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COLES COUNTY

PLANNING & DEVELOPMENT COMMITTEE

ITEMS FOR DISCUSSION AND POSSIBLE ACTION:

COLES WIND, LLC

TRANSCRIPT OF PROCEEDINGS

March 17, 2025

6:30 p.m.

PLANNING AND DEVELOPMENT COMMITTEE PRESENT:

Mike Watts, Chairman
Darrell Cox
Mike Clayton
John Doty
Tad Freezeland

Also Present:

Kelly Lockhart, Regional Planning
Samantha McCullough, Regional Planning

Court Reporter:
Jamie S. Atkinson
License No. 084-004156
Atkinson Reporting, LLC
(217) 806-6297
jamieatkinson5@gmail.com

Jamie S. Atkinson, CSR
Court Reporter
Vermilion County

1 APPEARANCES:

2 FOR THE APPLICANT:

3 Ms. Amy Antonioli
4 ArentFox Schiff LLP
233 S. Wacker Drive, Suite 7100
5 Chicago, IL 60606
amy.antonioli@afslaw.com

6 Ms. Sarah L. Lode
7 ArentFox Schiff LLP
233 S. Wacker Drive, Suite 7100
8 Chicago, IL 60606
sara.lode@afslaw.com

9
10 Mr. Jerald Hess
Associate General Counsel for Apex
11 Apex Plaza
120 Garrett Street
12 Charlottesville, VA, IL 22902
jerald.hess@apexcleanenergycom

13
14 FOR COLES COUNTY:

15 Mr. Andrew Keyt
16 Ms. Alex Rives
Mr. Frank Ierulli
17 Heyl, Royster, Voelker & Allen P.C.
300 Hamilton Blvd.
18 Peoria, IL 61601
akeyt@heyloyster.com

19
20 HEARING FACILITATOR:

21 Scott Kains, Springfield, IL
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I N D E X

ALAN MOORE

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BRIE ANDERSON

By: Ms. Antoniulli	56
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1 (In public session.)

2 MR. WATTS: Okay. I will call this
3 meeting to order at whatever time it is, 6:34.

4 If you'd all stand and join me in saying the
5 pledge of allegiance.

6 (Whereupon, the pledge of allegiance was held.)

7 MR. WATTS: Okay. Can we call the roll
8 call for the Coles County Planning and Development
9 Committee.

10 Clayton.

11 MR. CLAYTON: Yes.

12 MR. WATTS: Cox.

13 MR. COX: Here.

14 MR. WATTS: Doty.

15 MR. DOTY: Here.

16 MR. WATTS: Freezeland.

17 MR. FREEZELAND: Here.

18 MR. WATTS: And I'm Mike Watts, Chair.

19 And at this time I'm going to introduce Andrew Keyt,
20 he's going to give the application project overview.

21 MR. KEYT: Okay. My name's Andy Keyt.
22 I'm the attorney that represent Coles County. In
23 terms of identifying the application.

24 The Applicant is Coles Wind, LLC which is an

1 indirect subsidiary of Apex Clean Energy Holdings.

2 The Applicant seeks to construct and operate
3 a commercial wind energy facility comprising of up to 51
4 wind turbines, substation, including collector lines,
5 access roads, LIDAR tower, aircraft lighting systems
6 tower, operation & maintenance building, laydown yard
7 and supporting facilities in the northern portion of
8 Coles County.

9 The application is on file with the Coles
10 County Regional Planning Commission and posted on the
11 Coles County website for people who wish to view it.

12 The notice of hearing was published in the
13 Oakland Independent on February 27th, 2025, and the
14 statutory mailings were provided to adjacent
15 landowners and mailed February 21st, 2025.

16 The Applicant has paid the necessary fees,
17 and the application has been filed.

18 MR. WATTS: Thank you. Welcome to this
19 meeting tonight of the Coles County Planning &
20 Development Committee. As Chair I want to welcome you
21 to what's likely to be several meetings of the public
22 hearing regarding the application for a wind energy
23 conversion system special use permit.

24 The Applicant -- I already said that. Sorry.

1 For the record, this hearing is taking place at the
2 Coles County Courthouse, and the purpose of this
3 hearing is for the Coles County Planning & Development
4 Committee to hear evidence, make findings of facts and
5 then make a recommendation on the proposed project to
6 the Coles County Board, which will have final say in
7 the proposed project.

8 I will acknowledge that they've been guided
9 through the licensed application process by the
10 director of the Coles County Regional Planning &
11 Development, Kelly Lockhart, with the assistance of
12 the State -- our County State's Attorney's office
13 headed by State's Attorney Jesse Danley.

14 And retired judge Scott Kains will serve as
15 the public hearing facilitator. In that role he will
16 assist in resolving evidentiary issues, including the
17 admission of evidence and ruling on any objections to
18 questions from attorneys, from the parties.

19 And just for your information, our plan is to
20 try to recess or adjourn this meeting around 9:00.
21 And if we have to recess, then we'll set the next
22 meeting date before we do that.

23 So at this time I turn the meeting over to
24 Mr. Kains.

1 MR. KAINS: All right. Thank you,
2 Chairman. I just want to clarify one thing from
3 Mr. Watts' information on me, I was never a judge, and
4 that's okay. We've only met just briefly once before
5 today. I am retired, however. Although it seems like
6 I'm working more and more.

7 My name is Scott Kains. I've been a lawyer
8 in practice in Springfield for 33 years. And my
9 primary area of practice is conducting wind and solar
10 energy hearings throughout downstate Illinois. For
11 instance, earlier today, I conducted two solar
12 hearings in Vermilion County up in Danville. Tomorrow
13 is Pontiac in Livingston County. And so I'm around
14 the state, and my job is to conduct these types of
15 hearings. And when you get a group of lawyers
16 together like me, Mr. Keyt who represents the county,
17 there's a handful of lawyers at this table
18 representing Apex and it's subsidiary Coles Wind,
19 we're going to come up with rules. And we've had
20 rules that have been approved by the Planning &
21 Development Committee. And I'm going to go through
22 the rules. If I go too fast and you don't catch
23 something, they are on the Coles County website home
24 page about halfway down. So if you're confused about

1 anything, that's where you can find the rules.

2 All right. We're going to start this evening
3 with evidence from the Applicant, Coles Wind, LLC.
4 The Applicant shall present testimony and evidence.
5 Each of the Applicant's witnesses shall remain present
6 for questioning by the Planning & Development
7 Committee and others until such time as the witness is
8 excused by me.

9 Members of the Planning & Development
10 Committee shall have the opportunity to question the
11 Applicant's witnesses providing testimony. The
12 Planning & Development Committee Members may ask
13 questions at any time during the hearing. But we do
14 have a procedure and an order in which we're going to
15 go so that everyone who wants to will have a chance to
16 ask questions of witnesses. And that's any witness,
17 whether it's provided by the Applicant or individuals
18 who wish to testify in this hearing, they would also
19 be open for questioning.

20 All persons present shall have the
21 opportunity to question the Applicant's witnesses and
22 evidence in the following order:

23 First, the Coles County Planning &
24 Development Committee Members. Second, units of the

1 local government, including school districts. Third,
2 interested parties represented by licensed attorneys.
3 Then other interested parties, including members of
4 the public. Then there will be opportunity for
5 questions by Coles County staff and consultants, and
6 there will be follow-up questions from the Committee
7 Members. As I always say, the Committee Members have
8 the first questions and they have the last bite at the
9 apple on questions of a witness because it is this
10 particular Committee that will be making a
11 recommendation on this project to the full Coles
12 County Board.

13 After the Applicant presents its evidence,
14 then there will be evidence from persons in favor of
15 the application. That's anyone in here who is in
16 support of the application for the project. They will
17 be subject to questioning in the same order that I
18 just read previously.

19 Then we will have evidence from licensed
20 attorneys representing interested parties in
21 opposition to the application. Just for my
22 information and for the record, are there any licensed
23 attorneys in the room representing an individual or
24 group of individuals in support of or in opposition to

1 this application?

2 (No response.)

3 MR. KAINS: Then to expedite things,
4 I'll just skip over asking that question each time
5 since there are no lawyers who represent folks here.

6 Then after the questions from attorneys,
7 there will be, as I said, questions from the public
8 and on down the line. There will be evidence from
9 persons opposed to the application. Then evidence
10 from persons who are neutral on the application, and,
11 again, they can be questioned by the Planning &
12 Development Committee and so on. Then there will be
13 the identification and reading of any written comments
14 regarding the application.

15 Folks, because this hearing is going to go
16 several nights, you might not able to be here all of
17 the nights of the hearing, and that's understandable.
18 I understand everybody has their own lives, their kids
19 sporting events or their grandkids' events. Whatever
20 it is, if you're not able to be here, and quite
21 honestly, I don't know that we're going to get to
22 public testimony until perhaps the third night or the
23 fourth night, if we go that long, but if you're not
24 available, you may submit a written comment and send

1 it to Mr. Lockhart. And is your email address on the
2 County's website?

3 MR. LOCKHART: It is under Coles County
4 Regional Planning.

5 MR. KAINS: Okay. All right. Did you
6 hear that, everybody? Coles County Regional Planning.
7 This is Mr. Kelly Lockhart, the Planning Administer.
8 And you can send any written comments by email to him
9 or you can send a letter to Mr. Lockhart and then any
10 written comments will be presented and read into the
11 record at a future hearing.

12 All right. So there will be written
13 comments. Then we'll take evidence from Coles County
14 staff and consultants. There will be an opportunity
15 for oral public comment as well. And, again, for your
16 information, we do not have a sign-in sheet or sheets
17 simply because I have found in my experience in doing
18 a number of these hearings that if you were to sign
19 your name tonight, by the time we get to you you may
20 not be here. And so when it's time for witness
21 testimony, I'm just going to look for a show of hands
22 who wants to testify and the same for public comment.
23 When it's time for public comment, I'll just look for
24 a show of hands and call folks up in order. But I

1 want to assure you that everyone who wants to testify,
2 everyone who wants to make public comment will have
3 the opportunity to do so. This is a public hearing
4 and the public needs to be heard.

5 Then the county will be able to recall any
6 witness that has testified for further information or
7 evidence at any time. Then after all of the evidence
8 is in, there will be closing statements by counsel for
9 the Applicant and then closing statements by any
10 objectors. But the introduction of new evidence in
11 closing statements is prohibited. In other words,
12 when it's your time to testify, that's when you
13 testify. When it's time to give a closing statement,
14 then you just summarize your feelings on the project.
15 Then there will be the opportunity for rebuttal
16 statement by counsel for the Applicant. We'll close
17 the evidence and then the Committee will deliberate
18 and vote on the project, and that vote is only -- it's
19 not a final vote, it's a recommendation to the full
20 Coles County Board which has the responsibility for
21 ultimately voting on this project.

22 All right. A few other hearing rules. One,
23 these provisions shall govern procedures of the public
24 hearings before the Coles County Planning &

1 Development Committee concerning wind energy
2 conversion systems. The Chair and the Planning and
3 Development Committee may modify these procedures in
4 their reasonable discretion.

5 Two. A court reporter shall be present at
6 every hearing and voting meeting in order to provide a
7 transcript of the proceedings. Transcripts will be
8 prepared by the court reporter and sent to the
9 Planning & Development Committee. Costs for all
10 transcripts of hearings or voting meetings before the
11 Planning & Development Committee shall be born by the
12 Applicant and the cost of the transcripts shall be
13 paid directly to the court reporting service.

14 Three. The hearing shall occur on the date
15 and time set forth in the published notice. All
16 necessary additional hearing dates shall be scheduled
17 at the discretion of the Planning & Development
18 Committee, and I anticipate that the next scheduled
19 session of this public hearing will be discussed
20 around 9:00 this evening. And so we'll be able to let
21 you know tonight when future sessions of this public
22 hearing will take place.

23 Four. The Chair or Acting Chair, including
24 hearing moderator shall preside at the public hearings

1 of the Planning & Development Committee. The Chair
2 shall have the authority to control the hearing
3 proceedings determining time limits, schedule the
4 appearance of witnesses and require their appearance
5 on dates set forth in the scheduling order, restrict
6 witnesses from testifying for failure to appear on the
7 dates scheduled for that witness's testimony, adopt
8 reasonable limits upon the questioning of witnesses by
9 the Applicant and interested parties, and take other
10 action deemed reasonably necessary by the Chair in
11 order to conduct the hearing in an orderly, efficient
12 and professional manner.

13 Number five. The hearing before the Planning
14 & Development Committee shall not be governed by the
15 Planning & Development Committee and not be bound by
16 these strict rules of evidence.

17 The Planning & Development Committee may
18 exclude irrelevant material and unduly repetitious
19 testimony and any of testimony or evidence that in the
20 discretion of the Chair or myself is not pertinent to
21 these proceedings. Tactics designed to delay the
22 proceedings are not permitted.

23 Rule number 6. And we're getting close.
24 There's 12. So just bear with me.

1 Number six. All witnesses shall testify
2 under oath.

3 Seven. At the discretion of the Chairperson
4 of the Planning & Development Committee Members shall
5 be permitted to question witnesses at any time during
6 the hearing. Planning & Development Committee Members
7 may request that additional information or evidence be
8 presented to them during the hearing.

9 Eight. Public hearings may be held by less
10 than quorum of the Planning & Development Committee.
11 Once there's a quorum on the first night, that's good
12 enough according to the rules.

13 Number nine. The discretion to admit
14 testimony, documents or other evidence lies solely
15 within my discretion. The determination of the
16 qualifications of an expert witness shall be within my
17 discretion. Expert witnesses must adequately be --
18 must adequately demonstrate their qualifications prior
19 to rendering an opinion on a matter. All studies
20 relied upon in an expert's written submissions must be
21 disclosed.

22 Number ten. The Planning & Development
23 Committee shall transmit its findings and
24 recommendations to the County Board in written form.

1 Number eleven. Audience members, this is a
2 good one, must be seated and quiet. But we can't all
3 be seated because there's just not enough room. So
4 we'll waive that provision. But we do appreciate if
5 you are quiet because our court reporter,
6 Mrs. Atkinson, has to take down everything that is
7 said. Otherwise she writes unintelligible in the
8 transcript and that's not helpful to anyone.

9 All right. Loitering in the hearing room is
10 prohibited. But, again, you all aren't loitering back
11 there, you're standing and being very patient and we
12 appreciate that. But I do have to say that any person
13 who is unruly, disrupts, or attempts to disrupt the
14 hearing or otherwise engages in inappropriate behavior
15 will be expelled. Excessive applause, cheering or
16 other commotion shall be considered disruptive.
17 Applause and cheering is for Jerry Springer or
18 whatever those shows are. It's not for this public
19 hearing.

20 And, finally, number twelve. Time limits.
21 Upon demonstration of expertise within a relevant
22 field, expert witnesses in this case will be allowed
23 unlimited time to testify. If you are not an expert,
24 a non-expert witness who is a resident of Coles County

1 shall have up to 60 minutes to present their
2 testimony. I don't know if anybody has ever talked
3 for 60 minutes straight. But if you are, more power
4 to you. If you're a Coles County resident you have up
5 to 60 minutes to testify. And, finally, non-expert
6 witnesses who are non-residents of Coles County shall
7 have 15 minutes to present their testimony.

8 Well, we made it through the rules in 15
9 minutes. Ms. Antonioli, as lead counsel --

10 MR. SHOOK: I -- excuse me.

11 MR. KAINS: Yes, sir.

12 MR. SHOOK: My name is Rick Shook. I'm
13 on the County Board.

14 MR. KAINS: Yes, sir.

15 MR. SHOOK: 8th District Mattoon.
16 When -- when can the County Board ask -- ask these
17 folks questions?

18 MR. KAINS: Okay. You are a units of
19 local government. You'll be right after Members of
20 the Committee. Oh, absolutely, you'll get the chance
21 to ask -- ask questions.

22 MR. SHOOK: Okay.

23 MR. KAINS: All right. Before we go to
24 Ms. Antonioli, I want to introduce some of the people

1 here. You've met the Chairman, Mr. Watts, of the
2 Planning & Development Committee. Also with us is
3 Mr. Darrell Cox, he's in the back row. There he is.
4 He's a member of this Committee. Mr. Mike Clayton,
5 seated also in the back row is a Member of the
6 Committee. Mr. Jeremy Doty, is also a member of this
7 Committee. And Mr. Tad Freezeland, there you go. So
8 those are the five gentlemen who are members of this
9 Committee. The remaining persons in the jury box are
10 County Board Members who are interested in being here
11 in this project. We also have -- is it Ms. McCullough
12 from the Regional Planning office. And also in the
13 jury box are representative from Channel 3 WCIA in
14 Champaign, their reporter and photographer, and so we
15 appreciate them being here.

16 All right. Seated at the tables in front of
17 me, Mr. Andy Keyt. You've already heard from him.
18 Behind him is his cocounsel, Mr. Frank Ierulli. And,
19 Robert, I never can remember his last name, brother.

20 MR. TUCK: Tuck.

21 MR. KAINS: Robert Tuck is a paralegal
22 with Mr. Ierulli and Mr. Keyt's law firm.

23 Now, seated at the table directly in front of
24 me is lead counsel in the middle is Ms. Amy

1 Antoniolli. To her right, I guess that would be to
2 your right, is Ms. Sarah Lode. They are with the law
3 firm of ArentFox Schiff in Chicago. To Ms.
4 Antoniolli's left is Mr. Jay Hess. He is an attorney
5 inhouse with Apex; is that correct?

6 MR. HESS: Yes, sir.

7 MR. KAINS: All right. And next to
8 Mr. Hess the gentlemen in the blue jacket is Mr. Alan
9 Moore. He is the project developer. Would that be
10 fair to say, Mr. Moore?

11 MR. MOORE: Yes, sir.

12 MR. KAINS: And Brie Anderson. And,
13 Brie, I forget your title.

14 MS. ANDERSON: Senior Director of
15 Project Permitting.

16 MR. KAINS: Senior Director of Project
17 Permitting. Okay. Now, we've got all of that done.

18 Ms. Antoniolli, do you have any preliminary
19 matters before you call your first witness?

20 MS. ANTONIOLLI: I do. Thank you. And
21 you did half my job for me already by introducing so
22 many of my teammates and members. So my name is Amy
23 Antoniolli. I'm with ArentFox Schiff. I am here with
24 Sarah Lode to my right, as you mentioned. Jay Jerald

1 Hess and Athena Shapiro who are counsel for Apex Clean
2 Energy. And we're here on behalf of Coles Wind in
3 support of the petition for a special use permit. We
4 worked really hard tonight to prepare an informative
5 and very efficient presentation for your review. The
6 members of the Coles Wind team will present evidence
7 on how the application meets all the requirements of
8 the Coles County Wind Ordinance and then also walk you
9 through the construction process so you have an
10 understanding of how that happens. We also have
11 subject matter experts here tonight who authored the
12 studies and the reports and prepared all the documents
13 that are attached to the application. They are
14 available to answer any questions and we reserve the
15 right to call such witnesses as necessary and they
16 will present their information when they stand up to
17 present.

18 So it is the Illinois County's Code that
19 authorizes the county to zone and also to approve
20 special uses. A section of the code also specifically
21 sets forth standards for commercial wind energy
22 Project. And I'll refer to that from time to time as
23 the citing law. It says that the county shall approve
24 an application for citing or special use if it

1 complies with the provisions of the citing law and an
2 ordinance that is adopted consistent with the citing
3 law as well as all conditions in applicable state and
4 federal law.

5 In a special use process it's incumbent upon
6 the applicant to present evidence to the Planning &
7 Development Committee from which it can make a finding
8 that the ordinance requirements have been met. And it
9 is your -- it is your job in your role as members of
10 the Planning & Development Committee to take on the
11 challenging task of reviewing all of the evidence,
12 listening to all of the evidence and making a
13 recommendation to the full County Board on whether the
14 application meets the requirements.

15 So Coles Wind filed an application on January
16 17th, 2025, and as Mr. Keyt said, that is available
17 for review on the County's website. We also have some
18 copies, some full copies available tonight for
19 inspection too, if anyone in the public or anyone else
20 wants to review it. You should have received binders
21 with a full application that was sent along when we
22 filed the application, okay. There should be 12
23 copies available for inspection, and we've also
24 presented you with separate smaller binders, and that

1 has copies of the presentation that the witnesses will
2 be speaking to tonight.

3 So we believe once you review all of the
4 evidence you will find that this project meets all of
5 the requirements of the Coles County Wind Ordinance
6 and deserves a recommendation that you shall approve
7 the permit application.

8 So with that, thank you. And before we
9 begin, I do have a few housekeeping items to take care
10 of.

11 MR. KAINS: All right. Very good.
12 Thank you, Ms. Antonioli. You may go ahead.

13 MS. ANTONIOLLI: Okay. So first, we'd
14 like to move into the record a copy of the application
15 that was filed, just to make sure that it is moved
16 into the record as Applicant's Exhibit 1.

17 MR. KAINS: Does Mr. Keyt have a copy of
18 this?

19 MR. KEYT: We do.

20 MR. KAINS: All right. There's a motion
21 to admit Exhibit 1.

22 Mr. Keyt, do you have any objection?

23 MR. KEYT: I don't have an objection to
24 group -- I would say we identify it as Group Exhibit

1 Number 1. There may be specific issues I may have an
2 objection to. It remains to be seen as it comes up.
3 But I don't have an objection to Group Exhibit Number
4 1 being identified as the application.

5 MR. KAINS: Okay. We'll have it
6 identified, but we'll take up the admission of it at
7 the conclusion of your case.

8 MS. ANTONIOLLI: Okay. And then we do
9 have copies of the slide presentations that we can
10 enter into the record. Do you prefer we do that after
11 the presentation of slides.

12 MR. KAINS: Yes. Let's --

13 MS. ANTONIOLLI: Okay.

14 MR. KAINS: -- just take it all up at
15 the conclusion of your case.

16 MS. ANTONIOLLI: Okay. We can do the
17 rest of them then.

18 MS. LODE: Mr. Hearing Officer, may I
19 give this to Mr. Doty.

20 MR. KAINS: Yes, absolutely.

21 MS. LODE: Apologies.

22 MS. ANTONIOLLI: And then with that, I'd
23 like to call our first witness Mr. Alan Moore.

24 MR. KAINS: Mr. Moore, the hot seat is

1 the right up here.

2 THE WITNESS: All right.

3 A L A N M O O R E,

4 was called as a witness on behalf of the Applicant
5 and, having been first duly sworn, testified as
6 follows:

7 MR. KAINS: Very good. Thank you. Have
8 a seat.

9 THE WITNESS: Thank you, sir.

10 MR. KAINS: All right. Ms. Antoniolli,
11 you may proceed.

12 **DIRECT EXAMINATION,**

13 **QUESTIONS BY MS. AMY ANTONIOLLI:**

14 Q. Okay. Alan -- Mr. Moore, can you tell
15 us a little bit about your experience at Apex, how
16 long you've been with the company and your role.

17 A. Yes. So my name is Alan Moore. I'm a
18 Director of Development with Apex Clean Energy. So a
19 little bit about me, before my time at Apex, I grew up
20 in Tidewater, Virginia. I went to undergrad at the
21 University of Virginia and graduate at the College of
22 Charleston in South Carolina. I spent about 15 years,
23 little longer than that, working in agriculture where
24 I ran a produce company, a grain operation, working

1 with small family farms throughout the mid-atlantic
2 and the South -- Southeast with these farms looking to
3 target premium markets and to diversify their farming
4 operations. I helped them with farm planning, helped
5 them with training, helped them food safety and then
6 the direct distribution of the products that they
7 grew, whether produce, apples or otherwise.

8 I moved to Apex about seven years ago and I
9 have developed a number of projects across the Midwest
10 and overseen much of our portfolio projects in
11 Illinois and I'm the lead developer for Coles Wind.

12 Q. Okay. And how long have you been with
13 Apex?

14 A. A little over seven years, almost eight
15 years this year.

16 Q. And as Director of Development have you
17 worked on other projects in Illinois?

18 A. Yes, I have.

19 Q. And about how many projects have you
20 worked on?

21 A. I have worked on probably fifteen
22 projects or so across the state of Illinois, and then
23 one that is almost in operations at this point.

24 Q. Okay. And are you familiar with what I

1 referred to earlier as the citing law, the section of
2 the County's Code?

3 A. Yes.

4 Q. Are you familiar with Coles County Wind
5 Ordinance?

6 A. I am.

7 Q. Okay. Thanks. I would go ahead and
8 proceed.

9 A. Great. Yes. If we could just jump back
10 just quickly. Thank you to the Board here this
11 evening. Thank you to the Planning and Development
12 Committee. Thank you to all the members in the public
13 who are here. It's an important conversation that
14 we're having, and the fact that you can come on an
15 evening like this represents a lot.

16 As I mentioned, my name is Alan Moore. I'll
17 be introducing our project this evening and discussing
18 its development history, the benefits of the project
19 for Coles County and Coles County residents. I'll be
20 followed by my colleague Brie Anderson who will
21 discuss our project application and how it meets all
22 the criteria for the Coles County Wind Ordinance.
23 Adam Carlson is here this evening. He's a Senior
24 Project Manager with Apex and he'll be building this

1 project. And, additionally, we have Goni Iskali, our
2 Director of Environmental, as well as Jason Conley our
3 Director of Health and Safety. And, finally, as
4 mentioned earlier, we have Jay Hess and Athena
5 Shapiro. All are here this evening and all are here
6 to answer your questions.

7 As referenced by local people earlier in
8 addition to Apex staff we have a number of subject
9 matter experts here in the room, all of which who have
10 worked on this project and are here to address your
11 concerns and answer your questions.

12 In addition to Amy and Sarah, we have Kelly
13 McKeough who put together our decommissioning plan.
14 Isaac Old who put together our sound study. Drew
15 Lines who put together our property value report.
16 Jacob Runner who put together our shadow flicker
17 study. And Dr. David Loomis who put together our
18 economic impact study. Next slide, please. We can
19 skip over that one.

20 So I introduced myself. I introduced our
21 team. I introduced the folks who work on this
22 project, but we represent more than 400 employees of
23 Apex who live and work around this country on every
24 aspect of these projects. Apex is an American owned,

1 Veteran led, U.S. based energy company. We will
2 develop, build, own and operate this project. We will
3 be a partner with Coles County for many years to come.
4 In fact, my colleague Adam Carlson, who you'll hear
5 from later this evening, grew up in Illinois, still
6 owns farm ground here in Ford County, and will build
7 this project. And I'm really proud to work for a
8 company where I can say that. Next slide, please.

9 All of our goals and all of our work that we
10 do with Apex are guided by five core values: Safety,
11 integrity, sustainability, entrepreneurship and
12 professionalism. Because of these values we strive to
13 build long term relationships within the communities
14 where we work. I want to highlight a few of these
15 initiatives that we've -- we've initiated across our
16 entirety of our, and I'll get into some more of the
17 specifics for Coles County in a bit, but really across
18 our portfolio we've -- I want to highlight two. First
19 is our Community Grant Program. This program we
20 started in 2017 and through this program we issue
21 small grants to local non-profits and community groups
22 that work in the communities where we operate. Since
23 2017 we contributed \$5.2 million to these
24 organizations in non-profits.

1 And second is our Conservation Grant Program.
2 This program we started in 2020, and through this
3 program we donate \$1,000 per megawatt for every
4 project that goes into operations. So this project
5 will contribute a little bit over \$300,000. These
6 efforts go to organizations like Grand Prairie Friends
7 who leverage these funds for matching donations which
8 often amplifies their impacts in the community.

9 So, again, we started this program in 2020.
10 We've contributed \$3.4 million to this -- to this
11 program. Those dollars have been amplified to \$17.8
12 million. So in total this impact is \$21.2 million.
13 Next slide, please.

14 I also really want to discuss what to expect
15 through this process. You've heard a lot of rules so
16 far this evening and introduction, but first and
17 foremost on our end is transparency. We've worked
18 hard to build relationships across Coles County.
19 These projects take a long, long time to develop. But
20 Coles Wind is at the right stage of development to be
21 before the County Board and the Planning & Development
22 Committee.

23 We're here to show you the details of our
24 project and our special use permit application. We're

1 here to address the concerns and questions from the
2 community, and we're here to hear from our supporters
3 and the broader community.

4 Coles Wind is designed to meet the desires of
5 participating landowners and the county. Next slide,
6 please.

7 So I thought it would be helpful to give you
8 a quick overview of our project. Coles Wind will be
9 311 megawatts, and I know that seems like a big number
10 and may not really know exactly what that means. But
11 a good comparison is how much electricity it
12 generates. So it will generate enough electricity to
13 power over 100,000 homes annually.

14 The project will be located in Northern Coles
15 County in Morgan and Seven Hickory Townships. We aim
16 to be operational early in 2027.

17 We have 119 family agreements across the
18 project. So just to impact that a bit, we have 119
19 families that have chosen to participate in this
20 project.

21 And in this project we will build 51
22 turbines. So I'll reiterate that, we will build only
23 51 turbines in this project. We are asking to permit
24 62 turbine locations, because in every project we plan

1 for a number of spare locations in case there is an
2 issue with one of our primary locations that comes up
3 in the final engineering or planning of the project,
4 we need to be able to pivot to a different location.
5 Next slide, please.

6 So as I mentioned, these projects take a long
7 time to development. We started developing this
8 project late in 2019. We often get a lot of questions
9 about why we start development in an area for a
10 specific project, and it's really for three reasons.
11 First is the wind. And I think probably everybody in
12 this room can attest that it's -- it's windy here in
13 Coles County.

14 Second is land. We look for areas with open
15 farm ground and interested landowners.

16 And last is transmission capacity. So we
17 also look for places with transmission capacity on the
18 transmissions lines in the area. Coles Wind -- Coles
19 County has both transmission lines and capacity on
20 these lines for this project.

21 Our team has worked hard with landowners in
22 the community for years to develop relationships. We
23 do this because Apex has no eminent domain authority.
24 All of our facilities, turbines, roads, underground

1 collection are all cited on ground that is privately
2 owned farm ground. Every participant in the project
3 has decided to participate in this project because
4 they think it is the best decision for their farms and
5 their families. We -- in fact, we can't step on their
6 ground without their decision to participate in the
7 project. So it's rally collaborative effort to get to
8 where we are today. Next slide, please.

9 Our team, as I mentioned, has been active in
10 Coles County since we started developing this project.
11 We are active members in Coles Together, the
12 Charleston Chamber and other community organizations.
13 Through the Community Grant Program, which I mentioned
14 earlier, we have made more than \$60,000 in donations
15 to a wide variety of community -- community
16 organizations across Coles County. You can see a
17 whole list of them right there, I won't run through
18 the whole list, but it's an impressive group of folks
19 that we've partnered with.

20 We established an endowed scholarship at
21 Lakeland College for STEM students.

22 We've donated \$25,000 to the Eastern Illinois
23 Foodbank, and another \$20,000 to the Special Olympics
24 of Illinois. Next slide, please.

1 So as I mentioned, we're here to discuss the
2 specifics of this project. This project, as I said,
3 has 119 agreements that covers 21,500 acres. Now,
4 that seems like a lot of farmland. I get it. But we
5 broke this number down to the hundredth of an acre of
6 impact across the 51 turbines that we will build.
7 Each turbine after construction will impact .06 acres.

8 The access roads going to the turbines will
9 impact another 32.18 acres. So what does that mean?
10 It means 35.27 acres will be impacted by this project.
11 So that's 0.16 percent of the participating acres will
12 be impacted by turbines after construction.

13 All of this is on signed grounds which input
14 from landowners and not only landowners but also their
15 tenants. Next slide, please.

16 What I hope to drive home on these next few
17 slides is what an opportunity Coles Wind is for Coles
18 County. This project will bring around \$275 million
19 in direct economic benefits to the county, and I'll
20 unpack that number in a little bit. To understand
21 what this will look like for Coles County, let's
22 quickly look at where things are now. And, again, all
23 of these numbers are done -- are put together by a
24 study by Dr. Loomis who's here in the room this

1 evening. And I also want to stress, that this is not
2 a unique situation to Coles County. It is one that
3 many communities are facing and rural -- rural
4 agricultural communities are facing, not only in
5 Illinois but across the country. For fiscal year '25
6 the Coles County general fund was roughly \$4.6
7 million. One of the largest sources of county tax
8 revenue was the Illinois Personal Property Replacement
9 Tax. This fund has dropped significantly over the
10 last 2 years.

11 Coles County additionally has a decline in
12 population in the aging farming communities. And,
13 again, this is not unique to Coles County. This is --
14 this is a problem that many communities face across
15 the country. So with decreasing State Aid and
16 decreasing population the county is faced with some
17 tough decisions on what to do over the next few years,
18 whether to cut spending or increase taxes. But what
19 is unique to Coles County is what an opportunity Coles
20 Wind is for the community and for the county. Next
21 slide, please.

22 So to be clear, Coles Wind is not a silver
23 bullet. It is but a tool in the county's tool belt.
24 Coles Wind will bring on average \$456,000 in tax

1 revenue annually to Coles County. I'll unpack that a
2 little bit more in a bit. And, again, this is all
3 from Dr. Loomis's work. That number is roughly 10
4 percent of the county's general fund and is closer to
5 15 percent over the first couple of years. And,
6 additionally, Coles Wind will make more than \$5
7 million in direct landowner payments to participating
8 landowners annually. So, again, and this is why I
9 love my job, right. I talked earlier about my
10 background working with family farms, targeting
11 premium specialty markets to help increase the bottom
12 line and diversify farm operations for farmers. Coles
13 County is a farming community with hundreds of
14 thousands of acres in production. This project will
15 bring tremendous tax revenue and direct farm payments
16 to landowners while keeping the ground in production
17 and only impacting a little bit over 35 acres. Wind
18 works with farming communities. Next slide, please.

19 So, as I mentioned, I want to dig in a little
20 bit on the specifics of the tax revenue, and, again,
21 this is all found in the special use permit
22 application for to you review, if you haven't, and,
23 again, put together by Dr. Loomis. And so what Coles
24 County will bring is over \$81.2 million in property

1 taxes to all the taxing districts in Coles County.
2 This averages to a little bit over \$2.7 million
3 annually. \$48.6 million in this will go to the 3
4 different school districts in the area. And, as I
5 mentioned, a little bit over \$13 million will go in
6 property taxes to Coles County.

7 As you can see from this pie graph, the
8 impacts of this will have impact on many other taxing
9 districts in the county. I just wanted to highlight
10 those -- those few. Next slide, please.

11 Our project has been cited with input from
12 landowners and their tenant farmers. This
13 transparency is important to us. Where possible, we
14 planned for and moved facilities to better work with
15 their farming operations. As Adam will discuss later
16 this evening, we will repair tile for the life of the
17 project. He'll discuss the specifics of this process,
18 but, frankly, our feeling is if we will break it,
19 we're obligated to fix it. We'll also pay crop
20 damages for our impact in the fields as well as
21 compaction payments for fields that may see decreased
22 yields over the next couple of years
23 post-construction. As I've mentioned a couple of
24 times this evening in Dr. Loomis's study, included in

1 our permit application shows that this project will
2 account for roughly 10 percent of the Coles County
3 general fund. Also included in our permit application
4 is the property value study conducted by CohnReznik.
5 Drew Lines is here this evening and will address
6 specific questions, but it demonstrates that this
7 project will have no negative impact on residential or
8 agricultural property values. Coles Wind will create
9 around 300 jobs during construction and around 10
10 long-term well paying jobs during operations. We have
11 a number of folks in the room here this evening that
12 can speak to how critical these jobs are to folks
13 working in these trades.

14 My colleagues Brie and Kelly from Westwood
15 will discuss the decommissioning plans and how it
16 protects the county and Coles County residents now and
17 into the future.

18 The road use agreements that will be
19 negotiated with the county and Seven Hickory and
20 Morgan Townships will protect and improve the roads in
21 the area.

22 As I mentioned, safety is critical to
23 everything we do. Our team has started our
24 collaboration with local EMA and fire districts. We

1 have shared our emergency action plan with them for
2 input and this plan will continue to evolve over the
3 life of the project. We're committed to hosting
4 annual trainings throughout the life of the project as
5 well.

6 And, finally, as my colleague Adam will
7 discuss in more detail, we will use minimal water
8 during the construction of this project and will not
9 impact local water sources in the region and we do not
10 anticipate any impact on surrounding wells. Next
11 slide, please.

12 So that -- that's a lot of information and a
13 lot of numbers that I've thrown at you in the last few
14 minutes. So I wanted to drill down on a few of those
15 just a bit to provide a little bit more clarity.

16 First, Coles Wind will provide \$145 million
17 in direct landowner payments. As we discussed, this
18 projet will provide \$81.2 million paid across all of
19 the Coles County taxing districts in the project area.
20 About \$1.2 million will be paid in annual salaries
21 throughout the operations of this project and will
22 create 9 to 10 full time jobs. And then the salaries
23 paid during construction will be roughly \$15.5
24 million. So in total, when you sum all of that up

1 Coles Wind will have about \$275 million in direct
2 economic benefits for Coles County. Next slide,
3 please.

4 So in summary, Coles Wind as a project is a
5 roughly \$650 million economic investment by Apex Clean
6 Energy in Coles County. It will bring in \$275 million
7 in benefits to Coles County and Coles County
8 landowners. And these not only benefit participating
9 landowners but all county residents, including
10 schools, roads, townships, fire stations, trade
11 unions, all will receive benefits from this project.

12 This project has significant landowner
13 support, again, as I mentioned, 119 agreements across
14 21,500 acres. All of this with just impacting a
15 little bit over 35 acres of 51 turbines. And all of
16 this will be restored at the end of the life of the
17 project. Coles Wind complies with all of the Coles
18 County Wind Ordinance requirements.

19 Thank you very much. That's all I have for
20 this evening.

21 MR. KAINS: All right. Thank you
22 Mr. Moore.

23 Ms. Antonioli, do you have any additional
24 direct examination of your witness?

1 MS. ANTONIOLLI: I do not. But I think
2 we were distracted earlier with the microphone. You
3 did not swear in the witnesses yet. Should we do that
4 altogether?

5 MR. KAINS: I just swore him in.

6 MS. ANTONIOLLI: Oh, you did, okay.

7 MR. KAINS: And then when each one comes
8 I'll take care of that.

9 MS. ANTONIOLLI: I missed that. Sorry.

10 MR. KAINS: That's all right. That's
11 all right.

12 MS. ANTONIOLLI: Thank you. No, I do
13 not have any other questions.

14 MR. KAINS: You don't have any other,
15 okay.

16 MS. ANTONIOLLI: Can I introduce
17 Mr. Moore as an expert in development?

18 MR. KAINS: Mr. Moore, how many years
19 have you worked in the wind industry?

20 THE WITNESS: It will be eight this
21 coming year in May.

22 MR. KAINS: All as a project developer?

23 THE WITNESS: Yes, sir.

24 MR. KAINS: What are your degrees in?

1 THE WITNESS: I have a degree in
2 biology, environmental science and a master's degree
3 in environmental studies.

4 MR. KAINS: Mr. Keyt.

5 MR. KEYT: Mr. Moore, how many -- how
6 many wind farm cases have you testified in in
7 Illinois?

8 THE WITNESS: Just -- well, two.

9 MR. KEYT: Are those projects similar in
10 size to this project?

11 THE WITNESS: They are similar in size
12 to this project, yes, sir.

13 MR. KEYT: Have any of those projects
14 been built?

15 THE WITNESS: One of them will be in
16 operations in roughly a month.

17 MR. KEYT: I don't have any objection to
18 him being qualified as an expert.

19 MR. KAINS: All right. I will allow it.
20 He's qualified as an expert witness. So he came in an
21 expert witness time. All right. Just in the nick of
22 time, Mr. Moore.

23 All right. Questions for this witness first
24 come from members of the Planning & Development

1 Committee. Gentlemen, any questions for Mr. Moore
2 from Committee Members.

3 Yes, Mr. Clayton.

4 MR. CLAYTON: You stated that property
5 values have no negative impact. I'd like to see more
6 evidence of this. Do you have an expert witness doing
7 something about that?

8 THE WITNESS: We do, yes.

9 MR. CLAYTON: And that will follow
10 later?

11 THE WITNESS: Yes. Yes. He can answer
12 specific questions.

13 MR. CLAYTON: Okay. And I then I have a
14 personal question. What is the closest distance
15 between the two closest windmills that you're going to
16 have?

17 THE WITNESS: Oh, jeez. That's --
18 that's a good question. If everyone could hear it,
19 the question was, what is the closest distance that we
20 have between the two closest wind turbines. And
21 unfortunately, I don't have specific number. I'm
22 happy to get it for you.

23 MR. CLAYTON: Okay.

24 THE WITNESS: I can speak to kind of how

1 it they're cited, if you want kind of quickly.

2 MR. CLAYTON: Sure.

3 THE WITNESS: So in general there are a
4 number of rotor diameters in between each turbine.
5 And when we go through the process of citing a
6 turbine, the reason -- there's a whole number of
7 things that go into it, which is why we need 21,500
8 acres to build a project that impacts 35. Part of it
9 is setbacks which my colleague Brie will speak to and
10 other requirements within the ordinance. The -- the
11 other part is designing the most efficient layout that
12 we can. And so when turbines are too close together
13 they can impact each other and therefore they generate
14 energy at a less efficient rate.

15 MR. CLAYTON: I just have two more
16 questions.

17 THE WITNESS: Yes, sir.

18 MR. KAINS: Mr. Clayton, if you can just
19 keep your voice up so folks in the back --

20 MR. CLAYTON: I just have two more
21 questions.

22 MR. KAINS: Very good. Go right ahead.

23 MR. CLAYTON: You said you had a
24 Charleston office. Would you give us the address for

1 that for the public?

2 THE WITNESS: I can, yes. I -- I
3 unfortunately don't know it off the top of my head.
4 But I can get it for you this evening and get it to
5 you in a minute.

6 MR. CLAYTON: Okay. And then my last
7 question.

8 THE WITNESS: Yes, sir.

9 MR. CLAYTON: You stated and you have in
10 here that this -- this company is totally American
11 owned.

12 THE WITNESS: Yes, sir.

13 MR. CLAYTON: There's no foreign
14 investment in this country at all?

15 THE WITNESS: Yes.

16 MR. CLAYTON: In this company at all?

17 THE WITNESS: Correct.

18 MR. CLAYTON: And that kind of dispels
19 something that has been going around?

20 THE WITNESS: Sure.

21 MR. CLAYTON: And that's why I wanted
22 you to --

23 THE WITNESS: Yes, sir.

24 MR. CLAYTON: -- address that. Thank

1 you.

2 MR. KAINS: Thank you for your
3 questions, Mr. Clayton.

4 Hang on. We're going to get Committee
5 Members first and then you'll go next.

6 Any other questions from members of the
7 Committee. Mr. Watts.

8 MR. WATTS: Yes. Slide number 14 where
9 it talks about certainty in tax revenue.

10 THE WITNESS: Yes, sir.

11 MR. WATTS: Is that over the 30 year
12 project life? Is that what that represent?

13 THE WITNESS: Yes, sir.

14 MR. WATTS: Correct? And do I remember
15 that there -- this will add and flow during the life
16 of project in terms of what's going to be generated?

17 THE WITNESS: Sure. Yes. And, again,
18 Mr. Loomis is here, Dr. Loomis is here and he'll be
19 able to speak to this specifically. But these
20 numbers, if anything, are conservative, and he can
21 speak specifically to that.

22 MR. WATTS: Thank you.

23 MR. KAINS: Thank you, Mr. Chair. Yes,
24 Mr. Freezeland.

1 MR. FREEZELAND: I'm assuming that we'll
2 hear some testimony later on. You had mentioned water
3 impact.

4 THE WITNESS: Yes, sir.

5 MR. FREEZELAND: There -- we'll have --
6 somebody will speak more in-depth on that?

7 THE WITNESS: Yes. My colleague Adam
8 will be able to address that.

9 MR. FREEZELAND: Okay. Thank you.

10 THE WITNESS: Yes.

11 MR. KAINS: Thank you for your question,
12 Mr. Freezeland.

13 Anybody else on the Committee? Yes,
14 Mr. Doty.

15 MR. DOTY: If you'll be patient with me,
16 I wrote notes, so I have several questions I'll flip
17 through.

18 THE WITNESS: Sure.

19 MR. DOTY: You talked about 119 family
20 agreements.

21 THE WITNESS: Yes, sir.

22 MR. DOTY: But there's 50 -- 62
23 locations. So I'm assuming there are multiple -- like
24 a farm that's owned by those that have inherited like

1 several families.

2 THE WITNESS: Sure.

3 MR. DOTY: Is that what that means?

4 THE WITNESS: So -- well, we have 119
5 agreements, yes. And the question was, if I can
6 phrase that, the agreements may be across several
7 families who -- who are in there?

8 MR. DOTY: On one piece of property.

9 THE WITNESS: It could be, yes. Or it
10 could be -- it could be one family. It could be in a
11 trust. So there's a whole host of different ways in
12 which the ground may be owned.

13 MR. DOTY: Because there's only 62
14 locations.

15 THE WITNESS: Sure. Yes. But the 119
16 agreements span the 21,000 acres that are
17 participating.

18 MR. DOTY: I don't know what that means.
19 I'm sorry.

20 THE WITNESS: So we have agreements
21 which are in form of wind lease.

22 MR. DOTY: Right.

23 THE WITNESS: And a lease would be on a
24 specific parcel of land. So across the 119

1 agreements, that covers 21,500 acres. So it could be
2 that a family owns one parcel or they might own 30
3 parcels. I mean, I don't -- just throwing numbers out
4 there.

5 MR. DOTY: Sure.

6 THE WITNESS: And so when all of that
7 comes together, you have the math that's up there or
8 back here with all the green sign graphs. And then we
9 go through the effort of planning the project that's
10 where we get down to the 62 individual points that are
11 planned.

12 MR. DOTY: Okay. Thank you. And so you
13 talked about and maybe someone else will answer this
14 question.

15 THE WITNESS: Sure.

16 MR. DOTY: 456,000 in tax revenue for
17 the general fund every year. Is that an offset of the
18 taxes that are already being paid, or is -- or did
19 you -- are you taking that as the decrease, like the
20 current payments?

21 THE WITNESS: That the county is
22 receiving?

23 MR. DOTY: Yes. So that land's already
24 being taxed, right?

1 THE WITNESS: Correct.

2 MR. DOTY: As a farm.

3 THE WITNESS: It doesn't -- it doesn't
4 change that value. And Dr. Loomis can speak to that
5 specifically, but we're required to plat all of our
6 facilities and we'll have a separate PIN that is
7 issued for all of our facilities and then issue the
8 property tax bill for those. So the participating
9 landowners won't see any additional tax impacts to
10 their property. We pay that directly to Coles County.
11 So the facilities that we own and we install on the
12 property, we will pay property tax for that. So that
13 \$456,000 annually doesn't impact the value or the tax
14 revenue from the underlying ground that's there.

15 MR. DOTY: Right. And I guess my
16 question is what's currently being paid.

17 THE WITNESS: Sure.

18 MR. DOTY: What -- this 456, that will
19 be your total bill.

20 THE WITNESS: That will be -- yes. On
21 average, yes.

22 MR. DOTY: I don't know what's currently
23 being paid. So there will -- it won't quite be 456,
24 right?

1 THE WITNESS: No. That -- it will be
2 456. So the property owner will continue to get their
3 property tax bill as if --

4 MR. DOTY: But it won't be an increase
5 to the county for 456,000 because we're already
6 getting property tax on that land tax?

7 THE WITNESS: It's new money. So you
8 will continue -- so let's say there's a wind turbine
9 on a 40, you will still get the agricultural property
10 tax from that 40.

11 MR. DOTY: Okay.

12 THE WITNESS: And then our facilities
13 will be additional tax revenue to the county.

14 MR. DOTY: So it's on top of that.

15 THE WITNESS: Correct.

16 MR. DOTY: Thank you. And then I guess
17 I just -- I think -- so -- and I think that you said
18 Dr. Loomis was going to maybe address this, but have
19 no negative impact on residential or agricultural
20 property values. I too am more interested in that for
21 adjacent landowners --

22 THE WITNESS: Sure.

23 MR. DOTY: -- landowners and citizens.

24 THE WITNESS: Yes.

1 MR. DOTY: No. Go ahead.

2 THE WITNESS: I mean, so, as I said,
3 Drew from CohnReznik is here and he can speak to
4 specifically the study that's included in the special
5 use permit application, and, you know, luckily, this
6 isn't the first wind farm in Illinois, and so the
7 study really does look at comparative literature on
8 these projects, on their impact in counties where
9 they're located. It evaluates existing wind farms and
10 property sales in counties of projects that are of
11 equivalent size or roughly equivalent size as this on
12 adjacent property values and property sales. And
13 additionally he talked to the county and township
14 assessors, and specifically county and township
15 assessors that have wind farms in their districts and
16 has -- to see that there is no evidence that from all
17 of that that has negative impacts on property values.
18 But, again, you know, I would be happy to kick it to
19 him to address it specifically since he's an expert in
20 the subject.

21 MR. DOTY: Thank you. I have one more
22 question, then I'll have a comment. But -- so that
23 economic -- or the tax benefit begins in 2027?

24 THE WITNESS: It will begin, yes, once

1 we hit operations, yes, sir.

2 MR. DOTY: Once you hit operations,
3 okay. So during the two-year build it's just business
4 as usual for those landowners?

5 THE WITNESS: Well, they -- yes, there's
6 a number of facets of the agreement, yes, that would
7 govern sort of the financial impact to them. Whether
8 they're paid for development or paid into operations.

9 MR. DOTY: All right. And just my
10 comment is, thank you for already investing in Coles
11 County with the community engagements and grants and
12 so forth.

13 THE WITNESS: Oh, thank you. And
14 we're -- we're -- as I said, we're proud to be -- to
15 be here and we take not only our stewardship of our
16 participants' property seriously because that is
17 critically important, but we take our role in the
18 community seriously.

19 MR. KAINS: Okay. Thank you, Mr. Doty.
20 Any other questions from members of the Committee?

21 (No response.)

22 MR. KAINS: All right. Now, questions
23 from members of units of local government, including
24 school districts?

1 Sir, from the County Board.

2 MR. SHOOK: Thank you.

3 MR. KAINS: Could you please state your
4 name and spell it for the court reporter.

5 MR. SHOOK: Yes, my name is Rick Shook.
6 Last name's S-H-O-O-K. I'm a Coles County Board
7 Member, 8th District, Mattoon.

8 My question is you have friends that are
9 involved with the wind turbines. You have -- you have
10 your local owners of the land, then you have friends.
11 How many friends do you have involved?

12 THE WITNESS: Do you mean like in a
13 participation agreement --

14 MR. SHOOK: Uh-huh.

15 THE WITNESS: -- or a good neighbor
16 agreement?

17 MR. SHOOK: Uh-huh.

18 THE WITNESS: I -- I -- unfortunately I
19 don't have that specific number. So we have a number
20 of agreements, wind lease or good neighbor agreement,
21 I don't have that in front of me. I can certainly get
22 that for you. But we've worked closely with folks who
23 may be interested in participating in the project but
24 maybe don't have enough farm ground to host a wind

1 turbine or other facilities, and so we work with them
2 on what we call a participation agreement or a good
3 neighbor agreement where they're able to participate
4 in the project and see some financial benefit.

5 MR. SHOOK: I was going to ask that too.

6 THE WITNESS: Yes.

7 MR. SHOOK: Do they also get paid?

8 THE WITNESS: Yes, sir.

9 MR. SHOOK: How much is that?

10 THE WITNESS: It depends, but it's not a
11 huge amount of money compared to the wind lease. But
12 in general -- and the way we approach all of our
13 participation payments to the property owners here is
14 we try and keep it -- we keep it equitable, right. So
15 everyone gets paid the same per capita for the number
16 of acres that they have in the project. Now, wind
17 turbine payments are obviously more, but.

18 MR. SHOOK: But friends don't have no
19 land?

20 THE WITNESS: Friends don't have a lot
21 of land, yes. So it's generally in general terms a
22 few \$1,000.

23 MR. SHOOK: Is that per year?

24 THE WITNESS: Correct.

1 MR. SHOOK: So how long does that last?

2 THE WITNESS: It lasts for the life of
3 the project. So it would be 30 years.

4 MR. SHOOK: So they're getting roughly
5 \$2,000 --

6 THE WITNESS: Yes, sir.

7 MR. SHOOK: -- a month -- excuse me, a
8 year?

9 THE WITNESS: A year, yes, sir.

10 MR. SHOOK: Okay. Thank you.

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

12 Counsel, will you get the information requested by
13 Mr. Shook.

14 MS. ANTONIOLLI: I will.

15 MR. KAINS: Thank you. All right. Any
16 other questions from members of units of local
17 government?

18 MR. BENNETT: Yes, sir.

19 MR. KAINS: Yes, sir. Could you please
20 state your name.

21 MR. BENNETT: My name's Bob Bennett,
22 B-E-N-N-E-T-T, District 11 in Coles County.

23 My question is about the funding of the
24 project.

1 THE WITNESS: Yes, sir.

2 MR. BENNETT: Your generous
3 contributions to the community is very appealing to
4 everyone, but is the project something that's funded
5 by the sale of energy or is it federally subsidized
6 and what percentage is federally subsidized?

7 THE WITNESS: It is not federally
8 subsidized. So the question if everyone could hear it
9 or didn't hear it was what percentage or how is the
10 project funded. So everything up until the point in
11 which we hit operations Apex is at risk for. So that
12 is an investment that we make in the community and
13 that is -- is how we do business. So we are at risk
14 for everything to this point.

15 MR. BENNETT: So your return is solely
16 based on the sale of energy?

17 THE WITNESS: Correct, yes. And so the
18 way these projects work is the electricity is sold out
19 into the future and so that revenue from the sale of
20 electricity is what funds the project and the company.

21 MR. BENNETT: Thank you.

22 THE WITNESS: Yes, sir.

23 MR. KAINS: Thank you, Mr. Bennett, for
24 your questions.

1 Any other members of units of local
2 government, questions for Mr. Moore?

3 (No response.)

4 MR. KAINS: All right. Very good.
5 Thank you.

6 There being no parties represented by
7 licensed attorneys, we go to other interested parties,
8 members of the public with questions for Mr. Moore.
9 May I just see a show of hands. This gentleman has
10 his hand up and then there's several over here, and
11 then one over here, all right, and one back there.

12 Okay. The gentleman right in front here come
13 forward, please, to the podium.

14 MR. HOFER: Hello. I'm David Hofer from
15 Charleston.

16 MR. KAINS: How do you spell your last
17 name, sir?

18 MR. HOFER: H-O-F, as in Frank, E-R.

19 MR. KAINS: H-O-F-E-R?

20 MR. HOFER: Yes.

21 MR. KAINS: Okay. Very good, Mr. Hofer.
22 Thank you. Your questions for Mr. Moore then.

23 MR. HOFER: Mr. Moore, I'm concerned
24 about -- I know if people will be indemnified if there

1 are wind damage from really bad storm or blade rips
2 off and, I don't -- spears somebody or damages their
3 building, or is it just another act of God during a
4 tornado. How would you answer that question?

5 THE WITNESS: Yes. I mean, quite
6 frankly, the answer is, you know, Apex owns the
7 facilities and Apex would be the -- the party that
8 would be responsible for clean up or damages were any
9 event to happen. Landowners who are participating and
10 others are indemnified from any impacts, and so we are
11 at risk and so if there were an event where there was
12 damage or one of our employees, whether it's during
13 construction or during operations created some damage
14 on property in the area, Apex would be the party that
15 would be responsible for that.

16 MR. HOFER: The risks of that happening,
17 do you have any probabilities?

18 THE WITNESS: I don't have specific
19 probabilities on that. I mean, it's incredibly low.

20 MR. HOFER: Oh, okay.

21 THE WITNESS: But -- but I don't have
22 specific numbers.

23 MR. HOFER: Thank you, sir.

24 THE WITNESS: Yes, sir.

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

2 Who was in the front over here?

3 Ma'am, in the -- is that teal? Blue?

4 MS. WINSLOW: You want me to come
5 forward?

6 MR. KAINS: Yes, ma'am. Please step
7 forward. And if you could please state your name.

8 MS. WINSLOW: Connie Winslow.

9 MR. KAINS: How do you spell your last
10 name, ma'am.

11 MS. WINSLOW: W-I-N-S-L-O-W.

12 MR. KAINS: Very good. Your questions
13 then for Mr. Moore.

14 MS. WINSLOW: Mr. Moore, how many
15 construction workers or truck drivers were
16 electrocuted or killed during an Apex Wind Farm
17 construction in Piatt County?

18 THE WITNESS: The question if you
19 couldn't hear it was how many construction workers
20 were killed, was that the correct question?

21 MS. WINSLOW: Yes.

22 THE WITNESS: And, again, it's a little
23 bit out of my lane. I'm not the person who builds
24 these projects, Adam is here and I know he can address

1 it in specifics, but I will answer your question that
2 there was one fatality during construction.

3 MS. WINSLOW: I know of two; truck
4 driver and an electrician.

5 THE WITNESS: I don't believe that's
6 accurate, but I do know there was a truck driver.

7 MS. WINSLOW: Did Apex Wind pay for
8 anti-negative campaign material mailers in any of the
9 county -- Ford County Board election?

10 THE WITNESS: Did Apex pay for
11 anti-wind -- anti, anti-wind?

12 MS. WINSLOW: Anti-negative campaign
13 material mailers in any Ford County Board election.

14 THE WITNESS: To my knowledge, no.

15 MS. WINSLOW: Hoopeston Wind in
16 Vermilion County is owned by Ikea Furniture Company;
17 is that correct.

18 THE WITNESS: Yes, ma'am.

19 MS. WINSLOW: Prosperity Wind in Piatt
20 County is owned by ACRES Capital?

21 THE WITNESS: It is owned by Apex Clean
22 Energy. And ACRES Capital is a financial partner of
23 Apex Clean Energy.

24 MS. WINSLOW: What does the tax income

1 and lease payment amounts have to do with the zoning
2 laws and citing plans in the Zoning Ordinance?

3 THE WITNESS: I mean, the specific
4 question was what does the tax revenue have to do with
5 the citing and zoning laws in the ordinance; is that
6 correct?

7 MS. WINSLOW: Yes.

8 THE WITNESS: Yes. I mean, we have a
9 number of experts who will be here this evening and
10 can address any specific questions you have about how
11 the project meets the criteria of the Coles County
12 Wind Ordinance.

13 MS. WINSLOW: Final question is will all
14 of the neighbors and residents around the turbines be
15 able to sleep in their homes at night?

16 THE WITNESS: I don't know if I can
17 answer that question.

18 MS. WINSLOW: Yes. That's all. Thank
19 you.

20 MR. KAINS: Very good. Thank you,
21 Ms. Winslow.

22 Next, okay, this gentleman. Yes, right here.
23 Good evening, sir.

24 MR. SHERMAN: Good evening. My name is

1 Tom Sherman. Last name is, S-H-E-R-M-A-N. I live in
2 northern coles County.

3 You talked about the 119 agreements, but yet
4 in your application those 119 agreements really only
5 amount to 74 people. Of those 74 people only 37
6 actually live in Coles County. The other 37, while
7 they own property, don't live in Coles County. Can
8 you address that.

9 THE WITNESS: That is accurate.

10 MR. SHERMAN: Thank you. So the
11 property thing. In the ordinance can you direct me to
12 exactly the section, page number, itemized number
13 where we're talking about economic development.

14 THE WITNESS: I can't in the specific
15 ordinance, no. But I'm also not the only expert who
16 will be speaking this evening.

17 MS. ANTONIOLLI: Yes. I do have an
18 expert that will be speaking specifically to economic
19 impact.

20 MR. SHERMAN: I look forward to that.
21 Then my last question for right now. About the EAV
22 and the diminishment, that there's not really any
23 diminishment of that, yet in your 698 page application
24 in Appendix E there are two places that you say of the

1 most cited 19 wind studies in North America, all but 4
2 concluded that the proximity to the wind farm to a
3 residential home has no negative impact on property
4 value. 4 out of 19 to me is 21 percent. That means
5 21 percent do have a negative impact.

6 MR. HESS: And, respectfully, Mr. Kains,
7 I'm going to object. I think that completely
8 mischaracterizes the testimony. He's certainly
9 welcome in his testimony to make that point if he
10 wants to make the point. But Mr. Moore certainly
11 didn't get into the details of those studies. We have
12 a separate expert, we've already said, who's going to
13 testify to this point. I think it's well beyond the
14 scope of his testimony.

15 MR. KAINS: Wasn't even a question. It
16 was a statement, okay. So, Mr. Hess, I understand
17 your objection.

18 Mr. Sherman, you are making good points but
19 this is the time to ask Mr. Moore questions. You can
20 make statements during your time to testify or during
21 public comment. But now is the time for you to ask
22 questions of Mr. Moore.

23 MR. SHERMAN: Okay. Then I'll rephrase
24 it this way.

1 MR. KAINS: Yes, sir, do.

2 MR. SHERMAN: Does 21 seem like a
3 substantial number to you?

4 MS. ANTONACCI: Objection. I'm going
5 to, with all due respect, wait because he's talking
6 about an appendix that Mr. Moore did not discuss
7 during his presentation. It's outside the scope of
8 his testimony. But, again, we do have an expert here
9 that can testify to that.

10 MR. KAINS: Who do you have?

11 MS. ANTONIOLLI: We have Mr. Andrew
12 Lines from CohnReznik.

13 MR. KAINS: Okay. When Mr. Lines comes
14 up, Mr. Sherman, that will be the perfect time for you
15 to address that.

16 MR. SHERMAN: Perfect.

17 MR. KAINS: Thank you. Thank you, very
18 much. And, Ms. Antoniolli, thank you for clarifying
19 that for us.

20 Okay. Mr. Hartke, how are you tonight?

21 MR. HARTKE: Good.

22 MR. KAINS: Jamie, this is Ted Hartke,
23 H-A-R-T-K-E.

24 MR. HARTKE: Seems like you know me

1 already. Okay.

2 MR. KAINS: I do.

3 MR. HARTKE: I'm Ted Hartke. I live up
4 near Sidney, Illinois, S-I-D-N-E-Y, that's in southern
5 Champaign County. And my history with wind farms and
6 the reason I'm asking questions is my wife and I and
7 my family, we abandoned our home in Vermilion County.
8 So here's my first question.

9 And specific to Apex Wind Company Projects in
10 Vermilion County in 2013, how many houses did Apex
11 purchase in that project?

12 MR. HESS: Well, respectfully, I'm going
13 to object. I'm not sure, first of all, the relevance
14 of a completely different project in a different --
15 completely different county. Secondly, Mr. Moore
16 testified he's worked for Apex for 7 years. How could
17 he possibly to what happened in 2013?

18 MR. KAINS: Okay. Folks, we need
19 Mr. Hess to make his argument and I need to rule on
20 it. I'm going to overrule, and I'm going to direct
21 the witness, if you know what happened back in -- what
22 year was it, Mr. Hartke?

23 MR. HARTKE: It was in 2013. The
24 purchase of three homes.

1 MR. KAINS: Do you know anything about
2 that project in 2013, Mr. Moore?

3 THE WITNESS: Other than I visited that
4 project. I don't know the specifics of the scenario
5 that you're asking me.

6 MR. KAINS: So you -- do you know the
7 answer to his question?

8 THE WITNESS: I do not know the answer.

9 MR. KAINS: Okay. Very good. Thank
10 you. Let's move on.

11 MR. HARTKE: Okay. Mr. Moore, were you
12 present at the Piatt County testimony? At all of the
13 nights testimony in Piatt County, just, I think, 12
14 months ago?

15 THE WITNESS: Almost all of them, yes.

16 MR. HARTKE: Were you present for my
17 presentation?

18 THE WITNESS: I was, yes.

19 MR. HARTKE: Do you remember when I
20 presented and asked about the three homes that Apex
21 purchased? So did you just tell this gentleman the
22 truth when you said you didn't have any clue --

23 THE WITNESS: I don't know the
24 specifics. I do know that there were homes sold. I

1 don't know any of the details of it.

2 MR. HARTKE: Okay. Thank you for that.

3 THE WITNESS: Yes, sir.

4 MR. HARTKE: Okay. Earlier a gentleman
5 asked -- or one of the gentleman in the booth over
6 here, Board Members, they asked about a federal tax
7 credit. When Apex purchase --

8 THE WITNESS: If I could correct you.
9 He did not ask about a federal tax credit. He asked
10 about a subsidy.

11 MR. DOTY: I'll talk to you about that
12 later. We'll get together on that.

13 MR. HARTKE: Okay. So a federal
14 subsidy. I'm going to ask if we can talk about a
15 production tax credit.

16 THE WITNESS: Yes, sir.

17 MR. HARTKE: Does Apex Wind Company
18 receive the production tax credit for each kilowatt,
19 megawatt that they produce.

20 THE WITNESS: For projects that do get
21 into operations, there are projects that do receive,
22 yes, the production tax credit.

23 MR. HARTKE: Will this be getting
24 production tax credit money?

1 THE WITNESS: I believe it will.

2 MR. HARTKE: Okay. About how much of
3 the production tax credit money income is compared to
4 what you actually sell electricity for to the final
5 buyer/purchaser of the power?

6 THE WITNESS: So maybe I'm not sure if I
7 understand your question.

8 MR. HARTKE: Okay. When you guys
9 produce power --

10 THE WITNESS: Yes.

11 MR. HARTKE: And you make 100 megawatts,
12 you get some money from the power company or the
13 utility company that buys the power, you also get some
14 money from the production tax credit. Is this thing
15 about half and half, half from production tax
16 credit --

17 THE WITNESS: No, sir.

18 MR. HARTKE: -- tax from the buyer? Do
19 you have any percentages?

20 THE WITNESS: So the way it works is
21 it's effectively a tax credit towards -- that goes
22 towards overall cost of the project. So it does
23 enable the project to then reduce the energy costs,
24 but it is similar, if not less, than what the tax

1 credit they may receive from every other source of
2 electrical generation.

3 MR. HARTKE: All right. And we're
4 talking about generation tax credit only, the
5 production tax credit, I mean, does this project get
6 any investment tax credit like solar farms do?

7 THE WITNESS: It would not get both, and
8 I don't know if it would get either investment or
9 production tax credit. But you would only get one or
10 the other. You cannot do both.

11 MR. HARTKE: Okay. Good. So this
12 project is probably only getting the production tax
13 credit portion, right? And about a minute ago you
14 said that the production tax credit goes towards
15 reducing the cost of the construction of the project.
16 Wouldn't that be an investment tax credit that would
17 go towards reducing the cost of construction of the
18 project?

19 THE WITNESS: I mean, I'm not an expert
20 on this so I can't speak to that specifically.

21 MR. HARTKE: Okay. I'm going to ask if
22 a neighbor has children in bed at night and they can't
23 sleep who will they call, the residents, who will call
24 when that happens?

1 THE WITNESS: Who would they call?

2 MR. HARTKE: Yes.

3 THE WITNESS: If we have a neighbor and
4 there's a complaint we have the office that they can
5 call, we have a person who's on call 24 hours a day 7
6 days a week. They can come visit us at the O&M
7 building during normal business hours and sometimes
8 after that if people are there, or they can reach out
9 via email to the company.

10 MR. HARTKE: Okay. Several ways reach
11 you if there's a problem, right?

12 THE WITNESS: Yes, sir.

13 MR. HARTKE: Okay. Are you -- this is
14 probably for the noise expert, but in Piatt County I
15 regretted not asking you this question, because the
16 noise guy said that I missed my opportunity to ask you
17 or the attorneys did or something. So this is why I'm
18 asking you, Mr. Alan, Alan Moore, I mean. Do you know
19 very much about the Illinois Pollution Control Board
20 Regulations? Do you know much about that, that I can
21 ask questions about that?

22 MR. HESS: Respectfully, Mr. Hartke, I'm
23 going to object, Mr. Kains. He didn't testify to
24 noise. We have a noise expert here.

1 MR. HARTKE: That's fine. I just wanted
2 to see if he would be willing to testify to anything
3 about that.

4 MR. KAINS: Mr. Hartke, thank you for
5 your question, but I'm sustaining the objection
6 because it is beyond the scope.

7 MR. HARTKE: That's no problem. I hope
8 you understand I have to try to see if he would even
9 be able to be willing to ask -- or answer any of those
10 kinds of questions.

11 MR. KAINS: I absolutely understand
12 where you're going, Mr. Hartke, and I appreciate that.

13 MR. HARTKE: Okay.

14 MR. KAINS: But when we get to that
15 expert witness you will have ample opportunity to
16 question that person.

17 MR. HARTKE: Thank you. Okay. I think
18 the attorneys here said it, but I want to see if you
19 said it too. You're telling this Board here that all
20 the conditions are going to be met for all their
21 Zoning Ordinance, right?

22 THE WITNESS: Yes, sir.

23 MR. HARTKE: And if we find something,
24 you're going to have to fix it before they will

1 approve it, right, if we find something?

2 THE WITNESS: I guess that's what we're
3 here is to discuss. And I think we're still waiting
4 on testimony from the --

5 MR. KAINS: One at a time, guys.
6 Mr. Hartke, let him answer the question. Go ahead,
7 Mr. Moore.

8 THE WITNESS: Our project meets all the
9 criteria of the -- the Coles County Wind Ordinance.

10 MR. HARTKE: Okay. And if there's an
11 issue and we find it during these hearings, you guys
12 can update and change it to meet the code, correct?

13 THE WITNESS: Depends on what you're
14 alluding to.

15 MR. HARTKE: All right. I'll have to
16 allude to it later because I'm getting shutdown for
17 asking you stuff you don't know about, okay, or you
18 weren't willing to answer.

19 That's all I have. Thank you. Have a good
20 night.

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

22 All right. The gentleman in the back, he's
23 coming forward. As he comes forward, just still a
24 show of hands, who still wants to -- okay. This lady

1 right here in the about the third row, the gentleman
2 in the back and then this gentleman in front of him
3 seated there. Oh, and also this one back there.

4 Okay. Sir, what is your name?

5 MR. ALLEN: Yes, my name is Kirk Allen.

6 MR. KAINS: Okay.

7 MR. ALLEN: Allen, A-L-L-E-N.

8 MR. KAINS: Okay.

9 MR. ALLEN: First name's Kirk, K-I-R-K.

10 MR. KAINS: Kirk Allen. Very good. Go
11 right ahead.

12 MR. ALLEN: I just have one brief
13 question in relation to we started this with
14 everything is under oath. In this report or this
15 presentation you talk about 275 million in direct
16 economic benefit. When a vast majority of those
17 people don't live in Coles County how is that a direct
18 economic benefit to Coles County.

19 THE WITNESS: I mean, they own property
20 in this county.

21 MR. ALLEN: That didn't answer my
22 question.

23 THE WITNESS: Sure. I mean, I think my
24 point is it is 275 direct dollars in direct economic

1 benefits from this project. A very large portion of
2 that does come here to Coles County, whether that's in
3 property taxes, whether that's in money for roads,
4 whether that's going to schools, whether that's going
5 to a large portion of the landowners who do live in
6 the community. Certainly there are landowners who own
7 property and participate who don't live in Coles
8 County.

9 MR. ALLEN: So you're acknowledging it's
10 not a -- it's not all direct economic benefits?

11 THE WITNESS: It is all direct economic
12 benefit, yes. But not every dollar flows directly
13 into Coles County.

14 MR. ALLEN: I'm confused.

15 MS. ANTONIOLLI: You know, it might help
16 again to defer this question to Dr. Loomis who can
17 talk about what went into the methodology for
18 determining the direct impacts and factoring in with
19 the landowners that don't live in the county. So his
20 report addresses all those things.

21 MR. KAINS: Okay. Ms. Antoniolli,
22 you're saying that Dr. Loomis would provide more
23 clarity because he's the expert --

24 MS. ANTONIOLLI: He is the author of the

1 author of the report, correct.

2 MR. KAINS: And this gentleman is the
3 project developer was just giving us an overview of
4 this?

5 MS. ANTONIOLLI: Overview, yes.

6 MR. KAINS: Okay. Very good. I think I
7 understand.

8 MR. ALLEN: So you say -- say that
9 acknowledge the 275 million in direct economic
10 benefits. You can't speak to that?

11 THE WITNESS: I think that Dr. Loomis
12 can maybe answer your question a little more clearly.

13 MR. ALLEN: So you can't speak to that
14 as an expert witness, correct?

15 THE WITNESS: I'm not -- I mean, again,
16 I think Dr. Loomis would be the best person to answer
17 your question to the specifics of it.

18 MR. ALLEN: Thank you. Point made.

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

20 Okay. Now, the lady in the third row who had
21 her hand up. Oh, I thought that was attached to her.
22 It's you. Go ahead.

23 Sir, what is your name?

24 MR. BORGMAN: My name is Phil Borgman.

1 Borgman, Phil Borgman, B-O-R-G-M-A-N.

2 MR. KAINS: Mr. Borgman, go right ahead
3 with your questions for Mr. Moore.

4 MR. BORGMAN: In Illinois of how many of
5 these projects -- proposed projects were not approved
6 by the zoning boards?

7 THE WITNESS: I mean, I can't speak to
8 across the entire state of Illinois.

9 MR. BORGMAN: For Apex.

10 THE WITNESS: For Apex. Not approved?

11 MR. BORGMAN: Yes, not approved.

12 THE WITNESS: I mean, I know one that I
13 worked on certainly was not approved by the zoning
14 board, but was approved by the County Board.

15 MR. BORGMAN: What were the reasons they
16 gave deciding for that, or did they just vote on it
17 and not give you a --

18 THE WITNESS: There was a lot of
19 discussion, so, I mean, I'm sure that you can find all
20 the specifics covered, whether it's in media or court
21 transcripts.

22 MR. BORGMAN: What project was that so
23 we could look that up?

24 THE WITNESS: Prosperity Wind.

1 MR. BORGMAN: Prosperity, okay.

2 THE WITNESS: Yes, sir.

3 MR. BORGMAN: Okay.

4 MR. KAINS: In Piatt County.

5 MR. BORGMAN: In Piatt County, okay.

6 MR. KAINS: Yes, sir.

7 MR. BORGMAN: We are in northern Coles
8 County as well and the proposed drop yard is right at
9 the end of our road. We have animals, children, how
10 do you ensure that your construction crews don't, you
11 know, step outside, run off the road? Because I've
12 worked in a -- I've worked in -- all over Illinois in
13 different wind farms and, actually, I mean, you have
14 to get off the road for the trucks when they come down
15 the road and, I mean, it just seems like kind of pain.
16 How do you ensure that that doesn't happen?

17 THE WITNESS: Yes, I mean, again, I'm
18 not the construction expert here, my colleague Adam
19 who was building the project in Piatt and will build
20 this project here can speak to more of those
21 specifics. But a lot of the activity that we will do
22 in this project will be governed by our road use
23 agreements with the townships and the county. And so
24 that will oversee the roads we can use, when we can

1 use them, etc.

2 MR. BORGMAN: Okay. With the drop yard
3 being at the end of our road about a mile away, you
4 said that you will not have any negative impact on the
5 water, so the wells or anything like that. If you are
6 going to control dust on those roads, where are you
7 going to get water from if you're not pulling it from
8 local watershed?

9 THE WITNESS: Sure. Yes. And, again, a
10 little bit out of my lane, so I'm more than happy to
11 let Adam address this specifically and he will. We
12 looked through all -- and we haven't gotten to that
13 point yet to know specifically whether it will come
14 from a well or from another high like flow commercial
15 well in the area used for Ag use.

16 MR. BORGMAN: Okay. That's all I have
17 for this one.

18 MR. KAINS: Very good. Thank you,
19 Mr. Borgman, for your questions.

20 All right. Is there anybody over on this
21 side of the room? Yes, ma'am.

22 Good evening. Could you please state your
23 name for the court reporter.

24 MS. ROGERS: My name's Rita Rogers,

1 R-O-G-E-R-S.

2 MR. KAINS: R-O-G-E-R-S. And it's Rita?

3 MS. ROGERS: Rita, R-I-T-A.

4 MR. KAINS: Very good. Go right ahead
5 with your questions for Mr. Moore.

6 MS. ROGERS: All right. Talk about the
7 impact on the community quite a bit and the benefits.
8 Are there any benefits for Coles County outside of the
9 money?

10 THE WITNESS: I mean, I guess it depends
11 on what you look at for benefits. I mean, you will
12 see increased quality of schools, you'll see better
13 roads, but certainly money is a big benefit to the
14 community.

15 MS. ROGERS: So money. Because money is
16 what the -- okay. The studies conducted, Apex pays
17 for those studies?

18 THE WITNESS: Yes, we do.

19 MS. ROGERS: I think you mentioned.
20 Okay. You mentioned American owned investment, and I
21 realize that may be beneficial for Apex to be able to
22 say that. Another gentleman had talked about that,
23 asking about it being specifically being American
24 owned. Are all of the parts for the turbines made in

1 America?

2 THE WITNESS: Certainly not all the
3 parts, no.

4 MS. ROGERS: Okay. I just think that's
5 important to note to --

6 THE WITNESS: For sure.

7 MS. ROGERS: -- American owned versus
8 American made.

9 THE WITNESS: Yes.

10 MS. ROGERS: Those are two different
11 things. Did you happen to be in town Saturday night
12 during the storm?

13 THE WITNESS: I was not, no.

14 MS. ROGERS: All right. I just wondered
15 if you happened to see the news where the
16 meteorologist spent a good three minutes discussing
17 how they could no longer identify storms in the area
18 where turbines are. I have a good friend that lives
19 in Fowler, Indiana as well, where they are turbines
20 and they have been for 30 years. They haven't been
21 able to tell whether a tornado is coming for about --
22 like for 25 years or whatever the turbines have been
23 there. So weather patterns are interrupted and a
24 radar is unable to measure where a turbine --

1 MR. KAINS: Ms. Rogers, do you have a
2 questions for him on that?

3 MS. ROGERS: Well, my question was like
4 do you know that? Do you understand that?

5 THE WITNESS: Do I understand that
6 weather patterns -- that turbines --

7 MS. ROGERS: Are unable to be determined
8 because --

9 THE WITNESS: I don't think that that's
10 accurate so.

11 MS. ROGERS: Well, the meteorologist
12 said it on TV so.

13 MR. KAINS: Well, it's got to be here.

14 MS. ROGERS: He said he could -- he --
15 they literally said they could swirl patterns at all
16 or tell anyone if a tornado was coming in the area
17 where turbines --

18 THE WITNESS: So I can't speak to that
19 specific wind turbine or where -- or who that
20 meteorologist is.

21 MS. ROGERS: And I have friends who
22 lived that -- lived -- lived through that.

23 THE WITNESS: Sure.

24 MS. ROGERS: Okay. Last question is

1 good neighbor agreement. Do you have that form that
2 everyone could see and what does it mean to be a good
3 neighbor?

4 THE WITNESS: I don't have it in front
5 of me. I believe it's included in the application.
6 So the form should be in the Special Use Permit
7 Application. What it means is you are participating
8 in the project, but it does not give us the right to
9 site any facilities on your property.

10 MS. ROGERS: How so participating?

11 THE WITNESS: How so participating?

12 MS. ROGERS: Yes.

13 THE WITNESS: It means financially you
14 receive some money from us, and then, you know, from
15 our perspective, most people who look at the desire to
16 participate in the project are looking for a financial
17 payment. They're also looking to be part of it
18 because they realize the project's going to move
19 forward. And so we look at it as a way to enable
20 people to see some economic benefits from the project,
21 to be a participant in the project moving forward.
22 But, again, these agreements are signed on properties
23 generally that are small and aren't able to host
24 facilities.

1 MS. ROGERS: So it's kind of like a
2 payoff for having it next to you? Because it's not
3 really pleasant to be around?

4 THE WITNESS: That's not my
5 understanding of it, but I can't control how other
6 people would perceive it.

7 MS. ROGERS: Okay. That's all.

8 MR. KAINS: Okay. Thank you,
9 Ms. Rogers.

10 Okay. The gentleman in the back standing up.

11 MS. PHIPPS: Good evening. I'm
12 Nathaniel Phipps. I guess I would be an adjacent
13 property owner. My wife and my two children, we're
14 kind of in midst of about five of those. And we got a
15 flyer in the mail. I don't know the impacts of all
16 this. I work in the industry -- energy industry,
17 sorry, but not in wind, and I guess I'm just somewhat
18 confused how the whole project cycle goes. What the
19 good neighbor mindsets. Discovered this, we got a
20 flyer in the mail to show up here. But we're going to
21 live in the shadow of five of these things. But what
22 are some of the negative impacts? I guess how -- how
23 do we get better clarity on that, other than, just
24 sitting through potentially several evenings of this?

1 THE WITNESS: Yes. I'm mean, I'm happy
2 to speak to you more directly about specific questions
3 when we're not here in this big room or you can speak
4 to any of my colleagues who are here as well.

5 MR. PHIPPS: Okay.

6 THE WITNESS: If you have specific
7 questions.

8 MR. PHIPPS: Yes, I can't think of any
9 off the top of my head, just other than being an
10 adjacent landowner with literally being surrounded by
11 these when we've gotten very -- very little
12 notification other than legal requirement. So I guess
13 the good neighbor thing -- I guess how far does that
14 expend? I'm not looking for a payout, just -- if it's
15 an adjacent property but it's only five acres, you
16 just don't pay attention to them?

17 THE WITNESS: No. I mean, I can't
18 swear -- I can't speak to your specific instance. I
19 do know that we've talked to many if not most of the
20 property owners in the project area. If we did not
21 get to you, it could have been that a mailer was sent
22 to you, it never got there. It could have been a
23 phone call was made and never returned. It could have
24 been -- I don't know. I can't, again, speak to that

1 specific instance. I'm more than happy to have the
2 conversation with you, answer specific questions you
3 might have and specific to your ground.

4 MR. PHIPPS: I'm sure we'll have more as
5 it --

6 THE WITNESS: Sure.

7 MR. PHIPPS: -- goes on there. But just
8 wanted to at least state that, you know, we're
9 literally surrounded by them and we've gotten no
10 notification or anything. But that doesn't really
11 spell good neighbor.

12 MR. KAINS: Okay. Mr. Phipps, now is
13 the time to ask questions of the witness. You can
14 testify later. But thank you, very much.

15 Okay. Gentleman in second row from the back.
16 That's you. I've completely forgotten your name and I
17 just saw you hours ago in hearing in Vermilion County.

18 State your name for the court reporter,
19 please.

20 MR. CRONKHITE: Sure can. My name is
21 Arthur Cronkhite from Vermilion County, born and
22 raised. I'm down here to speak some truth to this
23 group.

24 Mr. Cronkhite, it's time for questions

1 remember.

2 MR. CRONKHITE: I know. I know. I
3 know. I'm just letting everybody know I'm here.

4 Mr. Moore, sound study. Were there any
5 studies having to do with infrasonic frequencies?

6 THE WITNESS: Again, I mean, you can
7 review the sound study itself. It looks at a variety
8 of different octave bands. And, again, we have an
9 expert here who can speak specifically to it better
10 than myself.

11 MR. CRONKHITE: And they're going to be
12 speaking this evening?

13 THE WITNESS: Well, if we get to them
14 this evening. I'd love for that to happen.

15 MR. CRONKHITE: All right. All right.
16 You say you're an American company, how much of
17 your -- your revenue or your costs go to China? The
18 turbine systems, the gearboxes and the generators are
19 major, major costs in those machines and they're all
20 made in China?

21 THE WITNESS: I can't speak to that
22 specifically.

23 MR. CRONKHITE: You can't. Okay.
24 That's interesting. Okay. Contributions, you know,

1 some people would say that all your contributions are
2 really just buying people off. Is that true?

3 THE WITNESS: No.

4 MR. CRONKHITE: Okay. Aerial spraying,
5 are you aware that wherever you throw a wind turbine
6 up you can no longer do aerial spraying with crop
7 dusters?

8 THE WITNESS: No, that's not true.

9 MR. CRONKHITE: Really? You can fly in
10 amongst those?

11 THE WITNESS: Yes, sir.

12 MR. CRONKHITE: Okay. Health surveys.
13 Do you folks ever do any health surveys after a
14 turbine system goes in?

15 THE WITNESS: What do you mean by a
16 health survey?

17 MR. CRONKHITE: Well, going door to door
18 and knocking and saying how's your health, you know,
19 like, you know, somebody from the county comes through
20 or whatever and they ask questions on their people's
21 health after the installation.

22 THE WITNESS: No.

23 MR. CRONKHITE: Okay. You said restore
24 land. You know, how do you define restoring the land?

1 I know all the cables in ground, you pull all those
2 out and you dig up the big -- you know, what else do
3 you do?

4 THE WITNESS: I mean, again, you can
5 look at our decommissioning study that outlines it
6 specifically. It meets the standards of the county
7 ordinance, it meets the standard from the state AIMA.
8 So we follow or exceed all of those.

9 MR. CRONKHITE: Okay. So you can take
10 farmland, dig it in and everything and tear it up and
11 then it will -- it will grow the same stuff again?

12 THE WITNESS: Yes.

13 MR. CRONKHITE: Really. Okay. Why do
14 you take people's first amendments rights away in a
15 contract? In your contract anyone that signs a wind
16 turbine can never speak of those turbines again,
17 correct?

18 THE WITNESS: Speak of the turbines?

19 MR. CRONKHITE: Yes. For or against.

20 THE WITNESS: No.

21 MR. CRONKHITE: So -- really? So there
22 is no contractual agreement --

23 THE WITNESS: There is a confidentiality
24 clause, yes.

1 RM. CRONKHITE: Right. That they can't
2 talk about it, right?

3 THE WITNESS: In my experience in having
4 these more often than not the individuals want to have
5 that in there because it's a private business deal
6 between their family and our project.

7 MR. CRONKHITE: Do they even know it's
8 in there?

9 THE WITNESS: Yes, absolutely.

10 MR. CRONKHITE: So people give up their
11 first amendment right, okay.

12 MR. KAINS: Mr. Cronkhite, questions,
13 please.

14 MR. CRONKHITE: I'm sorry. I'm sorry.

15 Good neighbor agreement, what do those entail
16 besides the money? We know the --

17 THE WITNESS: Sure. I mean, if you
18 really want to see it, it would best if you reviewed
19 the permit application because the form's in there.

20 MR. CRONKHITE: Are those people allowed
21 to speak as to their experiences after they've signed
22 the contracts?

23 THE WITNESS: Yes.

24 RM. CRONKHITE: They are, okay. Tax

1 credit versus -- you know, can you explain the
2 difference between what a tax credit and direct income
3 from the government? What's the difference?

4 THE WITNESS: I mean, I'm not a tax
5 expert, no. So I can't speak specifically to that.
6 What I can say is that the production tax credit is
7 based on energy produced by the wind farm, and so it
8 is not a subsidy that goes towards the project.

9 MR. CRONKHITE: Okay. That's all I
10 have.

11 MR. KAINS: Thank you, Mr. Cronkhite,
12 for your questions.

13 Anybody else in the room? Yes, ma'am,
14 Ms. Miller. And then, sir, did you have your hand up?
15 Okay. Very good. You'll be next.

16 MS. MILLER: Becky Miller from Vermilion
17 County. I have just a couple of quick questions. You
18 said you have a couple other projects in the state?

19 THE WITNESS: Yes.

20 MS. MILLER: But you didn't say where
21 they are. So from listening, I assume one is in Piatt
22 County?

23 THE WITNESS: Yes, ma'am.

24 MS. MILLER: And where is the other one?

1 THE WITNESS: We developed a project in
2 Hoopeston County. We've developed --

3 MS. MILLER: Hoopeston County?

4 THE WITNESS: Or, I mean, excuse me, in
5 Vermilion County, in Hoopeston.

6 MS. MILLER: So is that the project
7 that's in northern Vermilion County is Apex?

8 THE WITNESS: It is not owned by Apex.
9 It is owned by Ikea.

10 MS. MILLER: Which Apex developed it?

11 THE WITNESS: Apex developed it, yes.

12 MS. MILLER: Is that the one Mr. Hartke
13 was referencing?

14 THE WITNESS: It's the one that he
15 referenced, yes.

16 MS. MILLER: Okay. So what about the
17 one in Ford County? Was that --

18 THE WITNESS: We also developed that
19 project, yes. But we don't own that project
20 currently, no.

21 MS. MILLER: So let me -- then let me
22 rephrase this.

23 THE WITNESS: Yes.

24 MS. MILLER: What counties have you

1 developed projects in in Illinois?

2 THE WITNESS: Have we developed? We've
3 developed projects in a number of counties. So we've
4 developed in Piatt County, in Coles County. We have
5 earlier projects in development in Peoria and
6 Iroquois, Shelby, Henry Counties and a few others.

7 MS. MILLER: Okay. How about Indiana?

8 THE WITNESS: We do have some projects
9 in Indiana. I know we worked on a project in
10 Montgomery County, and I know we have a number of
11 other projects in Indiana, but, again, I don't work on
12 those projects and I can't give you all of those.

13 MS. MILLER: How about Ohio?

14 THE WITNESS: We have projects in Ohio
15 as well.

16 MS. MILLER: Do you have part of the
17 Long Prairie Wind Project in Ohio? Is that part of
18 Apex?

19 THE WITNESS: I don't believe so, no.

20 MS. MILLER: Apex is pulling out of it
21 or something like that?

22 THE WITNESS: I don't believe so.

23 MS. MILLER: You don't believe so.

24 MR. KAINS: Ms. Miller, if you could get

1 to the relevancy of these questions.

2 MS. MILLER: Yes, I've been trying to
3 figure out how widespread they are in the state of
4 Illinois. Because he said two places. But I'm
5 gathering there's more than that.

6 MR. KAINS: Let's talk about Illinois
7 not Indiana and Ohio, okay.

8 MS. MILLER: Okay. Also the good
9 neighbor agreements, Mr. -- a couple people have
10 mentioned them, you mentioned it earlier. My
11 understanding, and this is what I want to know if my
12 understanding is correct or not, once a neighbor signs
13 that then they're not allowed to speak out in favor or
14 against?

15 THE WITNESS: No.

16 MS. MILLER: Because we're just trying
17 to figure out exactly what a good neighbor --

18 THE WITNESS: Sure.

19 MS. MILLER: -- contract is besides
20 we'll give you some money.

21 THE WITNESS: Yes. That's not accurate.
22 You're not not able to speak out.

23 MS. MILLER: Okay. Thank you.

24 MR. KAINS: Thank you, Ms. Miller.

1 Okay. The gentleman in the light green shirt back on
2 the wall. And after this gentleman, is there anybody
3 else from the public -- okay. I see a red sleeve --
4 oh, that's right. You're there. Anybody else besides
5 this person? Okay. Yes, sir. Thank you. Because I
6 couldn't see you behind the speaker.

7 All right. Sir, what's your name?

8 MR. MILLER: Good evening. My name's
9 Dan Miller. And I have a quick question regarding --
10 we talked about the taxes that were going to be
11 generated off of this particular project. Our
12 farmland taxes are always based off an assessed value
13 so that we know what the -- our tax base is going to
14 be.

15 THE WITNESS: Sure.

16 MR. MILLER: Can you talk about, has
17 Coles County shared with you -- you said that those
18 particular mills and the land that you own will be
19 pinned and tax ID'd to your Apex. Have they given you
20 a heads up on what the assessed value would be so that
21 we know if your tax base is accurate?

22 THE WITNESS: Sure. Yes. So, again
23 tax, Dr. Loomis is the expert here. But by state
24 statute the -- every renewable energy project in the

1 state is assessed at a specific value per megawatt,
2 and so it doesn't actually come back to the local
3 county assessor to assess the -- the underlying
4 installation on the property.

5 MR. MILLER: So Coles County has no
6 recourse on whether they want to raise that tax base?
7 It's all --

8 THE WITNESS: The value, correct. The
9 underlying mill rate or the tax rate is set by Coles
10 County. So the value per megawatt is set at the state
11 level for every project in the state and then the
12 individual county's mill rate is governed, then the
13 total tax rate on this specific project.

14 MR. MILLER: So those acres that you're
15 taking out of production, they will be like -- the
16 landowner will not pay tax to Coles County on that?
17 You will take over those acres?

18 THE WITNESS: I believe the way it
19 works, and, again, Dr. Loomis is more of an expert on
20 this subject --

21 MR. MILLER: But you didn't present that
22 earlier?

23 THE WITNESS: Sure. Yes. Yes. And if
24 you'll let me --

1 MR. MILLER: And so we don't know the
2 answer to that yet or you do not know the answer?

3 THE WITNESS: If you let me -- let me
4 address the question. So the way it works in the
5 state is we are required to plat all of our facilities
6 on the property. The county issues a PIN for those
7 facilities, and I -- and I'm sure Dr. Loomis can speak
8 to the specific code and law of how it is governed,
9 and so then that separate PIN is not a true separation
10 under the Plat Act in the state of Illinois. What it
11 does do is allow us to then receive the property tax
12 for the installation of the facilities on that ground.
13 So we receive the property tax, the underlying ground
14 remains the same.

15 MR. MILLER: Thank you for your time.

16 MR. KAINS: Very good. Thank you,
17 Mr. Miller.

18 Okay. Back here with the red sleeve that was
19 up in the air. It's not even red.

20 THE WITNESS: There's red on the vest.

21 MR. KAINS: There's red on the vest. Go
22 ahead. If you could you please state your name for
23 the record.

24 MR. YODER: Sure. My name is Davon

1 Yoder.

2 MR. KAINS: Okay. Spell your first and
3 last.

4 MR. YODER: Davon is D-A-V-O-N, Yoder is
5 Y-O-D-E-R.

6 MR. KAINS: Okay. Very good. Go right
7 ahead.

8 MR. YODER: Couple questions for you.
9 First is the electricity that is generated from the
10 project, is that something that's going to be used
11 locally, is that spread across the state, or where
12 does that go to?

13 THE WITNESS: Yes. So this is a
14 confusing topic, I can understand. So I kind of like
15 to use the analogy of dollars that you put into an ATM
16 and get out of an ATM, right. And so what we do is we
17 put electricity onto the electrical grid. It moves at
18 the speed of light all over the place. So it goes
19 into Coles County generally because of the close
20 proximity, it will be used by residents here. But the
21 way these projects work is often electricity is sold
22 via a purchase to power agreement to another entity
23 and then they acquire the electricity from that --
24 from a project like Coles Wind.

1 MR. YODER: Okay. The next question is
2 in reference to state of Texas a couple years ago has
3 a lot of renewable energy and they had a grid go down
4 for multiple days. And so the question here is, is
5 the wind project here grid forming in that it produces
6 power without relying on other projects to support it
7 to set a system voltage essentially? Is it grid
8 forming? Is that something you can answer?

9 THE WITNESS: I mean, I think Adam would
10 be a better person to specifically answer that.

11 MR. YODER: Okay.

12 THE WITNESS: But I'm not sure exactly
13 that -- what that phrase is.

14 MR. YODER: As I understand, renewable
15 energy generally, and so my understanding is that I've
16 got solar farm on my property and the inverters there
17 are based on incoming grid electric voltage and so
18 they produce a matching voltage when they're using the
19 energy that they produce. And solar farms generally
20 think that's how they work, and solar -- sorry, wind
21 farms, as I understand it, work on the same principle,
22 they have to be set, a set voltage. And so when
23 there's no voltage there it cannot produce energy to
24 start up again on its own. And so there's some

1 reliability issues. If the rest of -- some other
2 plant goes down, if there's not enough voltage then
3 the solar -- or, sorry, the wind farm does not have a
4 capacity to generate energy until it sees another
5 voltage incoming to essentially start the wind farm;
6 is that -- is that correct?

7 THE WITNESS: Not to my knowledge, no.
8 I mean, I think if you trying to compare a specific
9 scenario in Texas which is a very different scenario
10 than Illinois, and specifically MISO, the way in which
11 the grid is operated and managed is significantly
12 different. And so the balance of power that is on the
13 electrical grid is coming from a lot of different
14 sources, a lot of which is coming from wind, a lot of
15 which is coming from solar, a lot of which is coming
16 from more conventional sources. So to my
17 understanding is if the entire grids were to go down,
18 I don't know that I am qualified to speak to that.
19 But I don't believe that that would ever be at risk
20 here.

21 MR. YODER: Okay. Thank you.

22 MR. KAINS: Very good. Thank you for
23 your questions.

24 Okay. Gentleman in the plaid shirt. What's

1 your name?

2 MR. LICKFETT: Yes. Good evening.

3 Timothy Lickfett, L-I-C-K-F-E-T-T.

4 MR. KAINS: Okay. Go ahead,

5 Mr. Lickfett.

6 MR. LICKFETT: Yes, Mr. Moore. Good
7 evening. Hey, been hearing lot of rumors and so I
8 want to try to differentiate a little bit between fact
9 and rumor and you're the head honcho of this whole
10 thing. I live seven-tenths of a mile north of the
11 county line in Douglas County. Kind of in the
12 northeast corner, I guess you'd say, of the
13 highlighted area of your project. I keep hearing
14 rumors that should the moratorium that's currently in
15 place in Douglas County on wind energy get lifted or
16 bypassed or run over or what have you, is this project
17 going to spill into Douglas County down the road?

18 THE WITNESS: No.

19 MR. LIFFETT: You can say this is going
20 to stay where it's at?

21 THE WITNESS: Yes, sir.

22 MR. LICKFETT: Moratorium gets lifted,
23 you don't start a new project, name it something else
24 and it get around it or Phase 2 or whatever, this is

1 what it is?

2 THE WITNESS: Well, this project,
3 absolutely, yes. Whether another developer or Apex
4 would start another project in Douglas County in the
5 future, like I can't specifically speak to that, no.
6 But this project will never bleed into Douglas County.

7 MR. LICKFETT: Okay. Thank you.

8 MR. KAINS: Thank you, very much for
9 your questions, sir.

10 Anybody else from the public?

11 (No response.)

12 MR. KAINS: I don't see any other hands.
13 Whether sleeves are red or black. Sorry that I missed
14 that.

15 MR. FOOR: I don't have a question. But
16 somebody left their cell phone over here. That's --
17 I've been noticing that for a while.

18 MR. KAINS: Okay. Can we have your name
19 for the record.

20 MR. FOOR: Keatin Foor.

21 MR. KAINS: Keatin Foor?

22 MR. FOOR: Yes.

23 MR. KAINS: K-E-A-T-O-N?

24 MR. FOOR: T-I-N.

1 MR. KAINS: T-I-N. F-O-O-R?

2 MR. FOOR: Yes, that's me.

3 MR. KAINS: Thank you, Mr. Foor.

4 Anybody lose a cell phone?

5 All right. With there being no further
6 questions from the public.

7 Questions now for Mr. Moore from Coles County
8 staff and consultants. First of all, Mr. Lockhart, do
9 you have any questions?

10 MR. LOCKHART: No.

11 MR. KAINS: Okay. Very good. He's kind
12 of hanging out back here, Mr. Lockhart from the
13 Planning Commission -- or Planning Department.

14 Mr. Keyt, questions.

15 MR. KEYT: I have a few questions. I
16 don't know if you want to recess for a moment or --

17 MR. KAINS: I was hoping to get through
18 this witness entirely.

19 MR. KEYT: I'll take a shot.

20 MR. KAINS: Few more minutes. Be brief,
21 Mr. Keyt.

22 MR. KEYT: I'll do my best.

23

24

1 **CROSS-EXAMINATION,**

2 **QUESTIONS BY MR. ANDREW J. KEYT:**

3 Q. Mr. Moore, there's a batch plant that's
4 proposed as part of the project; is that correct?

5 A. Yes, sir.

6 Q. In terms of water usage, you would agree
7 that batch plants tend to use a fair amount of water
8 in mixing concrete?

9 A. They can. I mean, I guess it depends on
10 what you mean by fair amount.

11 Q. In that process if there is water
12 impacts to either wells or adjacent wells or any other
13 water impacts, you'd be -- Apex would be willing to
14 take care of those decreases in water --

15 A. Sure. We would be willing to consider
16 making sure that we didn't that kind of problem.

17 Q. And just for clarity, I just -- what
18 your application seeks is an application for site
19 approval 62 wind turbines, but Apex is only going to
20 build 51 of those turbines, correct?

21 A. Yes, sir.

22 Q. In your project summary there's a
23 reference that there is a \$650 million capital
24 investment. When you say capital investment can you

1 describe for the Committee what exactly you mean by
2 that?

3 A. Sure. I mean, that would include the
4 costs of the turbines themselves. That would include
5 the cost of road improvements. That would include the
6 cost of the components that go into the turbine and
7 that would include the cost that goes into the actual
8 construction activities of the project.

9 Q. Do you know how much of that cost is
10 construction cost?

11 A. Oh, that's a good question. The
12 question was how much of the overall cost was the
13 construction cost. I mean, I think Adam would be best
14 able to speak that more specifically because it's more
15 on his scope of work. I could give rough numbers, but
16 he could answer that question very directly.

17 Q. When it comes to decommissioning, I have
18 a number of questions related to decommissioning --

19 A. Sure.

20 Q. -- my assumption, Mr. Moore, is that you
21 will defer to the other witnesses on that topic; is
22 that correct?

23 A. Yes.

24 Q. Okay. When it comes to emergency plans,

1 has there been discussions with any of the fire
2 protection districts?

3 A. Yes, sir.

4 Q. Have those discussions with the fire
5 production districts resulted in any agreements with
6 the fire protection districts?

7 A. Agreements, I mean, we've sent them our
8 emergency action plan. We've sought feedback from
9 them, and then that we know where we -- where we've
10 received it, we will integrate it into the emergency
11 action plan, and then that project, again -- or the
12 emergency action plan, again, is sort of a living
13 document and continues to evolve over time.

14 Q. You understand that there's -- most of
15 the emergency response -- or fire projection districts
16 are volunteers of those fire protection districts?

17 A. Yes, sir.

18 Q. To the extent that there is either
19 training or equipment that they need Apex would be
20 willing to provide that training or equipment to them?

21 A. We -- well, there should be no equipment
22 that is needed, but we will certainly do ongoing
23 training that takes place with the impacted fire
24 districts.

1 Q. You also would agree that those fire
2 protection districts, those are taxing body?

3 A. Yes, sir.

4 Q. If there is an emergency that occurs at
5 the wind farm or related to work done by the wind
6 farm, would Apex be willing to reimburse those fire
7 districts for the costs of responding to that
8 emergency?

9 A. I mean, I'd be happy to have this
10 conversation. I don't know that I know enough about a
11 specific instance that you are referring to.

12 Q. I wasn't referring to a specific one.
13 Just --

14 A. Yes. Or a specific type of instance.

15 Q. Yes. But if there was an emergency
16 would Apex be willing to reimburse those fire
17 districts for that emergency?

18 A. Yes.

19 Q. In terms of -- at this juncture, I
20 understand there's no road use agreements that are
21 current?

22 A. Yes, sir.

23 Q. My understanding typically when it comes
24 to road use agreements, is part of the road use

1 agreement understanding is that the developer will pay
2 for improvements related or necessary for the roads to
3 be able handle the loads that are going to come; is
4 that fair?

5 A. Yes.

6 Q. In terms of damages that might occur, I
7 assume you'll be responsible for any damages that may
8 occur to roads; is that fair?

9 A. Yes.

10 Q. Also fair that if there's emergency
11 repairs that need to be made to those roads while the
12 construction's going on Apex would be willing repair
13 those costs?

14 A. Yes.

15 Q. Or pay for those repairs? And then
16 during the construction there may be times where there
17 would be roads that may have delays related to the
18 construction; is that fair?

19 A. That's fair.

20 Q. Apex would be willing to make sure that
21 the public is informed about what roads might be shut
22 down and what times; is that fair?

23 A. Yes.

24 Q. Okay. Is there currently a power

1 purchase agreement in place?

2 A. Yes, there is.

3 Q. Who is it with?

4 A. The Illinois Power Authority.

5 Q. And for how many megawatts is that per
6 this agreement?

7 A. The entirety of the project.

8 Q. And in terms of sound, my understanding,
9 Mr. Moore, is you would defer to your sound expert on
10 that?

11 A. Yes.

12 Q. In terms of shadow flicker, is there a
13 shadow flicker expert that you're going to call?

14 A. Yes, sir.

15 MR. KEYT: I think that's all the
16 questions I have for you then if you're going to it
17 defer the rest of it.

18 MR. KAINS: Very good. Thank you,
19 Mr. Keyt.

20 All right. Final bite at the apple, final
21 questions come from members of the Committee.

22 Gentlemen on the Committee. Yes, Mr. Clayton.

23 MR. CLAYTON: I believe Borgman asked
24 the question about how many projects have not been

1 approved and asked the question why.

2 MR. KAINS: The question is how many
3 projects have not been approved and why.

4 MR. CLAYTON: And I wondered if there
5 would be an expert witness testifying later, if it's
6 appropriate, and in answer to those questions, because
7 you said you didn't have that information.

8 MR. KAINS: His question was would an
9 expert witness have this information. Go ahead,
10 Mr. Moore.

11 THE WITNESS: Yes, I mean, it's hard to
12 speak specifically for an individual zoning board
13 member. So I can't necessarily truly say why or why
14 they did not vote for it. So that would be the reason
15 why.

16 MR. CLAYTON: Kind of transparency why.

17 THE WITNESS: Sure.

18 MR. CLAYTON: It was brought up so.

19 THE WITNESS: Yes.

20 MS. ANTONIOLLI: Yes. And I can confirm
21 that we wouldn't have a witness to testify into what
22 the mind of the decision maker -- you know, what the
23 reason was for denial.

24 MR. CLAYTON: So they didn't have to

1 give a reason.

2 MS. ANTONIOLLI: That's correct, they
3 did not.

4 MR. CLAYTON: Thank you.

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

6 Any other members of the Committee with
7 questions for Mr. Moore?

8 (No response.)

9 MR. KAINS: All right. Very good.
10 Mr. Moore, thank you. You may step down.

11 All right. And your next witness is Ms.
12 Anderson.

13 MS. ANTONIOLLI: Did we get an
14 opportunity to recross?

15 MR. KAINS: Oh, I'm sorry. Yes. I've
16 got it sitting right here. And I guess, Mr. Hess,
17 you're chomping at the bit to do your redirect
18 examination of the witness. I'm sorry.

19 MR. HESS: That's all right. Thank you,
20 and this will be very brief.

21 MR. KAINS: Thank you.

22 **RECROSS EXAMINATION,**

23 **QUESTIONS BY MR. JERALD HESS:**

24 Q. Mr. Moore, you received several

1 questions from the public about older Apex projects.
2 So Hoopeston and Ford Ridge specifically. And you
3 testified that they are not owned by other entities.
4 I want to make sure this is clear for this audience.
5 Did Apex change its business model several years ago?

6 A. Yes, it did.

7 Q. Does Apex now own and operate this
8 project?

9 A. Yes, it does.

10 Q. So Prosperity Wind in Piatt County, does
11 Apex own and operate that project?

12 A. Yes. Well, it operate, but it owns it.

13 Q. Lotus Wind in Macoupin County, will Apex
14 own and operate that project?

15 A. Yes, Apex will own and operate it.

16 Q. More recent projects we've done in other
17 states, such as North Carolina, do we own and operate
18 the wind project there?

19 A. Yes, we do.

20 Q. How about the wind project in Maine, do
21 we own and operate the project there.

22 A. Yes, we do.

23 Q. Okay.

24 MR. HESS: No further questions.

1 MR. KAINS: No further questions. All
2 right. Very good. All right. Now, Mr. Moore, you
3 may step down.

4 (Witness excused.)

5 MR. KAINS: Your next what is Brie
6 Anderson. What is she going to testify to?

7 MS. ANTONIOLLI: Yes, I'd like to call
8 Ms. Anderson. She will testify to how the application
9 meets the requirements of the Coles County Wind
10 Ordinance.

11 MR. KAINS: Okay. Before we get to
12 Ms. Anderson we've got to take a break.

13 MS. ANTONIOLLI: Okay.

14 MR. KAINS: There's a lot of people who
15 have been standing for a couple of hours and we
16 appreciate that. Mrs. Atkinson, our court reporter's
17 fingers are about ready to fall off and she's glaring
18 at me.

19 So the Committee is in recess for 15 minutes.
20 Let's come back -- let's see, let's go 12 minutes.
21 Come back at 8:35, please. This Committee is in
22 recess. Thank you.

23 (A recess was taken at 8:22 p.m.)

24 (Resume at 8:35 p.m.)

1 MR. KAINS: All right. Here's where
2 we're going from this point forward. The rest of
3 tonight, we have roughly 25 minutes until 9:00. We're
4 going to try to finish each night around 9:00 p.m.
5 There's no strict, hardened, fast rule of that. And
6 during the recess I spoke with counsel for the
7 developer and their witness will take about 20 to 25
8 minutes to testify and that's all we'll get to. The
9 questions for this next witness will come at the next
10 session of this hearing. And just a reminder, at the
11 conclusion of the testimony tonight we're going to
12 just in open -- not court, but in open meeting, we're
13 going to discuss amongst Committee Members and the
14 attorneys and their witnesses when we're going to meet
15 next. So if you want to stick around for that, we
16 will be opening up our calendars and finding dates. I
17 think we're going to have to find five dates.

18 All right. Ms. Antonioli, you're calling
19 Ms. Anderson?

20 MS. ANTONIOLLI: Yes, I am.

21 **B R I E A N D E R S O N,**
22 was called as a witness on behalf of the Applicant
23 and, having been first duly sworn, testified as
24 follows:

1 MR. KAINS: Very good. Counsel, your
2 witness.

3
4 **DIRECT EXAMINATION,**

5 **QUESTIONS BY MS. AMY ANTONIOLLI:**

6 Q. And, Ms. Anderson, can you state your
7 name and spell it for the record.

8 A. Sure. It's Brie Anderson, B-R-I-E,
9 A-N-D-E-R-S-O-N.

10 Q. Could you please state your job title
11 and briefly summarize your professional and
12 educational background?

13 A. Sure. I'm a Senior Director of Project
14 Permitting here at Apex Clean Energy. I've been with
15 Apex nearly four years. Prior to that I worked in
16 environmental consulting on a similar role of writing
17 permit applications for projects across the country
18 for 14 years. I have an undergraduate degree in
19 wildlife biology and a masters in GIS.

20 Q. How many wind projects permitting
21 processes have you been involved with, an estimate?

22 A. Dozens across the country.

23 Q. Okay. And how many approximately in
24 Illinois?

1 A. Four.

2 Q. Okay. Okay. With that no further
3 questions. Can you please briefly summarize how the
4 application that you drafted meets the requirements of
5 the Coles County Wind ordinance?

6 MR. KAINS: Hold on, Ms. Antonioli.
7 We -- we need to -- are you tendering her as an expert
8 witness.

9 MS. ANTONIOLLI: Yes, I can do that now.

10 MR. KAINS: Yes. Let's do that.

11 Mr. Keyt, any questions?

12 MR. KEYT: Just a few.

13 **QUESTIONS BY MR. KEYT:**

14 Q. The projects you have testified, what
15 role have you been testifying in those projects?

16 A. Similar role as today, as the author of
17 the permit application and how a project complies with
18 the local rules applicable to that project.

19 Q. Okay. Have you testified in any other
20 role related to those dozen projects or the four in
21 Illinois?

22 A. No.

23 Q. Understood. Thank you.

24 MR. KAINS: All right. I will -- I will

1 find that Ms. Anderson is an expert in the area which
2 she has her expertise which is drafting and preparing
3 applications and ensuring that the applications comply
4 with applicable -- whether it's statutory provisions
5 or provisions contained in an ordinance. So she is an
6 expert in that area and she'll be allowed to testify
7 on an unlimited basis.

8 So go right ahead, Ms. Antoniolli, with your
9 next question.

10 MS. ANTONIOLLI: Okay. Thank you,
11 Mr. Hearing Officer.

12 **QUESTIONS BY MS. ANTONIOLLI:**

13 Q. Can you please briefly describe how the
14 application that you drafted complied with the Coles
15 County Wind Ordinance. And that's through the slide
16 presentation that you prepared.

17 A. Sure. Good evening. My name is Brie
18 Anderson, and I am Senior Director of Project
19 Permitting here at Apex Clean Energy. I'm the one
20 responsible for writing, collaborating, ensuring that
21 this application here in this binder meets the Coles
22 County Wind Ordinance.

23 If I backup for just a minute, these are all
24 of the states that I permitted energy projects in over

1 my 18 year career. What I love about what this map
2 represents is that every state or county is unique --
3 or, sorry, has their own regulations for a project.
4 That means that every project is unique, and,
5 therefore, we tailor our projects to you and your
6 local community. It's my job to make sure we're
7 designing our projects to comply with the local
8 regulations. This requires immense collaboration with
9 local officials like you on the ordinance, with the
10 Apex team to ensure we're designing each project to
11 meet the local rules, and with our project experts
12 that complete studies that demonstrate we comply. And
13 that's exactly what we've done here for Coles Wind.

14 As many of you spent countless evenings
15 learning about wind projects and adopting the initial
16 wind ordinance in 2021, in 2022, our team was right
17 there with you. And then again in 2023 after the
18 Illinois citing law was passed our team collaborated
19 with you to update the ordinance to comply with state
20 law. We've designed Coles Wind to comply with your
21 local rules.

22 This permit application, it's my world. I
23 live in the details of putting these applications
24 together for weeks reviewing every map, report and

1 paragraph of text. This was my Christmas vacation
2 this year so that we could submit our application in
3 January to be here tonight.

4 Tonight I want to talk about three main
5 topics. First the application binder itself. I've
6 intentionally organized this application to make it
7 transparent that we follow your rules.

8 Second. On project design. The ordinance
9 has three areas that address turbine siting. They are
10 turbine setbacks, noise levels and shadow flicker.
11 Every turbine location has to meet the requirements of
12 each and I'll show you how we've collaborated with
13 experts to demonstrate that the project design
14 complies with the ordinance.

15 And third. There's a lot of regulations in
16 the Wind Ordinance. And in the interest of time, I'm
17 not going to go through all of them in detail here
18 tonight, but they are all included in this binder.
19 For example, the ordinance requires a communication
20 analysis be submitted. In the application, included
21 as Appendix D-4 our telecommunication studies that
22 show that turbines are cited to avoid interference
23 with telecommunications, including microwave beam
24 paths, FCC licensed communication towers, land mobile

1 and emergency services, AM FM radio and TV reception.
2 The two areas that we often get questions at hearings
3 like this that I will discuss in detail are safety and
4 decommissioning.

5 There is a ton of information in this
6 application and, again, that's intentional, to ensure
7 we meet each requirement of the ordinance. There are
8 two ways that I have organized the information in the
9 application to be helpful for you.

10 First, the layout of the application itself.
11 Starting in Section 3 after the introduction and the
12 overview, it follows the Wind Ordinance section by
13 section. What I mean by this is if you compared the
14 Wind Ordinance to the table of contents, it follows it
15 exactly.

16 The first requirement in the wind ordinance
17 is a project summary. Section 3.1 is a project
18 summary and it goes on from there.

19 Second, I've included a table starting on
20 page 9, table 2.2, and that is a checklist of every
21 requirement in the Wind Ordinance and where in the
22 application, what section number you can find the
23 information. If there's supporting information, that
24 specific appendix is also referenced.

1 The rest of this big binder are maps, plans,
2 supporting studies and agreements to show you that we
3 meet your requirements. The information in this
4 application is here to answer your questions and it
5 certainly addresses the Wind Ordinance requirements.
6 So hopefully the layout of the information and the
7 checklist help you navigate this big binder a little
8 more smoothly.

9 We've designed the Coles Wind Project to meet
10 the Coles County Ordinance. All 62 turbine locations
11 are sited to meet turbine setback requirements, noise
12 regulations and shadow flicker requirements. I'll
13 talk about each of these individually now and how
14 we've worked with experts to demonstrate that the
15 project design complies with the ordinance.

16 So the first place in the Wind Ordinance that
17 affect turbine siting is in setbacks. A turbine
18 setback is an area where a turbine can't be sited.
19 The Wind Ordinance requires that setbacks are based on
20 turbine height. Coles Wind is considering two turbine
21 models, and so we based our setbacks on the taller of
22 the two turbine models to ensure that they both comply
23 with the Wind Ordinance. There are two setback
24 distances in the wind ordinance. 2.1 times tip height

1 and 1.1 times tip height. Let's look at what these
2 mean.

3 Turbines must be sited at least 2.1 times tip
4 height from occupied community buildings,
5 non-participating residences and protected lands.
6 This means that turbines cannot be sited closer than
7 2.1 times tip height of the taller turbine which is
8 1,352 feet. That's over one quarter of a mile, and in
9 many cases our turbines are even further. For
10 example, there are no protected lands in the project
11 area. We are miles from them as shown on figure A-6
12 in the application. Additionally, the closest turbine
13 to an occupied community building or non-participating
14 residence is sited over 150 feet past the setback
15 distance. We've added some additional buffers so that
16 we're not siting turbines right at the edge of the
17 setback or as close as we could. That's our Apex best
18 practice.

19 Similar story, when we look at setbacks from
20 other features. The Wind Ordinance requires turbines
21 to be sited at least 1.1 times tip height from
22 participating residences, non-participating parcels,
23 public roads and overhead electric utilities. 1.1
24 times tip height of the taller turbine is 709 feet.

1 This means that turbines cannot be sited closer than
2 709 feet to these features. Coles Wind has cited all
3 turbines more than double this distance from
4 participating residents, over 1,500 feet and at least
5 725 feet from non-participating parcel lines, public
6 roads and overhead electric utilities. We've sited
7 our turbines in the middle of agricultural areas.
8 Away from homes, the traveling public and other
9 electric infrastructure. Regardless of the setback
10 distance, 2.1 or 1.1 times tip height, this is why, as
11 Alan described, we have over 21,500 participating
12 acres to accommodate your setback requirements.

13 Coles Wind demonstrates compliance with
14 setbacks in multiple ways. They are on figures A-3
15 and A-4 in the binder, they're on the poster boards in
16 the room and we've also provided the GIS data to the
17 county reviewing our application. We want to be
18 completely transparent and collaborative in the siting
19 of our turbines and show that they meet the county
20 setback requirements.

21 The second place in the Wind Ordinance that
22 affects turbine siting is related to noise levels.
23 Turbines are machines and therefore they do make some
24 sound. The Wind Ordinance requires that turbine sound

1 must comply with the Illinois Pollution Control Board
2 Regulations and that limit is about 45 decibels.
3 Think about conversational speech. The one
4 conversations many of you have were having just during
5 this break. If you're standing at a residential
6 property you can expect turbine sound to be about half
7 as loud as conversational speech.

8 To demonstrate compliance with the Illinois
9 Pollution Control Board regulations Coles Wind hired a
10 third party expert, RSG who's here tonight to model
11 the projects turbine sound. The Coles Wind Project
12 complies with the local and state law even with four
13 conservative modeling assumptions.

14 The first modeling assumption. We included
15 all 62 turbine locations even though we're only going
16 to build 51.

17 The second modeling assumption. We've added
18 a 2 decibel adjustment factor to the sound power
19 level. This means that we've modeled the turbine with
20 sound power levels that are 2 decibels higher than
21 manufacturer's specification.

22 The third assumption. The model assumes that
23 all turbines are always operating at the maximum sound
24 emission which doesn't happen.

1 And the fourth assumption. The model assumes
2 that all receptors are downwind from every turbine
3 which is not meteorologically possible.

4 And lastly, while not a modeling assumption,
5 turbines are sited to meet the more restrictive
6 nighttime standard which is quieter than the daytime
7 standard. These conservative modeling assumptions are
8 consistent with the wind turbine sound modeling
9 standard used by noise control engineering
10 professionals. The sound report is included in the
11 binder as Appendix D-5 and it demonstrates that
12 turbine sound is below the Illinois Pollution Control
13 Board limits at residential properties. So even with
14 the conservative assumptions, turbines are sited to be
15 quieter than a conversation at residential properties
16 and to meet the local and state requirements.

17 Lastly, Coles Wind has provided to the county
18 the sound power hertz of the turbines models so that
19 they can independently confirm that the turbines are
20 sited to meet the Illinois Pollution Control Board
21 limits.

22 The third place in the wind ordinance that
23 affects turbine siting is related to shadow flicker.
24 Shadow flicker occurs when it's sunny and the turbines

1 are operating. The moving turbine blades create a
2 moving or a flickering shadow. This is similar to
3 sunlight passing through moving tree branches. The
4 Coles County Wind Ordinance requires that shadow
5 flicker does not exceed 30 hours per year at
6 non-participating residences and occupied community
7 buildings unless they've signed a waiver. Just like
8 we did for sound, we hired a third party expert, EDR
9 who's here tonight to model the shadow flicker at the
10 project. The shadow flicker report in Appendix D-8 in
11 the binder shows that even when modeling all 62
12 turbine locations, all non-participating residences
13 and occupied community buildings will receive less
14 than 30 hours of flicker per year, and, therefore, no
15 waivers are needed.

16 All turbines are sited in compliance with the
17 Wind Ordinance with respect to shadow flicker.

18 Coles Wind is designed to meet the Coles
19 County Ordinance. As I've just reviewed, all turbines
20 are sited to comply with setback requirements, the
21 Illinois Pollution Control Board sound regulations and
22 shadow flicker requirements. And perhaps equally as
23 important, we've sited turbines on private land in
24 coordination with our landowners. Every landowner has

1 had the opportunity to review the preliminary site
2 plan and provide feedback. That's really important to
3 us. Nobody knows their land like a landlord --
4 landowner. And that's why we're here in Coles County
5 working with this community on private land.

6 As you may recall, in January President Trump
7 issued an executive order on wind projects. I imagine
8 people in this room might be wondering what that means
9 for Coles Wind. President Trump's executive order
10 does not impact Coles Wind. The executive order
11 specifically addresses offshore wind projects in the
12 ocean and in federal waters, wind projects on federal
13 land and those that require federal permits. That's
14 not the Coles Wind Project. We're here in Coles
15 County on private land working through your permit
16 process for a well sited project that does not require
17 federal permits.

18 We often receive questions on two other
19 topics, safety and decommissioning. So I want to
20 explain the steps we've taken now in the development
21 phase of the project and how we'll continue to be a
22 good community partner over the life of the project.

23 As you've heard from Alan, safety is one of
24 five core values at Apex on all of our projects,

1 including this one. We work with emergency responders
2 in the project planning phase. You'll hear more about
3 this from my colleague Jason, but our coordination
4 with local emergency responders has already started.
5 In November we met with several local emergency
6 response officials. We shared an emergency action
7 plan and discussed how to respond to a safety
8 situation. All of these things are required by your
9 ordinance.

10 During operations the project will have
11 several safety mechanisms in place for any reason at
12 any time, either our onsite staff or remote operations
13 control center staff can isolate equipment and shut
14 turbines down in a matter of seconds. Importantly
15 though, all turbines also have sensors and systems to
16 automatically shut themselves down if needed. Having
17 three redundant systems in place ensures for the safe
18 operation of the project.

19 The last topic I want to discuss is
20 decommissioning. What happens to the turbines and
21 equipment in 30 years, and who pays for it. These are
22 really good questions and I want to assure you that
23 Coles Wind is responsible for decommissioning. Not
24 the landowners, not the county and not taxpayer

1 dollars.

2 There are three legally binding documents
3 that confirm Coles Wind is responsible for
4 decommissioning. Our agreements with landowners, the
5 Agricultural Impact Mitigation Agreement with the
6 Illinois Department of Agriculture which has been
7 provided to both landowners and is included in the
8 application, and your Wind Ordinance. So you're
9 protected in three ways by every single lease, the
10 agricultural agreement with the state and your
11 ordinance.

12 So now that we've established that Coles Wind
13 is responsible for decommissioning, the next question
14 is how will decommissioning be done. We've included
15 in our application in Appendix D-1 a draft
16 decommissioning plan. This plan has been prepared by
17 engineers at Westwood Professional Services who are
18 experts in decommissioning. They have certified this
19 plan with the stamp of an Illinois licensed engineer.
20 Your Wind Ordinance states that decommissioning shall
21 comply with the Agricultural Impact Mitigation
22 Agreement, and so the decommissioning plans framework
23 is based on that. So this includes how facilities
24 will be removed, how the land will be restored to

1 agricultural production, the timeline for
2 decommissioning to be completed, and importantly, how
3 much is this going to cost.

4 Attachments A and B in the decommissioning
5 plan in Appendix D-1 are extremely detailed cost
6 estimates. One for each turbine model. So each cost
7 estimate goes through line by line the cost to
8 disconnect, dismantle, haul, dispose, recycle every
9 component and restore the land down to the ton, cubic
10 yard or acre and the cost for each.

11 There are three conservative assumptions in
12 this cost estimate. First, we've included a 15
13 percent contingency and county administrative fee as
14 an added buffer. Second, we've reduced the salvage
15 value of scrap metals so that if scrap metal prices
16 are unusually high right now, we've accounted for this
17 and thereby increased the overall decommissioning
18 cost. And third, every line item has a cost even for
19 items where we've assumed that they can be recycled
20 and save money. So why does this protect the county.
21 Because these three conservative assumptions increase
22 the overall decommissioning costs which means that
23 Coles Wind pays more money for the financial assurance
24 to cover the costs and it is therefore a protection

1 for Coles County.

2 So with these cost estimates that leads to
3 financial assurance that Coles Wind must have in
4 place. Coles County is further protected from
5 incurring decommissioning costs by this financial
6 assurance. Included with our decommissioning plan and
7 in compliance with Section 21(d) of the Agricultural
8 Impact Mitigation Agreement Coles Wind has included a
9 draft performance bond. A bond is a legal agreement
10 where a separate company known as a surety guarantees
11 that Coles Wind perform its decommissioning
12 obligations for the benefit of Coles County.

13 In exchange for this guarantee Coles Wind
14 pays the surety in annual premium. The entire purpose
15 of such a decommission performance bond is to protect
16 Coles County. It is designed along with the
17 decommissioning plan to ensure that if something
18 unexpected or unfortunate should happen to Coles Wind,
19 Coles County can draw on the bond to ensure that
20 decommissioning is completed without the county having
21 to pay for it.

22 So how does this financial assurance work.
23 In a hypothetical situation, let's imagine that Apex
24 files for bankruptcy. The bond is a legal instrument.

1 Coles County is protected by the surety company.
2 Coles County will be listed as the beneficiary to the
3 bond and the county therefore has access to it. And
4 furthermore, the landowners are listed as a secondary
5 beneficiary. Let me say this a different way. If
6 Apex files for bankruptcy Coles County could go right
7 to the surety company for the money to decommission
8 the project. The surety company would then come after
9 Apex without the county being involved. Coles County
10 is not the middleman.

11 In another hypothetical situation, even if
12 Coles Wind stops paying the annual bond premiums the
13 bond is still controlled by the county. And that is
14 directly stated on page 2 of the bond and I've
15 included it on the screen up here because it's really
16 important. The non-payment of the premiums associated
17 with this bond will not invalidate the bond nor shall
18 obligee, Coles County, be obligated for the payment
19 thereof.

20 The bond and its structure are consistent
21 with the Agricultural Impact Mitigation Agreement and
22 provides certainty that this Committee, the County
23 Board and Coles County residents will not have to pay
24 for decommissioning of this project at the end of its

1 life.

2 So the plan in our application, it's going to
3 be updated several more times over the life of the
4 project. We've provided a draft plan, cost estimates
5 and bond. But per your ordinance we will continue to
6 collaborate with you and update the decommissioning
7 plan cost estimate and financial assurance that
8 reflects the final site plan prior to applying for
9 building permits. Together these three documents are
10 called the decommissioning agreement. And that will
11 need to be approved by the County Board prior to
12 construction. From there the decommissioning plan
13 will be updated in year 10 of operations and every
14 five years thereafter. These updates will capture any
15 changes in things like scrap metal prices we discussed
16 earlier, but also engineering techniques or the
17 proximity of recycling centers. These plan updates
18 are required by both your wind ordinance and the
19 Agricultural Impact Mitigation Agreement.

20 Decommissioning is a really complex topic.
21 So let me summarize the main point at the 20,000 foot
22 level. Coles Wind has three legally binding documents
23 that say Coles Wind is responsible to decommission the
24 project. Every landowner agreement, our agricultural

1 agreement with the state and your ordinance. We have
2 a detailed decommissioning plan, cost estimate and
3 financial assurance. Those three documents come
4 together and form a decommissioning agreement that
5 will need to be approved by the County Board prior to
6 construction. The decommissioning agreement ensures
7 that Coles County and its residents do not have to pay
8 for decommissioning.

9 So with that, hopefully I've made navigating
10 the application binder and all the supporting studies
11 a little easier, showed you the ways in which we
12 designed this project to meet your ordinance, and
13 perhaps preemptively answered some of your questions
14 as well.

15 Coles Wind has collaborated with Coles
16 County, experts on this application, our project
17 landowners and we look forward to a continued
18 collaboration with the county on this project.

19 MR. KAINS: All right. Thank you,
20 Ms. Anderson.

21 Any additional direct examination of your
22 witness, Ms. Antonioli?

23 MS. ANTONIOLLI: No, not at this time.

24 MR. KAINS: Okay. Very good. All

1 right. Ms. Anderson, you may step down.

2 Questions for Ms. Anderson will take place at
3 the beginning of the next session of this public
4 hearing.

5 All right. Which brings us to when is that
6 going to be. Counsel, get out your calendars and
7 members of the Committee because we can't do this
8 without you because you're the guys who are deciding
9 and making the recommendation.

10 Let's look at -- oh, and, Mr. Lockhart, we'll
11 need you here too.

12 All right. Let's look at this Wednesday,
13 March 19th. Are you available?

14 MS. ANTONIOLLI: Yes.

15 MR. KAINS: Okay. Mr. Keyt.

16 MR. KEYT: Yes.

17 MR. KAINS: Mr. Lockhart.

18 MR. LOCKHART: Yes.

19 MS. ANTONIOLLI: One point to make with
20 Wednesday, can we start at 6:00 p.m.? Is there any
21 objection to beginning a half hour earlier?

22 MR. KAINS: There's one time conflict
23 our court reporter can't be here till 6:30.

24 MS. ANTONIOLLI: Okay. Understood then.

1 MR. KAINS: And we definitely can't do
2 it without Mrs. Atkinson. That's for sure.

3 MS. ANTONIOLLI: We don't want to put
4 Ms. Atkinson on the spot.

5 MR. KAINS: Okay. Gentlemen on the
6 Committee, how does this Wednesday, March 19th, at
7 6:30 look for you? Everybody's good. I feel like I'm
8 getting ready to put together a Rubik Cube
9 successfully. I've never done it before. But we've
10 got March 19th, at 6:30 p.m.

11 All right. Now, I said I think we need five
12 days. All right. Then let's look at Monday, March
13 31st. It's my understanding, counsel, that members of
14 your team are not available during the week of March
15 24th; is that correct?

16 MS. ANTONIOLLI: That's correct, yes.

17 MR. KAINS: Okay. So let's go to March
18 31 and April 1, that Monday and Tuesday. Mr. Moore
19 says no. Mr. Hess says no.

20 All right. We will not be doing March 31 or
21 April 1.

22 All right. The following week -- those are
23 the only times I'm available, because, folks, I'm in
24 the middle of a public hearing that's going to have

1 its tenth night tomorrow night in Livingston County,
2 beautiful Pontiac, Illinois. So I'm not available the
3 rest of that week.

4 All right. Then let's go to the following
5 week, Tuesday, April 8 or -- and Thursday, April 10th.

6 MR. DOTY: County Board meeting.

7 MR. KAINS: All week?

8 MR. DOTY: The 8th won't work.

9 MR. KAINS: Thank you, gentlemen. All
10 right. Thursday, April 10, I'll start with you guys,
11 because you're indispensable. April 10. Okay.
12 Everybody. All right. Counsel, April 10.

13 MR. HESS: We will make April 10th work,
14 yes, sir.

15 MR. KAINS: Okay. Mr. Keyt.

16 MR. KEYT: It will work, yes.

17 MR. KAINS: Mr. Lockhart.

18 MR. LOCKHART: Yes.

19 MR. KAINS: Thursday, April 10 we're on.
20 Now, the following week is holy week.

21 MR. DOTY: Is that -- I'm sorry. Is
22 that at 6:00 p.m., or 6:30 on that night?

23 MR. KAINS: On April 10th I think, if
24 it's all right with you folks, can we start at 6:00.

1 MR. HARTKE: I can't be there by 6:00.

2 MR. KAINS: Who can't be here by 6:00?

3 Oh, Mr. Hartke. Oh, my gosh. You're an indispensable
4 party, Mr. Hartke.

5 SPECTATOR: We think so.

6 MR. KAINS: I think so too, and
7 Mrs. Hartke probably thinks so too.

8 We can go off the record.

9 (A discussion was held off the record.)

10 MR. KAINS: Okay. All right. So I do
11 want to let everyone know underneath this speaker
12 there is a stack of business cards, they are of Kelly
13 Lockhart. Mr. Lockhart is Regional Planning guru for
14 the county. If you wish to submit a written comment,
15 that's how you do it. I think you send him an email,
16 and, you know, if not you're wanting to get up and
17 talk in front of people or if you're not going to be
18 here, I don't anticipate public -- other than asking
19 questions I don't anticipate witness testimony or
20 public comment until probably later on in that week of
21 April 14th. By the way, does anybody want me to
22 reiterate the dates? Get them down, or do you all
23 have it. Okay. Great. Okay.

24 Any final announcements, Ms. Antonioli, from

1 your team.

2 MS. ANTONIOLLI: No.

3 MR. KAINS: Okay. Mr. Keyt, do you have
4 anything further?

5 MR. KEYT: No, sir.

6 MR. KAINS: Mr. Lockhart, do you have
7 anything further?

8 MR. LOCKHART: I will post the dates and
9 times on our website.

10 MR. KAINS: Very good. Thank you.
11 Members of the Committee, do you have anything
12 further?

13 MR. COX: Do I make a motion for recess?

14 MR. KAINS: Well, no. You can make that
15 motion -- I was just going to call for it, but,
16 Mr. Cox, you rank much more highly than I do, sir.

17 I will say this, upon Mr. Cox's suggestion, I
18 don't think it's going to even require a second. The
19 Board is -- oh, Mr. Keyt.

20 MR. KEYT: That we're coming back here.

21 MR. KAINS: We're coming back to this
22 room even though it was crowded. So the Board is --
23 or the Committee is in recess until Wednesday night,
24 March 19, 6:30 p.m., in this room, Courtroom 1 of the

1 Coles County Courthouse at 651 Jackson Avenue
2 Charleston, Illinois.

3 The Committee is in recess until that time.
4 Thank you, folks.

5 (Cause adjourned.)

6 WHICH WERE ALL THE PROCEEDINGS MADE OF RECORD IN THIS
7 CAUSE ON SAID DAY.

C E R T I F I C A T E

I, Jamie S. Atkinson, Official Court Reporter
in and for the County of Vermilion, State of Illinois,
do hereby certify that the foregoing to be a true and
accurate transcript of the proceedings had in the
before-entitled cause on said day.

Dated this 27th day of May, 2024.

Jamie S. Atkinson, CSR
Official Court Reporter
License No. 084-004156

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