BEFORE THE WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY
INDUSTRIAL SITING DIVISION

STATE OF WYOMING

IN THE MATTER OF THE INDUSTRIAL SITING PERMIT APPLICATION OF RENO JUNCTION, LLC THIRD PLANET WINDPOWER	)))))	DOCKET NO. DEQ/ISC 09-02

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING PERMIT APPLICATION WITH CONDITIONS AND ALLOCATING IMPACT ASSISTANCE FUNDS

THIS MATTER came before the Industrial Siting Council (Council) on July 13, 2010, for evidentiary hearing and the record was closed on that date. Council members present at the hearing included Shawn Warner, Chairman, Sandy Shuptrine, Darrell Offe, Gregg Bierei, Jim Miller and Mike Daly. Bridget Hill, Senior Assistant Attorney General and Megan Nicholas, Assistant Attorney General were also present on the Council's behalf. Deborah A. Baumer from the Office of Administrative Hearings served as the Hearing Examiner in the proceeding. The Applicant, Third Planet Windpower Reno Junction, LLC (TPW) appeared by and through its counsel, John A. Sundahl. The Industrial Siting Division (Division) appeared by and through its counsel, Senior Assistant Attorney General, John S. Burbridge. Two other parties participated in the evidentiary hearing including Campbell County represented by Deputy County Attorney, Carol Seeger and the City of Gillette represented by City Attorney, Charles W. Anderson. TPW's Exhibits 1 through 12 (including Addendum 1) and confidential Exhibits 13 and 14, the Division's Exhibits 1 through 3 including confidential pages 29 through 72 of Exhibit 2, Campbell County's Exhibit 3 and the City of Gillette's Exhibits 1 and 2 were admitted for

purposes of the evidentiary hearing. The Council received no limited appearance statements in this case before the close of the evidentiary hearing. The Council has considered the evidence and argument of the parties, and makes the following findings:

I. JURISDICTION

Wyo. Stat. Ann. § 35-12-106(a) (LEXIS 2009) provides that, "No person shall commence to construct a facility, as defined in this chapter, in this state without first obtaining a permit for that facility from the council."

"Industrial facility" or "facility" means any industrial facility with an estimated construction cost of at least one hundred seventy three million, two hundred thousand dollars ($173,200,000.00) and any commercial facility generating electricity from wind and associated collector systems that consists of 30 or more wind turbines. Wyo. Stat. Ann. § 35-12-102(a)(vii) (LEXIS 2010).

Wyo. Stat. Ann. § 35-12-110(d) (LEXIS 2009) provides that upon receipt of an application for a permit, the director shall conduct a review of the application to determine if it contains all the information required by W.S. 35-12-109 and the rules and regulations.

Wyo. Stat. Ann. § 35-12-110(f) (LEXIS 2009) provides that not more than ninety (90) days after receipt of an application for a permit, the director shall:

> (i) Schedule and conduct a public hearing, provided that no hearing shall be held until the state engineer has submitted a preliminary and final opinion as to the quantity of water available for the proposed facility pursuant to W.S. 35-12-108;
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> (ii) Notify the applicant and local governments of the hearing;
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> (iii) Cause notice of the hearing to be published in one (1) or more newspapers of general circulation within the area to be primarily affected by the proposed facility; and

(iv) Hold the hearing at a community as close as practicable to the proposed facility. The provisions of W.S. 35-12-111, 35-12-112 and 35-12-114 apply to the hearing.

Wyo. Stat. Ann. § 35-12-113(a) (LEXIS 2009) provides that within forty-five (45) days from the date of completion of the hearing the council shall make complete findings, issue an opinion and render a decision upon the record, either granting or denying the application as filed, or granting it upon terms, conditions or modifications of the construction, operation or maintenance of the facility as the council deems appropriate.

On April 22, 2010, TPW submitted an application to the Division for an industrial siting permit to allow construction and operation of the Reno Junction Wind Energy Project (Project) to be located in Campbell County, Wyoming, near Wright, Wyoming. At the jurisdictional meeting on April 29, 2009, TPW showed cost estimates for the total construction cost is in excess of $173,200,000.00. The Project also consisted of more than 30 electricity generating wind turbines. Therefore, this Council has jurisdiction to hear and decide this matter.

II. STATEMENT OF THE CASE

Third Planet Windpower, LLC doing business as TPW Reno Junction, LLC filed its Application for an industrial siting permit pursuant to Wyo. Stat. Ann. § 35-12-109 (LEXIS 2009) on April 22, 2010. The proposed Project is a wind-powered electricity generating facility consisting of up to 100 wind turbine generators to be constructed in a single phase. The Project is located west of Wright, Wyoming on 14,078 acres of fee and State land. As originally submitted, the Division's staff found that the Application was lacking some information and asked TPW to supply additional information. Upon the submittal of the additional information

received on June 8, 2010, the Division's staff determined that TPW's Application was complete and in full compliance with Wyoming law and is ready to issue a permit for the single phase Project. TPW requested the Council approve the Application as submitted with Addenda and exhibits. The Division and two separate entities filed notices to become a party to these proceedings and appeared at the July 13, 2010 evidentiary hearing. All parties were in favor of issuing the permit.

III. ISSUES AND CONTENTIONS

The sole issue in this case is whether TPW has proven, by a preponderance of the evidence, that the industrial siting permit Application regarding the Reno Junction Wind Energy Project meets the requirements of the Wyoming Industrial Development Information and Siting Act, Wyo. Stat. Ann. § 35-12-113 (LEXIS 2010) and the Industrial Development Information and Siting Rules and Regulations, Chapter 1, Section 9(a) (Division's Rules) governing the proposed wind energy generation project. If the Council decides to issue the industrial siting permit, it must also decide what, if any, conditions to place on the permit.

IV. FINDINGS OF FACT

1. TPW is a Delaware limited liability company formed in 2006. The Applicant, TPW, Reno Junction, LLC is a limited liability company formed in Delaware as a wholly owned subsidiary of TPW. TPW is a super majority owned by Morgan Stanley Renewable Development Fund who owns 99.9 percent of the company. The balance is owned by various individuals, including TPW employees and investors. Morgan Stanley is a sponsor cash equity

participant in TPW's development projects. *Transcript of Proceedings (hereinafter Tr. of Proc.), pp. 30-31; TPW-1, pp. ES-1; 2-1.*

2. Prior to TPW filing its Application in this matter, TPW's representatives and the Division's staff conducted a jurisdictional meeting on April 29, 2009. The Division reviewed the financial budget for the Project and determined that the cost exceeded the statutory dollar threshold of $173,200,000.00 and notified the Applicant by mail on May 1, 2009 that a permit was required. *See State's Exhibit 1, p. 4.*

3. From February 2010 until the filing of the Application in April 2010, TPW representatives visited the governing bodies of the local governments in Campbell, Weston, Crook, Natrona, Converse and Johnson Counties, as well as various state agencies. An open house meeting was held for the public at Wright on March 2, 2010. A list of all meetings and details of the public and government involvement is found in Section 4 *Public Involvement* of the April 22, 2010 Application. The Division staff determined the area primarily affected is a polygon that includes the Project site, the municipalities of Gillette and Wright and the inclusive area of Campbell County. *See Exhibit TPW, Section 4, Public Involvement; State's Exhibit 1, p. 5.*

4. On April 22, 2010, TPW filed its Application with the Division requesting a permit to allow construction and operation of a single phase wind powered electricity generating facility known as the Reno Junction Wind Energy Project. The Project is comprised of 100, 1.5 megawatt wind turbine generators, involving 14,078 acres of fee and State land. A Project substation will be constructed on site, and approximately 5.3 miles of 230,000-volt transmission line will extend north to interconnect with Basin Electric Power Cooperative's existing Pumpkin

Buttes Substation. *See State's Exhibit 1, p. 4; TPW's Exhibit 1, pp. ES-1; 2-4; Tr. of Proc., p. 105; 115.*

5. Examination copies of the Application were filed on April 23, 2010 with the Campbell County Libraries in Wright and Gillette, as well as with the Clerk of Campbell County. On April 23, 2010, the Division staff distributed copies of the Application to the State agencies pursuant to Wyo. Stat. Ann. § 35-12-110(b) (LEXIS 2009) to obtain information and recommendations relative to the impact of the proposed Project as it applies to each agency's area of expertise. *State's Exhibit 1, p. 5.*

6. The Project site is located east of I-25 along Wyoming State Highway 50 approximately 40 miles south of Gillette and 33 miles from Wright in Campbell, Wyoming, on 14,078 acres of leased land, primarily private with two sections of State land. No Federal lands are involved in the Project. The Project crosses three gravel county roads (Moore Road, Todd Road and Van Buggenum Road) and ranges from 5,000 to 5,514 feet above sea level. *See TPW Exhibit 1, pp. 2-4 through 2-6; Appendix A.*

7. All of the material constituting the filing of the Application was received by the Division on April 22, 2010. The Application consisted of 60 copies of the hardcopy document, *Section 109 Permit Application, Reno Junction Wind Energy Project,* an *Adobe* .pdf computer file of that document, the payment of the application fee in the amount of $43,084.00 as required by W.S. 35-12-109(b), and a letter of transmittal by Charles Karutis, Director of Development, TPW, asking for the permit and attesting to the truthfulness and accuracy of the Application. The Division staff checked the contents of the Application against the applicable statutes and rules of the Council and determined that additional information was necessary. The Applicant

provided a satisfactory reply dated June 8, 2010 which the Division's staff incorporated into the Application as Addendum #1. *State's Exhibit 1, p. 4.*

8. Pursuant to the Industrial Siting Statutes, the Division staff placed a legal advertisement in the Wright High Plains Sentinel on April 29 and May 6, 2010, and the Gillette News Record and Casper Star Tribune on April 30 and May 7, 2010 publishing notice of the contested case hearing on TPW's Application for an industrial siting permit. *State's Exhibit 1, p. 5; Tr. of Proc., pp. 6-8.*

9. Joshua J. Nathan (Nathan) is the Vice-President and General Counsel for TPW and testified to the issue of financial capability and resources to construct, maintain and decommission the Project. According to Nathan, Morgan Stanley Renewable Development Fund has funded all of TPW's development efforts to date. Specific to this Project, Morgan Stanley signed a turbine supply agreement with GE in 2007 for 167 wind turbines. 67 of the turbines have been installed at TPW's project in Larraine, Texas. The balance of the turbines is potentially available for TPW Project at Reno Junction. Nathan assured the Council that he is confident that Morgan Stanley will commit to the financing of this Project when two milestones have been met: 1) the execution of a power purchase agreement; and 2) all permits are in place. According to Nathan's professional opinion, TPW has adequate financial resources available to it to be able to construct, operate, maintain, decommission and reclaim this Project. TPW has also negotiated contracts with landowners and the State to decommission and reclaim the facility after the termination of the Project. As an added level of assurance, TPW agreed to submit a surety bond in the amount of 3.7 million dollars to confirm that the money will be available to decommission and reclaim the Project. *Tr. of Proc., pp. 34; 38-39; 42-43; 44-47.*

10. Anne Edgeley (Edgeley) is the Vice-President of Financing for TPW. Edgeley confirmed that TPW has the ability to obtain the financial resources to be able to construct, operate, maintain, decommission and reclaim the Project. According to Edgeley, without a power purchase agreement in place, further assurances can not be provided at this time. Edgeley agreed that the industrial siting permit could be conditioned upon the Applicant providing evidence to the Department of Environmental Quality that it has, in fact, obtained financing prior to construction of the Project. *Tr. of Proc., pp. 96-98.*

11. Sam Littlefield (Littlefield) is the Project Manager for TPW and oversaw all aspects of the Project. According to Littlefield, the site of the Project was chosen after taking into account many variables such as: 1) wind resource based on collected meteorological data; 2) proximity to an existing substation and major transportation corridors; 3) its location outside the sage grouse core area and designated big game crucial winter ranges; 4) transmission lines that will be fully contained within the Project site; and 5) the extensive disturbances associated with oil and gas extraction activities already in the Project area which will minimize overall impacts. Littlefield also confirmed that the nearest house to a turbine is one-quarter mile from a Project landowner. One-half mile separates the nearest turbine from a non-participant. *See TPW's Exhibits 2 through 12; Tr. of Proc., pp. 106-118; 123-124; 169.*

12. Littlefield confirmed that, contingent upon obtaining all required permits, TPW anticipates commencement of construction activities in August 2010. It is anticipated that on-site construction workforce (both local and non local) will ramp up quickly from 28 workers in June 2010 to 309 workers in the peak month of October 2010, then decline rapidly over the following six months. The maximum time period expected for construction is 12 months. Upon

initiation of the commercial operation of the Project, approximately 15 full-time employees are anticipated for the duration of the Project. *Tr. of Proc., pp. 118-119; TPW Exhibit 1, pp.3.1-3.6.*

13. Littlefield further confirmed that TPW obtained letters of interest from a variety of providers of accommodation in the Campbell County and surrounding areas, primarily in Gillette and Wright. It is therefore anticipated that housing needed for construction workforce would be adequate. *See TPW's Exhibit 1, pp. 5-81 through 5-93; Tr. of Proc., pp. 119-120.*

14. According to Littlefield, TPW anticipates entering into an agreement with both Campbell County and the Wyoming Department of Transportation regarding road use and maintenance agreements. Those agreements will occur after TPW establishes the final haul routes. The area is under heavy site development already, but Littlefield did agree to repairing or funding the repair of damage that is explicitly the result of the Project's construction. *Tr. of Proc., pp. 120; 127.*

15. Based upon a recently constructed wind project in Texas, TPW has estimated the construction waste associated with the proposed Project. The larger packing materials for the turbines are sent back to the manufacturer. Campbell County has determined that they are able to accept the remainder of the construction waste, estimated at one 30-foot role off per week and then two 30-foot role offs at the peak of construction. Therefore, TPW does not anticipate a problem with solid waste disposal. *Tr. of Proc., p. 121.*

16. Anticipated water needs for the Project for use in construction, primarily related to concrete mixing and dust control, were estimated at 1.2 million gallons or 3.7 acre feet for concrete and 10 million gallons or approximately 33.31 acre feet of road water during construction. According to Littlefield, the special water needs described in the Application will

be fulfilled through a contract with a landowner who has an existing well on site. *See TPW's Exhibit 6-20 through 6-21; Tr. of Proc., pp. 123; 128.*

17. Littlefield further testified to the issue of decommissioning and the appropriateness of the amount of bond TPW has agreed to post for the Project. The specific terms of decommissioning and reclamation are outlined in TPW's commercial agreements with land owners and the State in that they look at present-day salvage value for the towers and transformers and other components that are marketable from the Project. The salvage value is applied to the total construction cost which is standard practice in the industry. TPW's Application outlines site decommissioning and includes leaving the underground infrastructure associated with the Project such as collection cabling, telecommunications equipment and fiber optic cable buried at least 48 inches below the surface. TPW will also leave a portion of the foundations two feet below the ground surface. *See TPW's Exhibit 1, p. 3-15 through 3-16; Tr. of Proc., pp. 129-134; 139-139.*

18. Ryan Henning (Henning) was hired by TPW to oversee and prepare the Section 109 Application for the Project. Henning has prepared 8 wind farm applications in the State of Wyoming. Henning recounted the various sections of the Application in relation to the statute requiring evaluations or plans and proposals for alleviating social, environmental and or economic impacts on local governments which may result from the proposed Project. In Henning's professional opinion, the Project will not pose a threat of serious injury to the environment or the social and economic condition of the inhabitants, nor will the Project substantially impair the health, safety or welfare of the inhabitants. Henning also testified that he analyzed the cumulative impact of the Project considering the effects of other projects in the area including the Dry Fork Project, WyGen III Project and the Two Elk Project, as well as additional

regional industrial developments involving oil and gas. Henning concluded that there were no significant or adverse impacts. *TPW's Exhibit 1, Sections 5 and 6; Tr. of Proc., pp.150-4; 157.*

19. Cultural resource and environmental surveys were conducted. Gregg Johnson (Johnson) an Environmental Consultant with Western EcoSystems Technology, Inc, conducted an avian baseline study and assisted in developing a wildlife monitoring program for the Project. Johnson determined that overall bird use in the wind turbine area was the lowest he has seen in Wyoming. *See TPW's Exhibit 1, p. 6-54; Tr. of Proc., pp. 171 through 173.*

20. Dr. Tom Schroeder (Dr. Schroeder), Program Principal for the Industrial Siting Division, Department of Environmental Quality, testified as an expert witness in this matter. Dr. Schroeder receives and processes applications for permits by the Industrial Siting Council and personally reviewed and processed the TPW Application in this matter. Dr. Schroeder confirmed that as part of the process, a jurisdictional meeting was held with the Applicant on April 29, 2009. A determination was made that the Project cost and number of wind turbines was in excess of the statutory threshold for obtaining an industrial siting permit. The Application for the single phase Project was subsequently filed one year later on April 22, 2010. *Tr. of Proc., pp. 178-186; State's Exhibit 1, p. 4.*

21. According to Dr. Schroeder, the proposed Application complied with the applicable laws for an industrial siting permit. Dr. Schroeder testified that the area primarily affected is entirely within Campbell County. The Application adequately described the nature and location of the Project, sufficiently set forth the time, commencement and construction of the Project and adequately addressed the number and estimated job classifications. Permit Condition # 1 in *State's Exhibit 2* adequately covered the requirement that TPW obtain all required state and local permits prior to construction. Dr. Schroeder believed potential environmental and

reclamation issues were adequately addressed. With regard to the bonding for decommission and reclamation, Dr. Schroeder recommended this Council adopt Permit Condition #15 requiring the Applicant to provide a surety bond or similar security that is acceptable to the Wyoming Treasurer in the amount of $3,700,000.00. Dr. Schroeder recommended the amount, to be adjusted annually by changes in the consumer price index, as the Applicant estimated as the net restoration and reclamation cost, discounted by the salvage value. *Tr. of Proc., pp. 187-191; State's Exhibit 1, p. 13.*

22. Dr. Schroeder further testified that all State agencies responded to a request for comments on the Application. Dr. Schroeder believed the Project did not pose a threat of serious injury to the environment or to the social and economic conditions of the area. The proposed Project also would not substantially impair the health, safety or welfare of the local inhabitants. Additionally, Dr. Schroeder opined that with the additional Permit Condition #15 on the industrial siting permit, the Applicant had shown adequate financial resources to construct, operate and maintain the facility. Dr. Schroeder recommended approval of the Project with the recommended permit conditions as set forth in State's *Exhibits 1 and 2*. Finally, Dr. Schroeder affirmed that Campbell County, the City of Gillette and the Town of Wright arrived at a mutually agreed upon allocation of impact assistance funds, resulting in 50 percent of the impact assistance funds to the Town of Wright, 25 percent to the City of Gillette and 25 percent to Campbell County. *State's Exhibits 1 through 3; Tr. of Proc., pp. 192-200.*

23. Megan Lehman (Lehman) is the Planning Technician for Campbell County. Lehman reported that at the time the Applicant filed its application for the Project, Campbell County had no zoning regulations in place for wind generation and development. Campbell County's proposed regulations would not allow using salvage value when calculating the

decommissioning bond. Also, Lehman testified that one tower on the Project is set back 1.25 times the tower height from a county road and the County would like the set back at 1.5 times the tower height. Lehman reluctantly admitted that no wind energy project filed or being constructed prior to July 1, 2010, was required to have a permit from Campbell County. *Tr. of Proc., pp. 216-224.*

24. Dan Coolidge is a Campbell County Commissioner and testified that the Board of Campbell County Commissioners generally supports the Project. Commissioner Coolidge commended the Division for including Permit Condition #15 requiring TPW to provide a cash or surety bond. However, Commissioner Coolidge disagreed that the salvage value should be included in setting the bond amount. Commissioner Coolidge agreed with the allocation of impact assistance funds between Campbell County, the City of Gillette and the Town of Wright, with Campbell County and the City of Gillette each receiving 25 percent of the funds and the Town of Wright receiving 50 percent of the funds. *Tr. of Proc., pp. 233-237.*

25. Michael Surface (Surface) is the City Planner for the City of Gillette. Surface has been a planner for 34 years in 10 different locations in six states. Although Surface testified that the City of Gillette strongly supports the Project, Surface's testimony criticized the Applicant for using population numbers from the U.S. Census Bureau rather than the figures he calculated using his own unique methodology of calculating population. However, Surface reluctantly admitted that the U.S. Census Bureau is a recognized source of information for compiling data for planning purposes, typically relied upon by experts in the filed in determining population. Surface also admitted that an underestimation or overestimation for the population in Gillette made no difference in the analysis of impacts as outlined in the Application. *Tr. of Proc., pp. 242-256.*

26. All findings of fact set forth in the following conclusions of law section shall be considered a finding of fact and are fully incorporated into this paragraph.

V. CONCLUSIONS OF LAW

A. Principles of Law

27. TPW bears the burden of proof in the proceedings herein. "The general rule in administrative law is that, unless a statute otherwise assigns the burden of proof, the proponent of an order has the burden of proof." *JM v. Department of Family Services,* 922 P.2d 219, 221 (Wyo. 1996) (citation omitted); *Penny v. State ex rel. Wyoming Mental Health Prof. Licensing Board*, 120 P.3d 152, (Wyo. 2005).

28. Wyo. Stat. Ann. § 35-12-109(a) (LEXIS 2010) provides that an application for a permit shall be filed with the Division and contain the following information:

> (i) The name and address of the applicant, and, if the applicant is a partnership, association or corporation, the names and addresses of the managers designated by the applicant responsible for permitting, construction or operation of the facility;
>
> (ii) The applicant shall state that to its best knowledge and belief the application is complete when filed and includes all the information required by W.S. 35-12-109 and the rules and regulations, except for any requirements specifically waived by the council pursuant to W.S. 35-12-107;
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> (iii) A description of the nature and location of the facility;
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> (iv) Estimated time of commencement of construction and construction time;
>
> (v) Estimated number and job classifications, by calendar quarter, of employees of the applicant, or contractor or subcontractor of the applicant, during the construction phase and during the operating life of the facility. Estimates shall include the number of employees who will be utilized but who do not currently reside within the area to be affected by the facility;

(vi) Future additions and modifications to the facility which the applicant may wish to be approved in the permit;

(vii) A statement of why the proposed location was selected;

(viii) A copy of any studies which may have been made of the environmental impact of the facility;

(ix) Inventory of estimated discharges including physical, chemical, biological and radiological characteristics;

(x) Inventory of estimated emissions and proposed methods of control;

(xi) Inventory of estimated solid wastes and proposed disposal program;

(xii) The procedures proposed to avoid constituting a public nuisance, endangering the public health and safety, human or animal life, property, wildlife or plant life, or recreational facilities which may be adversely affected by the estimated emissions or discharges;

(xiii) An evaluation of potential impacts together with any plans and proposals for alleviating social and economic impacts upon local governments or special districts and alleviating environmental impacts which may result from the proposed facility. The evaluations, plans and proposals shall cover the following:

(A) Scenic resources;

(B) Recreational resources;

(C) Archaeological and historical resources;

(D) Land use patterns;

(E) Economic base;

(F) Housing;

(G) Transportation;

(H) Sewer and water facilities;

(J) Solid waste facilities;

(K) Police and fire facilities;

(M) Educational facilities;

(N) Health and hospital facilities;

(O) Water supply;

(P) Other relevant areas

(Q) Agricultural;

(R) Terrestrial and aquatic wildlife;

(S) Threatened, endangered and rare species and other species of concern identified in the state wildlife action plan as prepared by the Wyoming game and fish department.

(xiv) Estimated construction cost of the facility;

(xv) What other local, state or federal permits and approvals are required;

(xvi) Compatibility of the facility with state or local land use plans, if any;

(xvii) Any other information the applicant considers relevant or required by council rule or regulation;

(xviii) A description of the methods and strategies the applicant will use to maximize employment and utilization of the existing local or in-state contractors and labor force during the construction and operation of the facility;

(xix) Certification that the governing bodies of all local governments which will be primarily affected by the proposed facility were provided notification, a description of the proposed project and an opportunity to ask the applicant questions at least thirty (30) days prior to submission of the application;

(xx) For facilities permitted pursuant to W.S. 35-12-102(a)(vii)(E) or (F), a site reclamation and decommissioning plan, which shall be updated every five (5) years, and a description of a financial assurance plan which will assure that all facilities will be properly reclaimed and decommissioned. All such plans, unless otherwise exempt, shall demonstrate compliance with any rules or regulations adopted by the council pursuant to W.S. 35-12-105(d) and (e);

(xxi) Information demonstrating the applicant's financial capability to construct, maintain, operate, decommission and reclaim the facility.

29. Wyo. Stat. Ann. § 35-12-110(b) (LEXIS 2010) requires that the division shall obtain information and recommendations from the following state agencies relative to the impact of the proposed facility as it applies to each agency's area of expertise:

(i) Wyoming department of transportation;

(ii) Public service commission;

* * *

(iv) Game and fish department;

(v) Department of health;

(vi) Department of education;

(vii) Office of state engineer;

* * *

(ix) Wyoming state geologist;

(x) Wyoming department of agriculture;

(xi) Department of environmental quality;

* * *

* * *

(xiv) The University of Wyoming;

(xv) Department of revenue;

(xvi) The Wyoming business council

(xvii) Department of workforce services;

(xviii) Office of state lands and investments;

(xix) Department of employment;

(xx) Department of state parks and cultural resources;

(xxi) Department of fire prevention and electrical safety;

(xxii) Department of family services;

(xxiii) Oil and gas conservation commission.

30. Wyo. Stat. Ann. § 35-12-110(c) (LEXIS 2010) provides the information required by subsection (b) of this section shall be provided by the agency from which it is requested not more than sixty (60) days from the date the request is made and shall include opinions as to the advisability of granting or denying the permit together with reasons therefore, and recommendations regarding appropriate conditions to include in a permit, but only as to the areas within the expertise of the agency. Each agency which has regulatory authority over the proposed facility shall provide to the council a statement defining the extent of that agency's jurisdiction to regulate impacts from the facility, including a statement of the agency's capability to address cumulative impacts of the facility in conjunction with other facilities. The statement of jurisdiction from each agency is binding on the council.

31. Wyo. Stat. Ann. § 35-12-110(d) (LEXIS 2010) provides that upon receipt of an application, the director shall conduct a review of the application to determine if it contains all the information required by W.S. 35-12-109 and the rules and regulations. If the director determines that the application is incomplete, he shall within thirty (30) days of receipt of the application notify the applicant of the specific deficiencies in the application. The applicant shall provide the additional information necessary within thirty (30) days of a receipt of a request for additional information from the director.

32. Wyo. Stat. Ann. § 35-12-110(f) (LEXIS 2010) provides that not more than ninety (90) days after receipt of an application for a permit, the director shall:

> (i) Schedule and conduct a public hearing, provided that no hearing shall be held until the state engineer has submitted a preliminary and final opinion as to the quantity of water available for the proposed facility pursuant to W.S. 35-12-108;
>
> (ii) Notify the applicant and local governments of the hearing;
>
> (iii) Cause notice of the hearing to be published in one (1) or more newspapers of general circulation within the area to be primarily affected by the proposed facility; and
>
> (iv) Hold the hearing at a community as close as practicable to the proposed facility. The provisions of W.S. 35-12-111, 35-12-112 and 35-12-114 apply to the hearing.

33. Pursuant to Wyo. Stat. Ann. § 35-12-111 (a) (LEXIS 2009), the parties to a permit proceeding include:

> (i) The applicant;
>
> (ii) Each local government entitled to receive service of a copy of the application under W.S. 35-12-110(a)(i);
>
> (iii) Any person residing in a local government entitled to receive service of a copy of the application under W.S. 35-12-110(a)(i) and any nonprofit organization with a Wyoming chapter, concerned in whole or in part to promote conservation or natural beauty, to protect the environment, personal health or other biological values, to preserve historical sites, to promote consumer interests, to represent commercial and industrial groups, or to promote the orderly development of the areas in which the facility is to be located. In order to be a party the person or organization must file with the office a notice of intent to be a party not less than twenty (20) days before the date set for the hearing.
>
> (b) Any party identified in paragraph (a)(iii) of this section waives his right to be a party if he does not participate orally at the hearing. Any party identified in paragraph (a)(ii) of this section waives its right to be a party unless the local government files a notice of intent to be a party with the office not less than twenty (20) days before the date set for the hearing.

(c) Any person may make a limited appearance in the proceeding by filing a statement in writing with the council prior to adjournment of the hearing. A statement filed by a person making a limited appearance shall become part of the record and shall be made available to the public. No person making a limited appearance under this subsection is a party to the proceeding.

(d) No state agency other than the industrial siting division shall act as a party at the hearing. Members and employees of all other state agencies and departments may file written comments prior to adjournment of the hearing but may testify at the hearing only at the request of the council, the industrial siting division or any party.

(e) Any person described in W.S. 35-12-111(a)(ii) or (iii) who participated in the public hearing under W.S. 35-12-107 may obtain judicial review of a council decision waiving all or part of the application requirements of this chapter.

34. Pursuant to Wyo. Stat. Ann. § 35-12-113 (LEXIS 2010), the council shall:

(a) Within forty-five (45) days from the date of completion of the hearing the council shall make complete findings, issue an opinion and render a decision upon the record, either granting or denying the application as filed, or granting it upon terms, conditions or modifications of the construction, operation or maintenance of the facility as the council deems appropriate. The council shall not consider the imposition of conditions which address impacts within the area of jurisdiction of any other regulatory agency in this state as described in the information provided in W.S. 35-12-110(b), unless the other regulatory agency requests that conditions be imposed. The council may consider direct or cumulative impacts not within the area of jurisdiction of another regulatory agency in this state. The council shall grant a permit either as proposed or as modified by the council if it finds and determines that:

(i) The proposed facility complies with all applicable law;

(ii) The facility will not pose a threat of serious injury to the environment nor to the social and economic condition or inhabitants or expected inhabitants in the affected area;

(iii) The facility will not substantially impair the health, safety or welfare of the inhabitants

(iv) The applicant has the financial resources to construct, maintain, operate, decommission and reclaim the facility.

(b) No permit shall be granted if the application is incomplete.

(c) If the council determines that the location of all or part of the proposed facility should be modified, it may condition its permit upon that modification, provided that the local governments, and persons residing therein, affected by the modification, have been given reasonable notice of the modification.

(d) The council shall issue with its decision, an opinion stating in detail its reasons for the decision. If the council decides to grant a permit for the facility, it shall issue the permit embodying the terms and conditions in detail, including the time specified to commence construction, which time shall be determined by the council's decision as to the reasonable capability of the local government, most substantially affected by the proposed facility, to implement the necessary procedures to alleviate the impact. A copy of the decision shall be served upon each party.

(e) A permit may be issued conditioned upon the applicant furnishing a bond to the division in an amount determined by the director from which local governments may recover expenditures in preparation for impact to be caused by a facility if the permit holder does not complete the facility proposed. The permit holder is not liable under the bond if the holder is prevented from completing the facility proposed by circumstances beyond his control.

(f) Within ten (10) days from the date of the council's decision, a copy of the findings and the council's decision shall be served upon the applicant, parties to the hearing and local governments to be substantially affected by the proposed facility and filed with the county clerk of the county or counties to be primarily affected by the proposed facility. Notice of the decision shall be published in one (1) or more newspapers of general circulation within the area to be affected by the proposed facility.

35. The Industrial Development Information and Siting Rules and Regulations, Chapter 1 provide:

Section 7. **Application information to be submitted.**
In accordance with W.S. 35-12-109, the application shall contain the information required by the act with respect to both the construction period and online life of the proposed industrial facility and the following information the council determines necessary:

(a) The application shall state the name, title, telephone number, and post office address of the person to whom communication in regards to the application shall be made.

(b) A description of the specific, geographic location of the proposed industrial facility. The description shall include the following:

(i) Preliminary site plans at an appropriate scale indicating the anticipated location for all major structures, roads, parking areas, on-site temporary housing, staging areas, construction material sources, material storage piles and other dependent components;

(ii) The area of land required by the industrial facility and a land ownership map covering all the components of the proposed industrial facility.

(c) A general description of the major components of the proposed industrial facility such as boilers, steam generators, turbine generators, cooling facilities, production equipment, and dependent components.

(d) A description of the operating nature of the proposed industrial facility, the expected source and quantity of its raw materials, and energy requirements. The description shall include, but is not limited to, the following:

(i) The proposed on-line life of the industrial facility and its projected operating capacity during its on-line life and, for transmission lines exceeding one hundred fifteen thousand (115,000) volts included as part of the proposed industrial facility, a projection indicating when such lines will become insufficient to meet the future demand and at what time a need will exist to construct additional transmission lines to meet such demands;

(ii) Products needed by facility operations and their source.

(e) A statement that shall be a reasonable estimate of the calendar quarter in which construction of the industrial facility will commence, contingent upon the issuance of a permit by the council.

(f) A statement that shall be a reasonable estimate of the maximum time period required for construction of the industrial facility and an estimate of when the physical components of the industrial facility will be ninety (90) percent complete, and the basis for that estimate.

(g) The applicant shall identify what it deems to be the area of site influence and the local governments primarily affected by the proposed industrial facility as defined in sections 2(b) and (c), respectively, of these

regulations. The immediately adjoining area(s) and local governments shall also be identified with a statement of the reasons for their exclusion from the list of area(s) or local governments primarily affected by the proposed industrial facility.

(h) The estimated number of employees needed to complete the construction and operation of the facility by the applicant, its contractors and subcontractors to include job classifications by calendar quarter. The estimate should also include:

(i) Seasonal fluctuations and the peak employment during both construction and operation;

(ii) Annual payroll;

(iii) Expected benefits, if any, to be provided including housing allowances, transportation allowances, and per diem allowances.

(i) An evaluation of the social and economic conditions in the area of site influence. The social and economic conditions shall be inventoried and evaluated as they currently exist, projected as they would exist in the future without the proposed industrial facility and as they will exist with the facility. Prior to submitting its application, each applicant shall confer with the administrator to define the needed projections, the projection period and issues for socioeconomic evaluation. The evaluation may include, but is not limited to:

(i) Land use designation of the site location, including whether or not the use of the land by the industrial facility is consistent with state, intrastate, regional, county and local land use plans, if any. The analysis shall include the area of land required and ultimate use of land by the industrial facility and reclamation plans for all lands affected by the industrial facility or its dependent components;

(ii) A study of the area economy including a description of methodology used. The study may include, but is not limited to, the following factors:

(A) Employment projections by major sector;
(B) Economic bases and economic trends of the local economy;

(C) Estimates of basic versus non-basic employment;
(D) Unemployment rates;

(iii) A study of the area population including a description of methodology used. The study may include, but is not limited to, an evaluation of demographic characteristics for the current population and projections of the area population without the proposed industrial facility;

(iv) An analysis of housing facilities by type, including a quantitative evaluation of the number of units in the area and a discussion of vacancy rates, costs, and rental rates of the units. The analysis should include geographic location, including a quantitative evaluation of the number of units in the area required by the construction and operation of the proposed industrial facility and a discussion of the effects of the proposed industrial facility on vacancy rates, costs, and rental rates of the units. Specific housing programs proposed by the applicant should be described in detail;

(v) An analysis of transportation facilities containing discussion of roads (surface, type), and railroads (if applicable). An analysis of effects on transportation facilities including effects on service levels of roads, haul routes for materials and supplies, increased rail traffic at grade crossings, and intersection of new access roads with existing roads;

(vi) Public facilities and services availability and needs, which may include, but are not limited to:

(A) Facilities required for the administrative functions of government;

(B) Sewer and water distribution and treatment facilities including the capability of these facilities to meet projected service levels required due to the proposed industrial facility. Use of facilities by the proposed industrial facility should be assessed separately from population related increases in service levels;

(C) Solid waste collection and disposal services including the capability of these facilities to meet projected service levels required due to the proposed industrial facility. Use of facilities by the proposed industrial facility should be assessed separately from population related increases in service levels;

(D) Existing police and fire protection facilities including specific new demands or increases in service levels created by the proposed industrial facility;

(E) An analysis of health and hospital care facilities and services;

(F) Human service facilities, programs and personnel, including an analysis of the capacity to meet current demands and a description of problems, needs, and costs of increasing service levels;

(G) An analysis of user-oriented community recreational facilities and programs and urban outdoor recreational opportunities including descriptions of recreational resources, locations of the recreational resources, and the types of recreational resources and an analysis of outdoor, resource-oriented recreational opportunities including locations and types of the recreational resources;

(H) Educational facilities, including an analysis based upon enrollment per grade, physical facilities and their capacities and other relevant factors with an assessment of the effect that the new population will have on programs and facilities;

(I) Problems due to the transition from temporary, construction employees to operating workforces should be addressed. Changes in levels of services required as a result of the proposed industrial facility should specifically be addressed. Cumulative impacts of the proposed industrial facility and other developments in the area of site influence should be addressed separately. This assessment should examine increased demands associated with the construction and operational phases of the proposed industrial facility, as well as effects on the level of services as the construction or operational workforces decline;

(J) A copy of any studies that may have been made of the social or economic impact of the industrial facility.

(vii) A fiscal analysis over the projection period for all local governments and special districts identified by the applicant as primarily affected by the proposed industrial facility, including revenue structure, expenditure levels, mill levies, services provided through public financing, and the

problems in providing public services. The analysis may include, but is not limited to:

(A) An estimate of the cost of the industrial facility subject to sales and use taxes and expected payments by quarter for the construction period. This estimate should include a breakdown by county if the components of the industrial facility will be located in more than one county. The estimate will also include projections of the impact assistance payments available under W.S. 39-6-411(c) and W.S. 39-6-512(d) generated by the proposed industrial facility through the sales and use tax payments;

(B) An estimate of the cost of components of the industrial facility which will be included in the assessed value of the industrial facility for purposes of ad valorem taxes for both the construction and operations periods. This estimate should include a breakdown by county if the components of the industrial facility will be located in more than one county.

(j) An evaluation of the environmental impacts. The items shall be noted and evaluated as they would exist if the proposed industrial facility were built. Each evaluation should be followed by a brief explanation of each impact and the permit issued that regulates the impact. If the impact is not regulated by a state regulatory agency or federal land management agency, the application must including plans and proposals for alleviating adverse impacts. Cumulative impacts of the proposed industrial facility and other projects in the area of site influence should be addressed separately.

(k) The applicant shall describe the procedures proposed to avoid constituting a public nuisance, endangering the public health and safety, human or animal life, property, wildlife or plant life, or recreational facilities which may be adversely affected by the proposed facility, including:

(i) Impact controls and mitigating measures proposed by the applicant to alleviate adverse environmental, social and economic impacts associated with construction and operation of the proposed industrial facility;

(ii) Monitoring programs to assess effects of the proposed industrial facility and the overall effectiveness of impact controls and mitigating actions.

36. Wyo. Stat. Ann. § 18-5-502 (LEXIS 2010) provides further guidance in the regulation of wind energy projects including in relevant part:

> (a) It is unlawful to locate, erect, construct, reconstruct or enlarge a wind energy facility without first obtaining a permit from the board of county commissioners in the county in which the facility is located.
>
> * * *
>
> (c) No wind energy facility constructed or being constructed prior to July 1, 2010 shall be required to have the permit required by this section. No wind energy facility for which an application for a permit has been made to the industrial siting council, or that has received findings of fact, conclusions of law and an order from the industrial siting council, prior to July 1, 2010 shall be required to have the permit required by this section.

B. Application of Principles of Law

37. This Council has considered all the evidence and testimony presented at the July 13, 2010 hearing in this matter. The concerns expressed by Campbell County requesting a requirement that TPW enter into a road use agreement, post a 6.1 million dollar bond and reduce the tower height for safety concerns on one tower from one and one half times the tower height to the county road to one and one quarter tower height from the county road have been considered by the Council. This Council finds TPW agreed through the testimony of Littlefield that a road use agreement will be entered into with the State and county prior to construction. This Council rejects Campbell County's request for a 6.1 million dollar bond and specifically adopts the Division's recommendation, as agreed to by TPW and as reflected in Permit Condition #15, setting the bond at 3.7 million dollars. This Council also rejects Campbell County's argument that one tower height should be reduced for safety concerns as not supported by the evidence.

38. This Council has also considered the testimony of Nathan and Edgeley, as well as the documentary evidence of financial assurance demonstrating the applicant's financial resources to construct, maintain, operate, decommission and reclaim the facility. This Council finds that further assurance of financial capability shall be provided to the Director of the Department of Environmental Quality of a commitment letter that TPW has actually obtained sufficient assurances of financial resources as reflected in Special Permit Condition #16. This commitment letter shall be provided prior to commencement of construction of the Project.

39. TPW has shown, by a preponderance of the evidence, that it filed a completed Application with the Division regarding the 100 wind turbines in a single phase Project, and included the requirements in Wyo. Stat. Ann. § 35-12-109(a) (LEXIS 2010) and Chapter 1, Section 7 of the Rules and Regulations and that the proposed Project complies with all applicable law. The statutes do not require TPW to obtain a permit from the Campbell County Commissioners prior to construction as the Application was filed prior to July 1, 2010.

40. TPW has shown, through testimony and exhibits, that the proposed Project will not pose a threat of serious injury to the environment nor to the social and economic condition or inhabitants in the affected area.

41. Finally, through the testimony of all its witnesses, as well as the exhibits submitted, TPW has demonstrated the proposed Project will not substantially impair the health, safety or welfare of the inhabitants.

42. With the proposed conditions set forth in *State's Exhibits 1 and 2,* as well as this Council's Special Condition #16, this Council is satisfied that the industrial siting permit will assure compliance with the statutes and rules at issue in this matter regarding this Project.

DECISION

Pursuant to the authority vested in the Industrial Siting Council by WYO. STAT. ANN. § 35-12-113 (LEXIS 2010), this Council hereby **grants** the Industrial Siting Permit Application filed by Third Planet Windpower, LLC, doing business as TPW Reno Junction, LLC to construct and operate a single phase wind energy generation project consisting of 100 wind turbines to be located near the Town of Wright, Wyoming in Campbell County, Wyoming.

Pursuant to its authority, this Council allocates the impact assistance funds as follows:

Campbell County, Wyoming: 25%

City of Gillette, Wyoming: 25%

Town of Wright, Wyoming: 50%

Finally, pursuant to its authority, this Council places the following terms and conditions on the facility as modified from *State's Exhibits 1 and 2*:

Condition #1. Third Planet Windpower, LLC, doing business as TPW Reno Junction, LLC (Permittee) will obtain and maintain all required State and local permits and approvals in accordance with W.S. 35-12-109(a)(xv), 35-12-113(a) (i) and 35-12-115 during the term of this permit.

Condition #2. Construction must commence within three years following the date of the award of this permit.

Condition #3. Before engaging in any activity over which the Industrial Siting Council (ISC) has jurisdiction which could significantly affect the environment external to Permittee's permit area, or the social, or economic, or environmental conditions of the area of site influence and which was not evaluated in the permit process, the Permittee shall prepare and file an evaluation of such activity with the Industrial Siting Division (ISD). When in the opinion of the Director of the Department of Environmental Quality (Director), the evaluation indicates that such activity may result in significant adverse impacts that were not considered in the permit the Permittee shall file a permit amendment in accordance with W. S. 35-12-106.

Condition #4. The Permittee shall develop a written compliance plan and program to ensure compliance with voluntary commitments of this Permit, testimony, agreements with local governments, and these permit conditions. A compliance coordinator shall be

designated and identified to the ISD prior to the onset of construction. This individual shall present himself/herself and meet with the ISD staff before construction commences and review the permit requirements with the ISD staff. This coordinator shall assume the responsibility for assuring that contractors and subcontractors are aware of and enable the Permittee to meet all permit requirements.

Condition #5. The ISC may review any adverse social, economic, or environmental impacts either within or outside the area primarily affected that are attributed to the Permittee:

a. Which adversely affect the current level of facilities or services provided by the local community;

b. Which cannot be alleviated by financing through ordinary sources of revenue, given due consideration to bonding history and capacity of the jurisdiction involved;

c. Which were not evaluated or foreseen at the time the permit was granted and can be attributed in whole or in part to the permitted facility; and

d. Which are not or cannot be resolved by voluntary measures by industrial representatives in the community,

Then by order issued in accordance with the Wyoming Administrative Procedures Act, the ISC may require additional mitigation by the Permittee in cooperation with other basic industries (existing and future) provided that:

a. A local government has requested mitigation assistance; and

b. Such adverse impacts were determined to be a result of the activities of the Permittee.

Permittee shall be required to assist in mitigating any impacts that result from construction or operation of the Reno Junction Wind Energy Project (Project), including those resulting from direct and indirect employment. For purposes of determining additional mitigation measures by the Permittee, consideration shall be given to previous mitigation efforts. However, in any event, Permittee shall not be required to provide mitigation in excess of the proportion that the Permittee's activities are contributing to the total impacts within the impacted area (as defined by W. S. 35-12-102).

Condition #6. The Permittee shall give written notice to the ISD when construction commences on each phase of the Project.

Condition #7. The Permittee shall give written notice to the ISD when the physical components of each phase of the Project are 90 percent complete.

Condition #8. As a means of adhering to W. S. 35-12-1O9 (a) (xviii) to provide preference for local and resident hiring, the Permittee, contractors and subcontractors shall follow these hiring guidelines:

a. Procedures to foster local hiring shall be incorporated into the compliance plan.

b. Job postings shall be filed with the local Workforce Center.

Condition #9. The Permittee shall submit an annual report to ISC for the years or portion of a year that includes construction and again for the first year of operation of the facility for each phase. The annual report shall include:

a. Efforts to assure compliance with voluntary commitments, mitigation agreements with local governments, and conditions contained in this permit;

b. The extent to which construction has been completed in accordance with the approved schedule;

c. Any revised time schedules or time tables for construction, operations, and reclamation, and a brief summary of the construction, reclamation, and other activities that will occur in the next one-year period; and

d. Demonstration of compliance with permit conditions.

Condition #10. In order that the ISD may monitor Permittee's performance, the Permittee shall institute the following monitoring program that shall be recorded on a monthly basis and reported to the ISD on a quarterly basis through the construction period of each phase. Monthly data will be in a form prescribed by ISD and shall include:

a. The average and peak number of employees for the Permittee, contractors and subcontractors.

b. Employee city and state of residency at the time of hire and the employee city and state while employed and type of residence while employed.

c. The number of new students enrolled by grade level and school district who are related to Permittee employees, identified as either local (no change of residence) and in-migrants.

d. Wyoming resident versus non-resident mix of workforce.

e. An updated construction schedule for the phases in the form of Figure 3-1 as shown on page 3-2 of the *Section 109 Permit Application Reno Junction Wind Energy Project* (Application).

Condition #11. The Permittee shall notify the ISD in advance of proposed changes to the scope, purpose, size or schedule of the Project. The Director may authorize such changes if he or she finds that:

a. The change should not result in any significant adverse environmental, social, and economic impacts in the area of site influence; and

b. No party nor Council Member has requested that the matter be heard before the Council in accordance with the permit procedures of W. S. 35-12-106 (c) (d).

The Director will provide public notice of the proposed change and his intent to approve the request.

Condition #12. The Permittee will notify the ISD in advance and provide updates to the construction schedule, Figure 3-1 on page 3-2 of the Application, Table 3-1 as presented in Addendum #1, pages 5-12 through 5-16 of the Application, and all other pages of the Application where changes are expected to occur if:

a. Actual on-site workforce during construction is expected to exceed the peak number estimated in the Application by more than fifteen percent (15%);

b. The Permittee wishes to make changes to the lodging plan as described in the Application.

The Director may authorize such changes or refer the matter to the Siting Council.

Condition #13. As may be subsequently required by the Director, the Permittee shall pay a fee based on the estimated costs to prepare, schedule, and conduct a special hearing or meeting of the Council to remedy any action or inaction by the Permittee. Unused fees shall be refunded to the Permittee.

Condition #14. When the Project is nearing completion, Permittee shall place notice to that effect in the newspapers in the general area of the Project.

Condition #15. Before the start of construction Permittee shall provide a surety bond or similar security acceptable to the Wyoming Treasurer in the amount of $3,700,000.00. This amount will be adjusted annually by changes to the consumer price index. The Director will update this amount pursuant to the five year updates called for by W.S. 35-12-109(a)(xx) and the Rules of the Council.

Special Condition #16. Prior to the start of construction, Permittee shall provide evidence acceptable to the Director of the Department of Environmental Quality that Permittee has obtained sufficient assurances of financial resources to construct, maintain, operate, decommission and reclaim the facility.

ORDER

IT IS THEREFORE ORDERED that the Industrial Siting Permit Application known as Third Planet Windpower Reno Junction Wind Energy Project, LLC, as submitted by the Applicant and modified by this Council as set forth above in Permit Conditions #1 through #15 and Special Condition #16 be and is hereby granted.

DONE this ____ day of _____, 2010.

/s/ Aug-17-2010

Shawn Warner, Chairman
Industrial Siting Council
Herschler Building, Fourth Floor West
122 West 25th Street
Cheyenne, Wyoming 82002
(307) 777-7170

CERTIFICATE OF SERVICE

I hereby certify that the original of the foregoing document was served upon the Department of Environmental Quality, Industrial Siting Division and a true and correct copy was served upon the parties by mailing same, postage prepaid, on the 18 day of August 2010, addressed to the following:

Wyoming Department of Environmental Quality - (ORIGINAL)
Industrial Siting Division
Attn: Tom Schroeder, Program Principal
Herschler Building, Fourth Floor West
122 West 25th Street
Cheyenne, Wyoming 82002

Office of Administrative Hearings
State of Wyoming
Cheyenne, Wyoming 82002

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500 South Gillette Avenue, # B200
Gillette, Wyoming 82716

/s/

Industrial Siting Council