLI: Thank you. That's all.

21 MR. KAINS: Very good. Thank you, Counsel.
22 Final questions for Mr. Hansen from the Board? Anything
23 else? Mr. Chambers?

24

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FURTHER QUESTIONS POSED BY

MR. CHAMBERS:

Q. This is just out of curiosity, but do you know why it would have been four feet before, where that number came from?

A. I do not know.

MR. CHAMBERS: Thank you.

MR. KAINS: Thank you, Mr. Chambers. Dr. Wax, anything else? Very good. Thank you, Mr. Hansen. You may step down. Your next witness?

MR. GRANHOLM: Thank you. Applicant recalls Mr. Alan Moore.

MR. KAINS: Mr. Moore, you testified on the first night of this public hearing, and do you understand that you remain under oath to answer truthfully in response to the questions that will be asked of you tonight?

ALAN MOORE: I do, yeah.

MR. KAINS: And could you spell first and last name for the court reporter?

ALAN MOORE: Yes. It's Alan, A-L-A-N. Last name is Moore, M-O-O-R-E.

Q. And Counsel, Mr. Granholm, you may proceed.

MR. GRANHOLM: Thank you, Mr. Kains.

1 A L A N M O O R E

2 recalled as a witness on behalf of the Applicant in the
3 above-entitled cause, having been previously sworn, was
4 examined and testified as follows:

5

6 DIRECT EXAMINATION BY

7 MR. GRANHOLM:

8

9 Q. Mr. Moore, there have been a number of instances
10 this week in which a complaint resolution process has
11 been discussed with Members of the Board or members of
12 the public. Do you recall hearing some of those
13 questions and answers?

14 A. Yes, I do.

15 Q. And is there a complaint resolution process set
16 forth in Prosperity Wind's Application?

17 A. Yes, there is. When Piatt County updated its
18 WECS ordinance in May, it provided a provision requiring
19 an applicant like Prosperity Wind to develop a system
20 for logging and investigating complaints relating to the
21 operation of the Project. That can be found in Section
22 11 of our Application.

23 Q. And can you summarize for us what are the steps
24 in that complaint resolution process that are set forth
25 in Section 11?

1 A. Sure. So outlined in that Section, regarding to
2 our complaint resolution procedure, we're committed to
3 solving any complaint on a case-by-case basis, and
4 provide a written confirmation to the Piatt County Board
5 after the complaints are resolved. So to do that we're
6 obligating ourselves to maintain a toll free hotline
7 number, an e-mail address that the public can submit a
8 complaint. There's also the web site that they can get
9 to that. That information will also be posted at our O&M
10 building, or folks are welcome to come into the O&M
11 building and make a complaint in person. The telephone
12 number and the e-mail address will be staff so that they
13 will be received, and that once a complaint is resolved
14 it will be communicated to the Board and addressed.

15 Q. In the event that the Project were to receive a
16 complaint at the telephone number or at the e-mail
17 address, or in person at the O&M building, what would be
18 the next step?

19 A. Sure. So generally right, these follow certain
20 steps to make sure that; one, we identify that there was
21 a complaint; that we explore what's happening; we
22 communicate with the landowner; we take actions to
23 resolve it; and that we follow the next few steps. So
24 specifically if we receive a complaint from anyone in
25 those number of avenues that I laid out previously, we

1 respond within 24 hours, often more quickly than that,
2 to the person who made the complaint. So we acknowledge
3 the receipt of the complaint and inform them of the
4 steps that we may take to resolve it.

5 The next step is we investigate what's going on.
6 So that could be, we gather information, as much as we
7 can from the person making the complaint to understand,
8 you know, what the complaint may be. We determine where
9 within the Project area that complaint may be taking
10 place, and start to check and identify all of the
11 equipment that's in the area. We seek out other sources
12 of information regarding the complaints, talk to
13 neighbors, et cetera, to see if they're experiencing the
14 same issue, and then we evaluate all of the potential
15 causes of the complaint, so what could it be, so that we
16 can either rule out things or identify what it might be,
17 and then we confirm what the complaint may be. From
18 there we report back to the person making the complaint,
19 right, so that we've identified what the issue is that's
20 causing the issue, and then we take the steps to resolve
21 the issue. So we've identified what it is, we've
22 communicated to the person making the complaint, then we
23 work to resolve the issue. Then when it's resolved, we
24 communicate back to the landowner that it has been
25 resolved, and then we will specifically track all of

1 these complaints, and so we'll maintain a written record
2 of all the complaints both during construction and
3 during operation.

4 And last, we develop a report that we send to the
5 County Board documenting the complaint, the resolution,
6 and that it's taken place.

7 Q. The complaint resolution process that you've just
8 described, is that a process that the company has used
9 in the past for other projects?

10 A. Yes. Yeah, and again, every complaint we take
11 seriously, participant and non-participant, but it's on
12 a case-by-case basis. So it's hard to apply a specific
13 complaint from one project to another project, but the
14 process of identifying, communicating, resolving and
15 tracking is the same.

16 Q. And have you found that process -- has the
17 company found that process to be effective in
18 identifying and addressing complaints?

19 A. Yes.

20 Q. The process that you have been describing, would
21 that be used to address, for example, any complaint that
22 might be raised related to sound from the Project?

23 A. Yes.

24 Q. And in the specific instance, if it were to occur
25 that somebody made a complaint about sound, can you give

1 any examples of types of mitigation measures that might
2 be considered by the company to address any sound
3 complaints that were to arise?

4 A. Sure. So, again first what we do is receive the
5 complaint. We communicate with the landowner. We keep
6 open dialogue going back and forth. Right? As Adam laid
7 out and as Jason laid out in previous testimony,
8 communication is key in this issue. Next we go out and
9 identify what's happening and what may be causing the
10 issue. In almost all cases related to sound, it's some
11 issue with the equipment, right, in a turbine. So we
12 identify what is causing the issue. We fix the issue.
13 We confirm that the issue has been resolved, and then we
14 communicate with the complainant, the person making the
15 complaint, what had happened, what our solution was, and
16 then we document that and communicate it to the Board.

17 Q. When you say in almost all instances it was an
18 issue with the equipment, can you tell us a little bit
19 more? What do you mean by an issue with the equipment?

20 A. Well again, I'm not the expert on this here.
21 There are others here who are more knowledgeable about
22 the specific equipment, but I know in the specs on how
23 equipment should run in a normal instance, and if it's
24 operating outside of that band of how it should run,
25 then we would inspect to understand if there was

1 something related to the turbine operation that was
2 malfunctioning or not functioning correctly, and then we
3 would make the correction.

4 MR. GRANHOLM: No further questions.

5 MR. KAINS: Thank you, Mr. Granholm.

6 Questions for Mr. Moore regarding his testimony on the
7 complaint resolution process and steps they propose to
8 take? Questions on that issue from Members of the
9 Zoning Board of Appeals?

10

11

QUESTIONS POSED BY

12

DR. WAX:

13

14 Q. I would ask one. So essentially any type of
15 complaint that would come in, you would log it and try
16 to investigate it and to determine if a mitigation is
17 appropriate, and you would then take care of the
18 mitigation?

19

A. Yes.

20

DR. WAX: Okay. That's it for that.

21

22

23

24

25

MR. KAINS: Thank you, Dr. Wax. Questions
with respect to the complaint resolution process? First
questions from members of units of local government
including school districts? Other interested parties?
Members of the public opposed to the Application or

1 neutral on the Application? Questions with respect to
2 the complaint resolution process from Piatt County staff
3 and consultants? Mr. Granholm, based upon Dr. Wax's
4 question, do you have any re-direct examination of the
5 witness?

6 MR. GRANHOLM: No, thank you, Mr. Kains.

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

9 DR. WAX: On this issue? No.

10 MR. KAINS: On this issue. Very good. Thank
11 you, Mr. Moore.

12 DR. WAX: You were talking, is Mr. Moore just
13 available to talk about this particular issue, this
14 complaint? Or may we ask him another question since
15 he's the Project Manager?

16 MR. KAINS: Well, I think it's appropriate
17 only to ask questions regarding the complaint resolution
18 process, because otherwise that question would be beyond
19 the scope of his testimony. However, Dr. Wax, if you
20 want to ask the question, and if counsel doesn't object,
21 then --

22 MS. ANTONIOLLI: We have Mr. Moore on the
23 stand, and we have no objection to you asking a question
24 about Project Management.

25 MR. KAINS: Okay. Thank you, Counsel.

1 DR. WAX: Anything about Project Management?

2 MS. ANTONIOLLI: Go ahead and ask your
3 question.

4 FURTHER QUESTIONS POSED BY

5 DR. WAX:

6

7 Q. Would you like to cover one on -- now this may be
8 a memory deal on my part, but there's one aspect of
9 drainage that I didn't get clear on. I think I fully
10 understood Mr. Carlson, and he did this very openly, if
11 I understood it, on district tiles or district ditches
12 you're going to tile underneath it, you're going to go
13 lower...

14 A. Bore.

15 Q. You're going underneath not the tile, but you're
16 going to bore underneath it and your lines go underneath
17 it, and not disturb them that way; is that correct?

18 A. Correct.

19 Q. Okay. Individual farmer tiles you're going
20 through with a trencher, and you're going to be watching
21 for these, and then when you spot one, you're gonna have
22 a team there in theory. Okay. You will have a team
23 there that will, within one day, you're gonna take care
24 of these to five feet to either side of that tile that
25 you cut?

1 A. Correct.

2 Q. Is that correct?

3 A. Yes, based on Mr. Carlson's testimony.

4 Q. I didn't know whether you --

5 A. I'm happy to keep answering questions.

6 Q. Okay. What I didn't recall is probably one of
7 the main problems according to the tiling people that I
8 talked to, one of the main problems is the crushing of
9 not only the hundred-year-old tile, but the newer tile,
10 the newly-laid modern tile, by the very heavy cranes
11 that move across the field, and in some instances, and I
12 have no designated proof of this, I have no proof, but
13 I've been aware of several instances where people have
14 been concerned and had crushed tile when the cranes
15 decided to go from point A to point B, not necessarily
16 worrying about where the tiles were. And was that
17 covered and did I just miss that, on how you're going to
18 detect where cranes have crushed tile, and it's not
19 obvious to you because you didn't cut through and see
20 them? How do we solve that?

21 A. Sure, yeah, and again I'm not an expert on crane
22 weights or, you know, how they break down the crane to
23 move it from place to place across the field. What I
24 can say, and what we've said earlier, is that we're
25 committed to repairing any tile that we break and that

1 commitment extends for the life of the Project, right,
2 so we only go on property that has an agreement to work
3 with us. If we break that tile, whether that's trenching
4 it in, whether that it is with the crane going through,
5 we're committed to fixing it. In the trenching, yes,
6 you see the strikes, I believe is what they're called,
7 trench strikes, where they strike the tile, we repair
8 right away. I know we take measures to limit the weight
9 of the -- disburse the weight across the ground so that
10 there's less impact or compaction or cracking of the
11 tile, but it may break tile, right? If we break tile
12 and we don't catch it in the first year, or in the
13 second year, or in the third year, and a farmer or a
14 landowner sees that there's tile that's been broken, we
15 have modeled -- not modeled, we have mapped exactly
16 where all of our facilities will go. So we know a GPS
17 map of where the crane has gone, and if we've broken
18 tile, we're committed to fixing it. And on top of
19 committing to fixing it, the landowner and the farmer
20 have the extra assurance that we're obligated to pay
21 damages. Right? That payment extends to the landowner
22 or the farmer, whoever's farming the ground, and we're
23 obligated to repair the tile, and that extends over the
24 life of the Project.

25 Q. Okay.

1 A. So we're committed. If we break it, we'll fix it.

2 Q. Sounds good. May I ask one more question?

3 MR. KAINS: Absolutely. You're the Chairman.

4 Q. This one is a little bit of a concern. May I ask
5 a question concerning your leases as long as I don't get
6 into dollar amounts and that sort of thing? I looked at
7 your lease template.

8 A. Sure.

9 Q. There's one part in there, and I suspect it's in
10 a number of other places, in which it's probably very
11 appropriate and straight forward to talk about, you the
12 tenant or the owner, the operator, versus the landlord.
13 Particularly, this struck my attention when I'm talking
14 about in one of your leases, where you talk about
15 surcharges and repaying the landlord, and then you want
16 your people protected, and you're out of the way when
17 somebody comes over to spray an insecticide or herbicide
18 or fungicide. You don't want your people there and you
19 want to be notified in a certain period of time; is that
20 correct? I believe it's in there, your aerial section
21 of your lease, your template lease.

22 A. Sure. I mean, in general terms, right, as we've
23 said all along, communication is key. Right? So we
24 communicate very closely with a participating landowner
25 and their tenants, quite frankly, if we need to access a

1 parcel for any reason. Right? But certainly at start
2 of construction we communicate with them.

3 Q. Okay --

4 (Multiple people speaking at the same time)

5 A. Likewise, if --

6 Q. Go ahead.

7 A. -- they're spraying a field, right, we do ask for
8 a property owner to communicate with us that they're
9 spraying, and I understand that it changes, minute by
10 minute and day by day based on the weather and based on
11 what needs to happen, but we ask so that just for the
12 sake that we can, in the instance that we have someone
13 in the field or someone who's doing maintenance on a
14 turbine, they would avoid being in the field during the
15 time in which they're spraying.

16 Q. Thank you. That helps explain it. I didn't have
17 a problem with you asking for that. I think my problem
18 with the thing is that the language in your -- in
19 several of your documents only talk about you and the
20 landlord, probably approximately at least two thirds of
21 the situations in the parcels that you're on, you're not
22 dealing with the landlord. You're dealing with a grower
23 who's there every day who knows what's going on and
24 who's scheduled the aerial applications, does other
25 things, and you're asking a landlord -- you're asking to

1 be notified by a landlord who may live in Honolulu, more
2 likely in Chicago, Mahomet, or somewhere like
3 Indianapolis. They don't know what's going on in most
4 cases. They have enough faith in the operator that the
5 operator makes the day-to-day decisions and is the one
6 that you need to be communicating with.

7 A. And we will be. So I mean again as I've said --
8 (Multiple people speaking at the same time.)

9 Q. -- it's not stated in there --

10 A. Sure.

11 Q. -- so I just want to make sure that you protect
12 yourselves by making sure there's good communication
13 between you, your landlords, and the growers.

14 A. Absolutely, and we do -- I mean keep in mind, we
15 are part of this community, right? We'll have people
16 working in the O&M building. We'll have technicians. We
17 know the people who farm the ground. Were in
18 communication with them. We're in communication with
19 the landlord as well. So, you know, we often times will
20 work with the landlord and their tenant to understand
21 what is the spray schedule, what does it look like, what
22 do they anticipate, and then we know on a day-by-day
23 basis that can change, and a season-by-season basis
24 that can change. You may spray more one year than the
25 next year. So again, safety, as Jason said in his

1 presentation, it's how we do business, right? So this
2 is not just a one line of communication and we're doing
3 what we want. This is a partnership with the landowner
4 and the tenant farmer as well.

5 Q. I hear what you're saying, but I'm telling -- I'm
6 reading what your lease says.

7 A. Sure.

8 Q. So, I understand. I've got confidence that you're
9 working with all the parties.

10 A. Yes.

11 DR. WAX: Thank you. Mr. Chambers?

12 MR. KAINS: Mr. Chambers, anything else?

13 Very good. Thank you, Mr. Moore. You may step down.

14 Counsel, do you have any other witnesses?

15 MS. ANTONIOLLI: No, we don't.

16 MR. KAINS: All right. Mr. Keyt, on behalf of
17 the Board, or do we need to have a recess for you to
18 talk to Dr. Wax and Mr. Chambers? Is there any witness
19 that you wish to call at this time? Obviously we have
20 other times for Piatt County to call witnesses, but do
21 you have anybody over here in the room that you want to
22 hear from?

23 MR. KEYT: Why don't we take a recess. I can
24 confer with them, with the ZBA Board. We do have
25 Mr. Minder, who is the County's Engineer Consultant that

1 is testifying tomorrow. That's the only witness we would
2 be calling on behalf of the County per say, but there
3 may be witnesses that the Board may want to hear from
4 that are here on behalf of the Applicant.

5 MR. KAINS: Let's take five minutes. You talk
6 with Dr. Wax and Mr. Chambers, and then everybody just
7 sit tight. We're not going to run around. We'll just let
8 them talk. So we're in recess.

9 MS. ANTONIOLLI: I would say to consider,
10 while they're in recess, is potentially taking some
11 public comment.

12 MR. KAINS: We'll be having testimony from
13 those in favor of the Application when we come back from
14 break.

15 (Recess taken.)

16 MR. KAINS: All right, folks. We're ready to
17 re-convene the hearing. Mr. Keyt, have you had an
18 opportunity to meet with your Members of the Board?

19 MR. KEYT: Yes, sir. So I think for now the
20 ZBA is going to reserve whether to call or recall any
21 witnesses who testified. We will have Mr. Minder
22 tomorrow.

23 MR. KAINS: What I'm going to do is excuse
24 all of the witnesses for the Applicant who have
25 testified. I believe we've had eleven different

1 J O E R I L E Y

2 being a person in support of the Application, having
3 been first duly sworn, testified as follows:

4 MR. KAINS: Could you please state your name,
5 spelling first and last for the record.

6 JOE RILEY: Yeah. My name's Joe Riley, It's
7 J-O-E, R-I-L-E-Y.

8 MR. KAINS: And Mr. Riley, it says on the
9 sign-in sheet that you are from Macon County?

10 JOE RILEY: Yes.

11 MR. KAINS: Okay. According to the rules
12 that have been established by the Zoning Board of
13 Appeals, you have as a non Piatt County resident, ten
14 minutes to say whatever you want to say that's relevant
15 to this proceeding.

16 JOE RILEY: Sure.

17 Q. So go right ahead, Mr. Riley.

18 A. I don't need ten minutes, but I appreciate you
19 guys hearing me tonight. Like I said, my name's Joe
20 Riley, and I'm a 24-year member of the Laborers
21 International Union of North America, and I'm here
22 tonight on behalf of them to speak in favor of this
23 Project, and on behalf of Laborers Local 703 to speak in
24 support in favor of this Project.

25 We support this Project for many reasons. I'm not

1 gonna speak on all of them, but I'll just tell you a few
2 of them. First of all, our experience in building these
3 Projects. The men and women of our community have built
4 nearly every wind farm in the State of Illinois, and
5 it's because of that, because of our safety and our
6 training and our nationally accredited apprenticeship
7 program, that contractors like White Construction and
8 contractors like Champaign Asphalt utilize us and are
9 signatory with us and use our members on these projects.

10 Another reason why White Construction utilizes
11 our membership is when they come to build these projects
12 they're gonna hire from the local hiring hall, which
13 means men and women from the area are gonna be put to
14 work on this Project. That also means a project like
15 this, that means we can grow our apprenticeship program.
16 All the trades that work on this Project can grow their
17 apprenticeship programs. So that means young men and
18 women from the area can be taken into the union hall.

19 What that means for these men and women and the
20 women of the local is that the benefits of it are
21 obviously a paycheck and the benefits as far as pension,
22 health and welfare, and annuity. Historically on
23 projects like this, on energy projects, there's a tight
24 time line, so that means overtime. So the big deal for
25 that, in my opinion, is your pension, your annuity, your

1 health and welfare. And when a member works on a
2 project like this, when the project's over, they'll have
3 a lot of hours built up. They probably have a year or
4 so of insurance, and that could be the difference for
5 them deciding, yeah we're gonna go ahead and get the
6 kids braces or we're gonna go ahead and have this
7 procedure that we didn't think we could afford before.
8 So I'm not exaggerating when I say projects like
9 Prosperity Wind are a godsend for working men and women
10 of our union and that live in this area.

11 So, again I just wanted to voice the labor
12 support for this Project.

13 MR. KAINS: Very good. Thank you, Mr.
14 Riley. Hang on. There's questions for you all around.
15 First questions for Mr. Riley regarding his testimony
16 from Members of the ZBA?

17

18 QUESTIONS POSED BY

19 DR. WAX:

20

21 Q. I would have one question. What list of
22 specialists -- what type of specialties are that --
23 what, pipe fitters, electricians? List those
24 specialties that, in your experience, have been used in
25 constructing wind farms?

1 A. For White Construction, it's laborers will work
2 on the Project. They do concrete work, they clean the
3 towers, they do -- they work on the road aspect of it.
4 Electricians work on it. Operating engineers work on it,
5 and iron workers work on it, and usually teamsters
6 driving the concrete trucks.

7 Q. Okay. So a good range of different specialties
8 within the union would be working on it?

9 A. Yes, sir.

10 DR. WAX: Okay. Thank you.

11 MR. KAINS: Very good. Now questions for
12 Mr. Riley from members of local government including
13 school districts? Questions from other interested
14 parties, that is members of the public opposed to the
15 Application or neutral on the Application? Questions
16 from Piatt County staff and consultants for Mr. Riley?
17 Any questions from Counsel for Prosperity Wind?
18 Mr. Hess?

19 MR. HESS: No, sir. Thank you for your
20 testimony.

21 MR. KAINS: Thank you, Mr. Hess. Final
22 questions from the ZBA? Anything else? Very good, Mr.
23 Riley. Thank you.

24 A. Yes.

25 MR. KAINS: That completes your testimony.

1 The next person in support of the Special Use Permit
2 Application is Dan Smith. Is Mr. Smith here? Dan Smith
3 from Farmer City? Philip Hult, H-U-L-T. Mr. Hult.
4 Philip Hult from Mahomet? I see Christian Johnson is
5 here. You're next, Mr. Johnson. Sir, if you would
6 please raise your right hand and be sworn.

7 (Witness sworn)

8 MR. KAINS: Good to see you again,
9 Mr. Johnson. Could you please state your name and
10 spelling first and last names for the record.

11

12 C H R I S T I A N J O H N S O N
13 being a person in support of the Application, having
14 been first duly sworn, testified as follows:

15

16 CHRISTIAN JOHNSON: Yes. My name IS
17 Christian Johnson, C-H-R-I-S-T-I-A-N, J-O-H-N-S-O-N.

18 MR. KAINS: And you are a resident of is it
19 Peoria County?

20 CHRISTIAN JOHNSON: Yes, Peoria and Peoria
21 County.

22 MR. KAINS: Very good. Then according to the
23 rules promulgated by this Zoning Board, you have ten
24 minutes to say whatever you want to say with respect to
25 this Project.

1 CHRISTIAN JOHNSON: I appreciate that.

2 MR. KAINS: Go right ahead, sir.

3 CHRISTIAN JOHNSON: So, I wanted to come
4 here, and just -- first I should tell you a little bit
5 about who I am and why I am here. I work with an
6 organization called The Land & Liberty Coalition. We
7 are a member of the Conservative Energy Network, and we
8 are an organization traveling around the State, talk --
9 teaching people about renewable energy, other forms of
10 energy as well. We're not specifically a green
11 organization, we are an energy organization. Me
12 personally? I have a background in renewable energy. I
13 actually started working on installing solar panels when
14 I was nineteen years old, and for the past twelve-ish
15 years now I've been hanging around the industry, and
16 I've had the opportunity to design, build, perform
17 maintenance operations on these, and for the last three
18 or so years I've been doing some advocacy and
19 educational work in the space. It's been a real honor
20 for me to actually do that, giving me an opportunity to
21 see a lot of this industry. Something I like to do when
22 I come to these meetings is, you know, talk a little bit
23 about how these things impact our communities. I like to
24 look at kind of the situation through a lens that I
25 think's very important, and that's the lens of both kind

1 of economic development and landowner rights. I think
2 those are both very important principles that I stand
3 for, and I think a lot people downstate Illinois also
4 would agree they stand for those same things. Nobody's
5 forcing the land owners who are willingly signing up for
6 these projects to enter these agreements. Obviously
7 nobody wants to see, you know, the government forcing
8 people to do anything, I think. I agree with that, and I
9 think everybody -- well I don't know if everybody agrees
10 with it, but I think many people would agree with that.
11 But that's not the case that we're seeing here. This is
12 not an issue of some kind of eminent domain or, you
13 know, the government's swooping in and stealing up
14 people's land. All of these land owners are entering
15 willingly into a contractual agreement that I think
16 they're seeing this as a great opportunity to utilize
17 their farms which is their business to make some profit,
18 diversify, you know, bad weather one year and you've got
19 a wind turbine or two on your property, that can help
20 mitigate some risks there. So I think that's a really
21 important thing to remember, that when we talk about,
22 you know, protecting the community, we also have to
23 think about do we want the government coming in and
24 telling people what they cannot do with their land. And
25 I think that's an issue that is pretty pertinent to me.

1 Second area, I think is really important to look
2 at, is just the conversation about business and jobs. I
3 live in Peoria and I think many people will know that
4 Caterpillar left Peoria a number of years ago. They
5 moved their headquarters away, and that was a huge blow
6 to Peoria. Local economy there was a pretty big
7 nightmare in fact, and that hurt property values real
8 bad. I kind of lucked out on that one. I was at the
9 right time to buy something, but for many many people
10 they had to move. You talk about property values, losing
11 business is a huge huge hit to property values. And
12 right here we've got an organization that's trying to
13 come into this community, not really changing the
14 community in any fundamental ways. They're not trying
15 to build a huge suburban tract out there. They're not
16 trying to change the nature of the community. They're
17 building an energy asset that's going to bring some new
18 jobs in. It's going to bring in a massive amount of tax
19 revenue which can offset peoples' existing taxes or
20 prevent, you know, this community from needing to raise
21 its taxes in the future. And think about all the
22 services that can go into it, how desirable that would
23 make it for, you know, for a young guy like myself to
24 come into a community and think hey I can work here, I
25 can I raise a family here. I think it is necessary to

1 understand that every time that we've ever built
2 anything in this country it has changed a little bit of
3 something. Our railroads, our freeways, any big project.
4 When Caterpillar was built in Peoria, I'm sure there
5 were many people that thought I don't know if I want a
6 big factory getting built here, but boy were they sad to
7 see it go when it left. I don't want to keep hammering
8 on that, but I just think it's very important to
9 remember, anything involving any kind of change to a
10 community is a difficult question, but we need to be
11 looking at the positives versus the negatives, and to me
12 I see a lot of positives and I don't see very many
13 people that are directly engaging with this Project as
14 being forcefully made to do anything.

15 So I thank you very much for letting me speak,
16 and that's all I have to say.

17 MR. KAINS: All right. Thank you,
18 Mr. Johnson. Questions for Mr. Johnson regarding his
19 testimony from Members of the Zoning Board of Appeals?
20 Okay. Questions for Mr. Johnson from members of units
21 of local government including school districts?
22 Questions for Mr. Johnson from other interested parties?
23 Members of the public opposed to the Application or
24 neutral on the Application? Questions for Mr. Johnson
25 from Piatt County staff and consultants? Any questions

1 from Counsel, Mr. Hess?

2 MR. HESS: No, sir. Thank you for your
3 statement.

4 CHRISTIAN JOHNSON: Thank you.

5 MR. KAINS: Thank you, Mr. Hess. And final
6 questions from the ZBA? Seeing none. Thank you,
7 Mr. Johnson. We can get two more in. Mr. Ehrat?

8 BRADEN EHRAT: It will be more than five
9 minutes probably.

10 MR. KAINS: That's correct.

11 BRADEN EHRAT: Leave the mikes on?

12 MR. KAINS: Leave all the mikes on. For the
13 folks who weren't here last night, our regular sound
14 engineer is not able to be here tonight, and I drafted
15 Mr. Ehrat, who at one time had run a sound board on the,
16 at his church, and he has been very helpful tonight,
17 because without him this wasn't going to happen tonight,
18 because if we don't have the microphones, nobody's
19 hearing anything. All right. Mr. Ehrat, if you could
20 please raise your right hand to be sworn.

21 (Witness sworn)

22

23

24

25

1 B R A D E N E H R A T

2 being a person in support of the Application, having
3 been first duly sworn, testified as follows:

4

5 MR. KAINS: Sir, if you would please state
6 your name, spelling first and last for the record.

7 BRADEN EHRAT: Braden Ehrat, B-R-A-D-E-N,
8 E-H-R-A-T.

9 MR. KAINS: Mr. Ehrat, you are from
10 Monticello? As a Piatt County resident, you have thirty
11 minutes.

12 BRADEN EHRAT: Yeah, absolutely. Technically
13 I live outside of the City limits. I live -- my family
14 and I live northwest of Monticello just across
15 Interstate 72, just to clarify, but yes, I am a resident
16 of Piatt County, not a participant in this Project at
17 all. By my estimation, my house will be about four
18 miles from the nearest wind turbine. I'm speaking
19 tonight in principled support to approve the wind farm
20 Application from Prosperity Wind here.

21 If you don't mind, I'll tell you a little
22 bit about myself since I haven't so far. I've lived in
23 Illinois basically my entire life. I've lived and worked
24 in Illinois my entire life, bar doing a summer
25 internship in southern California. I grew up on a dairy

1 farm just south -- well south of here in Vandalia, which
2 is about two hours south of here. My dad and my uncle
3 milk about 130 cows and farm about 900 acres of corn and
4 soybeans. They've been doing that my entire life. Every
5 day I've been alive the cows get milked every morning
6 and night. It's amazing. So growing up and working on
7 the farm myself, I understand the unique job in life of
8 what being a farmer is and, you know, I'm happy to see
9 that the participating farms seem to be happy with their
10 agreements that they've signed presumably because
11 they've made business decisions. That's great.

12 After high school, I studied computer science at
13 the University of Illinois at Urbana-Champaign. I also
14 have a Master's Degree in Computer Science there. In
15 line with my degree, my current profession and job is in
16 computer software, and I currently work remotely from
17 home in Piatt County as an Engineering Manager. As
18 such, I have no association or financial interests in
19 the Project, and no participating friends or family
20 either, but...

21 Um, so let me tell you why I decided to speak
22 tonight. First off, I've just been looking for ways to
23 get involved with the community, being a newer member of
24 the County. Secondly, I am very passionate about
25 transitioning myself and, you know, indeed the entire

1 country and world to clean, sustainable energy needed to
2 power our modern lives, because, you know, not to
3 mention all the other issues that you may be aware of,
4 some day all of the buried hydrocarbons will have run
5 out. Amazingly, both of these interests have come
6 together here tonight, so we speak. To that end, you
7 know, I attended the Goose Creek Wind hearings last
8 Fall, you know, read transcripts from when I didn't
9 attend in person, and have so far participated in this
10 entire one.

11 I want it to be clear that while I definitely
12 support clean energy projects in general, and I think
13 they can work, you know, I still kept a very open and
14 critical mind because I want to be sure that this
15 specific proposal is the best possible one for Piatt
16 County, you know. To that end, I really appreciate the
17 way the Board has conducted these meetings to give an
18 open and thorough hearing for all interested parties.
19 It's a lot of tedious work. Um, and yeah, I'm happy
20 that they do all the work to make sure that it meets all
21 of the requirements of the zoning ordinance. Um, I also
22 completely support any, and want there to be, any
23 reasonable and possible mechanisms to make sure that the
24 company building such a project in our county is held
25 accountable to their plans and promises, you know,

1 potentially through fines or penalties for
2 non-compliance if it's required when possible. And
3 that's because I, as a resident, want to be sure that
4 this specific company, with this specific plan, is the
5 right company plan for Piatt County, which is hopefully
6 why we're doing all of this.

7 So, now in all of these hearings, it seems to me
8 that people generally agree that this Project would be a
9 substantial financial benefit for all of the residents
10 of Piatt County through the extra revenue for our county
11 and schools. I do indeed believe that it would be in my
12 own family's interests as a taxpayer. It would be in my
13 own family's interests as a dad of three kids along with
14 my wife. Um, you know, from all of the hearings and
15 objections, I don't see necessarily any proposals of a
16 better company or plan. So therefore, I would like to
17 support this one.

18 Um, yeah. You know, when I'm commissioned and
19 working from home, internet access is very important,
20 especially working in software. So I appreciate it and
21 I think it's important for many young people for many
22 reasons. So I appreciate that benefit that can be
23 brought to other people as well.

24 I didn't speak at all during the Goose Creek Wind
25 hearings last Fall, but I was -- I found myself

1 disappointed when the project was voted down. I was a
2 bit upset with myself that I didn't speak in support of
3 the wind energy project last time or speak at all. So I
4 made myself sign up this time. From my attendance at the
5 hearings and reading of transcripts it seems to me that
6 probably I would estimate that the primary reason for
7 opposition to placing wind turbines in Piatt County is
8 simply that residents don't want to see or hear them.
9 Since that seems to be the case, I as another Piatt
10 County resident, feel compelled to offer my contrasting
11 view. To be clear, I'm not invalidating anyone else's
12 idea of their ideal or preferred vista, but let me tell
13 you that I personally do want to see wind turbines, just
14 because I think they're cool and they even look nice.
15 Recently while on vacation I drove through -- my family
16 and I, we drove through some beautiful rolling hills in
17 Indiana. These hills have wind turbines, and I honestly
18 thought it was a really nice picture. I pointed them out
19 to my kids and explained how they produce electricity
20 that was powering our car from the moving wind.

21 Before I moved to Piatt County, my wife and I
22 installed solar panels on our garage ourselves at our
23 old house. We don't yet have solar panels on our new
24 house, but I plan to install them soon, hopefully this
25 year. We're making plans. I really wish I had got them

1 installed sooner, but having a newborn baby isn't
2 conducive to home improvement projects, especially doing
3 them yourselves. I love solar power, but you know, I
4 believe the best way to meet our energy needs is with a
5 mix of renewable energy resources, and you know, to this
6 end I'm very interested and I've researched lots of
7 them. I've looked into the possibility of installing
8 small wind turbines on my roof. I've looked into the
9 possibility of generating electricity from a wood
10 gasifier, which I didn't even realize was possible until
11 a few years ago, but apparently you can generate energy
12 from wood, which is cool. However, I want to point out
13 that while it might still be fun, and I'm not saying I
14 would never do it, to install turbines on my own roof,
15 unfortunately, due to physical realities, um, it doesn't
16 work as well because small-scale wind generation is not
17 generally productive enough to be economically worth it.
18 Rather, in order for the wind to be productive enough to
19 be economically viable it requires turbines of a very
20 larger scale. That's just the physical realities of
21 there being more wind higher up, and mechanically it's
22 not even to scale. Yeah, unlike solar, where a solar
23 panel on your roof, it's roughly as productive as a
24 solar panel that's part of a solar farm. So since I
25 would like wind energy, a logical conclusion is that I

1 should support large-scale wind energy like the one
2 proposed in this hearing.

3 As I said, by my summation, my house will be just
4 about exactly four miles from the nearest wind turbine,
5 and I should be able to view them from my front porch.
6 Personally I really look forward to seeing the wind
7 turbines from my front porch. I would be fine with them
8 being closer. Um, I look forward to looking at them.
9 Um, I skipped some things. I have this -- I have this
10 plan of me sitting on the front porch, of watching these
11 wind turbines spinning, hopefully, with solar panels on
12 my back roof producing electricity, and I'm a software
13 engineer. I like to write software. So, you know, I
14 plan to program our electric car to charge whenever
15 there is the most wind and solar power available um and,
16 you know, I think that's amazing because some people say
17 that wind turbines, you know, aren't quite ready or, you
18 know, we should wait a decade or two for the technology
19 to get better or for there to be something else, but,
20 you know, I want to tell you that in my view the
21 future's right here, you know, as I said, sitting on my
22 front porch, getting the electricity generated just
23 miles from me, charging this electric car that was made
24 only forty miles from me at Rivian. We have that
25 today. I just think, you know, the future is here and

1 it can be here if we were to have wind power in Piatt
2 County.

3 So that's why I'm very excited about it, and of
4 course hope that other people can be excited about it.

5 I think, you know, as Americans we generally like
6 our freedom and independence, and I think being able to
7 make these things locally or even completely
8 independently, right, if, you know, if the grid goes
9 down, first thing, we'll want to be able to turn to
10 turbines that would be totally effective to wind, to
11 solar rather, and luckily the turbines are close on the
12 grid, and you know, contrast that -- anyway, but the
13 point is like, you know, we're independent. We can
14 generate our own electricity to provide our
15 transportation. I can do that today. That's amazing.
16 You know, compare that to the old ways of doing things,
17 of getting oil from other countries and then run out and
18 start wars and stuff like that.

19 So, I'll conclude now. I want to thank my wife
20 for allowing me to be here for as many hours and
21 watching the kids every night, my wife Evelyn. As I
22 believe has previously been said in these hearings, the
23 role of the zoning ordinances and the Zoning Board of
24 Appeals is, you know, not to protect participating land
25 owners, but to protect non-participating land owners

1 like myself. So as one of those non-participating land
2 owners, I would just hope that you take my opinion into
3 consideration. And thank you for your time.

4 MR. KAINS: Very good. Thank you, Mr. Ehrat.
5 Any questions for Mr. Ehrat from the Zoning Board of
6 Appeals? Very good. Questions for Mr. Ehrat from
7 members of units of local government including school
8 districts? Questions from other interested parties,
9 members of the public opposed to the Application or
10 neutral on the Application? Questions from Piatt County
11 staff and consultants? Questions from Counsel for
12 Prosperity?

13 MR. HESS: No, sir. Mr. Ehrat, thank you for
14 your statement. And thank you for doing sound tonight.

15 BRADEN EHRAT: Certainly.

16 MR. KAINS: Final questions from the ZBA? All
17 right. Thank you, Mr. Ehrat. You may step down. We
18 appreciate your help tonight. Couldn't have done it
19 without you. Okay. One other person has signed in, in
20 support of the SUP Applicant and that's Meg Miner. Is
21 she here? Okay, Miss Miner, will you be here tomorrow
22 night?

23 MEG MINER: Yes, sir.

24 MR. KAINS: Okay. Very good. Would it be
25 okay if we held you over until tomorrow night?

1 MEG MINER: Yes, sir.

2 MR. KAINS: All right. Very good. Because
3 we're past time. All right. Tomorrow night we will
4 have Miss Miner will testify. Also the consulting
5 engineer that has been retained by Piatt County,
6 Mr. Matt Minder will be here testify. Mr. Keyt will be
7 examine him. There will be an opportunity for others to
8 cross-examine Mr. Minder. And then after that, if there
9 are any other folks in support. And if not, then we
10 will go to folks who are opposed to the Application. So
11 we're moving along rather expeditiously.

12 Mr. Chairman, I think the Board should
13 recess until tomorrow. Do you think so?

14 DR. WAX: I agree.

15 MR. KAINS: All right. Very good. We're in
16 recess until tomorrow evening at 5:30 in this very room.
17 Thank you.

18 (Proceedings concluded this date and adjourned to 5:30
19 p.m. August 31, 2023.)

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I, Jamie J. Mumm, an Official Court Reporter and
Certified Shorthand Reporter in and for the Sixth
Judicial Circuit of the State of Illinois, do hereby
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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