

STATE OF NORTH CAROLINA

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS

(1) COUNTY OF Perquimans

(2) Stephen E. Owens and Jillanne G. Badawi)

(your name) PETITIONERS,)

v.)

(3) NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, DIVISION OF ENERGY, MINERAL AND LAND RESOURCES)

RESPONDENT.)

(The State agency or board about which you are complaining))

PETITION
FOR A
CONTESTED CASE HEARING

OFFICE OF ADMIN HEARINGS
2015 SEP 25 PM 2:13

FILED

We hereby ask for a contested case hearing as provided for by North Carolina General Statute § 150B-23 because the Respondent has:

(Briefly state facts showing how you believe you have been harmed by the State agency or board.)

Petitioners are harmed by DENR's 4/29/15 letter to Iberdrola Renewables, which was an ultra vires act and contradicts an earlier (3/18/15) letter from DENR to Iberdrola, which should have stayed in force. This ultra vires act deprives Petitioners of the protections of a DENR permitting process, which includes an environmental impact study. Because the proposed, unpermitted wind facility will likely place their health at risk, and will certainly decrease their enjoyment of their property and devalue their real estate, the failure to obtain a permit and otherwise comply with the requirements of the Act at issue eliminates petitioners' opportunity to participate in the required permitting process and benefit from knowledge resulting from the required environmental impact study. See attached a more detailed statement of the case.

(4) Amount in controversy \$ n/a

(If more space is needed, attach additional pages.) —> *See attached statement of the case

(5) Because of these facts, the State agency or board has: (check at least one from each column)

- deprived me of property;
 - ordered me to pay a fine or civil penalty; or
 - otherwise substantially prejudiced my rights;
- AND**
- exceeded its authority or jurisdiction;
 - acted erroneously;
 - failed to use proper procedure;
 - acted arbitrarily or capriciously; or
 - failed to act as required by law or rule.

(6) Date: 9/25/2015

(7) Your phone number: (757) 285-0345 and (757) 434-3522

(8) Print your full address: 1015 Swamp Road Hertford North Carolina 27944
(street address/p.o. box) (city) (state) (zip)

(9) Print your name: Stephen E. Owens and Jillanne G. Badawi

(10) Your signature: [Signature] Attorney for Petitioners; see attached Notice of Representation

You must mail or deliver a COPY of this Petition to the State agency or board named on line (3) of this form. You should contact the agency or board to determine the name of the person to be served.

CERTIFICATE OF SERVICE

I certify that this Petition has been served on the State agency or board named below by depositing a copy of it with the United States Postal Service with sufficient postage affixed **OR** by delivering it to the named agency or board:

(11) Sam Hayes, General Counsel (name of person served) (12) Department of Environment and Natural Resources (State agency or board listed on line 3)
(13) Green Square Building, 217 W. Jones Street (street address/p.o. box) Raleigh (city) NC (state) 27603 (zip code)
(14) This the 25th day of September, 2015.
(15) Ellist Sngpton (your signature)

When you have completed this form, you **MUST** mail or deliver the **ORIGINAL AND ONE COPY** to the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6714.

This box for OAH use only.

Amount Paid \$ _____	Indigent (must complete form HOI)
Cash – receipt number _____	Mandated federal cause of action
Money Order Certified Check Attorney Trust Account	Received by: _____
Check number _____	

NOTICE OF REPRESENTATION

STATE OF NORTH CAROLINA
COUNTY OF PERQUIMANS

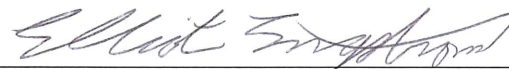
IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
15 EHR _____

STEPHEN E. OWENS and JILANNE G. BIDAWI
Petitioners,
v.
NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, DIVISION OF ENERGY, MINERAL AND LAND RESOURCES
Respondent.

NOTICE OF REPRESENTATION

NOW COMES the undersigned attorney and enters a Notice of Representation on behalf of the Petitioners in the above-styled action. All further notices and copies of pleadings, papers, and other material relevant to counsel's representation should be directed to and served upon the undersigned counsel.

Respectfully submitted this the 25th day of September, 2015.



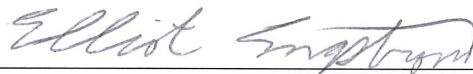
Elliot Engstrom (N.C. Bar No. 46003)
Civitas Institute
Center for Law and Freedom
100 S. Harrington Street
Raleigh, NC 27603
TEL: (919) 834-2099
FAX: (919) 834-2350
elliott.engstrom@nccivitas.org

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing NOTICE OF REPRESENTATION was served on all parties by depositing true copies thereof with the United States Postal Service, first class postage prepaid, addressed to the following:

Sam Hayes
General Counsel
Green Square Building
217 W. Jones St.
Raleigh, NC 27603

This the 25th day of September, 2015.



Elliot Engstrom (N.C. Bar No. 46003)

Civitas Institute

Center for Law and Freedom

100 S. Harrington Street

Raleigh, NC 27603

TEL: (919) 834-2099

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STATEMENT OF THE CASE

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In 2011, Atlantic Wind, a subsidiary of Iberdrola Renewables, proposed construction of a wind energy facility, referred to herein as the 2011 Desert Wind Project. In 2014, Iberdrola expanded the 2011 project by increasing the heights of the wind towers and changing their locations. To distinguish between the initial project and the expanded project, we hereinafter refer to the expansion as the 2014 Desert Wind Project.

Under federal law, and for each of the 151 tall structures that made up its 2011 wind energy facility, Iberdrola was required to obtain Federal Aviation Administration (“FAA”) determinations that the tall structures posed no hazard to civil aviation. On June 29, 2011, the FAA issued 151 “Determinations of No Hazard to Air Navigation” for the 2011 Project. See, e.g., Exhibit 1. These determinations expired on December 29, 2012. *Id.* On June 27, 2014, after expiration of the 2011 no hazard determinations, Iberdrola submitted a new set of applications to the FAA for its 2014 project. See, e.g., Exhibit 3.

As admitted by DENR in its April 29, 2015, letter (Exhibit 5), the 2014 application differed from the 2011 plan in two ways. The heights of the wind towers were increased from 486 feet above ground level to 499 feet above ground level. Compare Ex. 1 with Exhibits 2, 3 & 4. In addition, Iberdrola changed the location of some wind towers. Exhibit 2 provides a list of all the 2014 wind tower locations by latitude and longitude. A search of that list shows the location of the 2011 wind tower identified in Exhibit 1 is not among the 2014 locations.¹ Iberdrola had to obtain new “no hazard” determinations from the FAA because 150 structures in the 2014 Project

¹ We note that on Exhibit 3, the FAA states “Refiling for turbine height, no change in turbine locations of 150 turbines and 1 met tower for Desert Wind Project.” Examination of the lat-long locations, however, shows that this is a misstatement and is not true, as admitted by DENR.

were materially different from the 150 structures in the 2011 Project.²

After Iberdrola obtained No Hazard determinations for its 2011 project, but before they obtained No Hazard determinations for the 2014 expansion, the North Carolina Legislature enacted a statute requiring expansions of wind energy facilities to obtain a permit from DENR. The Agency examined the information submitted by Iberdrola and on March 18, 2015, issued a letter that “determined that Iberdrola 's [2014] Desert Winds Project is subject to the State's wind energy facility permitting process” which required Iberdrola to conduct an environmental impact study and requires DENR to review that study and otherwise take it into account in the permitting process. See, Exhibit 6. One month later, DENR issued a second letter, indicating it had “renewed its review of the Act” and determined the 2014 project was not subject to permitting. See Exhibit 5.

On May 27, 2013, after the 2011 FAA determinations expired for the 2011 Project, but before the 2014 FAA determinations were granted, the General Assembly enacted N.C. Session Law 2013-51, An Act to Establish a Permitting Program for the Siting and Operation of Wind Energy Facilities (the “Act”). The Act became effective when it became law, and sets forth permitting requirement for wind facilities. As discussed *infra*, pursuant to the Act, no person shall undertake construction, operation, or expansion activities associated with a wind energy facility in North Carolina without first obtaining a permit from DENR – and DENR is obliged to carry out this permitting process. The Act applies to wind energy facilities or expansions that have not received a Determination prior to May 17, 2013.

² Notably, the 2014 Project is properly viewed as a new project, but at a minimum must be viewed under the statute as an expansion of the 2011 project, bringing it within the requirement to obtain a permit before commencement of construction.

At issue in this case is DENR's determination that the 2014 Desert Wind Project is not subject to the permitting provisions of N.C.G.S. 143-215.115 thru 215.226. This determination was an *ultra vires* act, and therefore void. Petitioners are aggrieved by DENR's *ultra vires* act because the Act's purpose was to protect: (i) the interests of the military; (ii) the environment; and, (iii) nearby residents and others who may be exposed to unknown health impacts, and who may suffer diminished enjoyment and value of their property. Failure to require Iberdrola to go through the permitting process frustrates these protections to petitioners offered by the Act. The permitting process not only will provide the petitioners and DENR the information necessary to review the requisite permit under the Act, it will provide the petitioners procedural relief from any arbitrary and capricious behavior by DENR and any inadequacy in the required environmental impact study. The *ultra vires* act eliminates the protections the Act is intended to provide to North Carolina citizens and specifically to nearby residents such as the petitioners. This aggrieves the petitioners and can be repaired only by compliance with the permitting procedures established under the Act.

PETITIONERS' AFFIDAVITS

STATE OF NORTH CAROLINA
COUNTY OF PASQUOTANK

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS

Stephen Owens and Jillanne GiGi Badawi,

Petitioners,

v.

NORTH CAROLINA DEPARTMENT OF
ENVIRONMENT AND NATURAL RE-
SOURCE, DIVISION OF ENERGY, MIN-
ERAL AND LAND RESOURCES

Respondent.

AFFIDAVIT IN SUPPORT OF PETITION

AFFIDAVIT OF JILLANNE GIGI BADAWI

Comes the affiant, Jillanne GiGi Badawi and states as follows:

1. I own a home in North Carolina located at 1015 Swamp Road, Hertford, North Carolina, 27944.
2. I am over the age of 18, and competent to testify to the matters hereinafter set forth.
3. Swamp Road property is located within a mile of the Desert Wind energy project.
4. From my property, I can see and hear ongoing construction activity related to the wind energy project. That noise is disruptive to the peace and quiet in our neighborhood and is deeply annoying.
5. I am concerned about possible health effects of the wind energy project which may, for example, consist of disruption of my sleep and over time my ability to concentrate as well as benefit from the peace and quiet of our rural setting.

6. Because no competent and sufficient environmental impact study, one sufficient to meet the requirements of the permitting process, has been required by DENR and made public to those likely to be affected, I do not know and cannot know the exact health effects I may suffer from the project.
7. I am also concerned about the diminution in value of our property, because of the adjacent wind project, as well as its attendant impacts on the scenery, ambient noise levels, and potential health effects. I have been informed that property values of homes near a wind facility fall dramatically after construction and start-up of such a facility.
8. I do not enjoy our property as much as I previously did, due to ongoing construction activities. Specifically, I am subject to the noises and sights associated with ongoing construction, as well as potential health effects such construction may cause.
9. Under the N.C. Session Law 2013-51, An Act to Establish a Permitting Program for the Siting and Operation of Wind Energy Facilities (the "Act"), as citizens, and especially as ones living in close proximity to the Desert Wind facility, I have a right to benefit from the information gained through the environmental impact study required of Desert Winds under the Act and the related benefits of the permitting process required by the Act that are informed by the environmental impact study.
10. Among those benefits are the right to challenge the adequacy of the permitting process in court and the opportunity to participate in the permitting process itself.

11. For all the forgoing reasons, I am aggrieved by the issuance of the second, *ultra vires* DENR letter.

FURTHER AFFIANT SAYETH NAUGHT.

Jillanne GiGi Badawi

Jillanne GiGi Badawi

Subscribed and sworn before me this the 22 day of Sep., 2015.

Crystal Crockford

Notary Public



My Commission Expires: June 30, 2018

STATE OF NORTH CAROLINA
COUNTY OF PASQUOTANK

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS

Stephen Owens and Jillanne GiGi Badawi,

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NORTH CAROLINA DEPARTMENT OF
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Respondent.

AFFIDAVIT IN SUPPORT OF PETITION

AFFIDAVIT OF STEPHEN OWENS

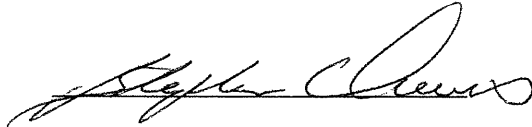
Come the affiant, Stephen Owens and states as follows:

1. I own a home in North Carolina located at 1015 Swamp Road, Hertford, North Carolina, 27944.
2. I am over the age of 18, and competent to testify to the matters hereinafter set forth.
3. Swamp Road property is located within a mile of the Desert Wind energy project.
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6. Because no competent and sufficient environmental impact study, one sufficient to meet the requirements of the permitting process, has been required by DENR and made public to those likely to be affected, I do not know and cannot know the exact health effects I may suffer from the project.
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10. Among those benefits are the right to challenge the adequacy of the permitting process in court and the opportunity to participate in the permitting process itself.


11. For all the forgoing reasons, I am aggrieved by the issuance of the second, *ultra vires* DENR letter.

FURTHER AFFIANT SAYETH NAUGHT.



Stephen Owens

Subscribed and sworn before me this the 22 day of Sept, 2015.



Notary Public

My Commission Expires: Nov 30, 2016

EXHIBIT 1 — FAA
“DETERMINATION OF NO
HAZARD TO AIR NAVIGATION”
ISSUED ON JUNE 29, 2011



Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 2601 Meacham Boulevard
 Fort Worth, TX 76137

Aeronautical Study No.
 2011-WTE-2312-OE

Issued Date: 06/29/2011

Tina Bartunek
 IBERDROLA RENEWABLES
 1125 NW Couch St
 Portland, OR 97209

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine A2
 Location: Windfall, NC
 Latitude: 36-17-05.45N NAD 83
 Longitude: 76-29-21.68W
 Heights: 486 feet above ground level (AGL)
 498 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

As a condition to this Determination, the structure is marked/lighted in accordance with FAA Advisory circular 70/7460-1 K Change 2, Obstruction Marking and Lighting, white paint/synchronized red lights - Chapters 4,12&13(Turbines).

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part I)
- Within 5 days after the construction reaches its greatest height (7460-2, Part II)

See attachment for additional condition(s) or information.

This determination expires on 12/29/2012 unless:

- (a) extended, revised or terminated by the issuing office.
- (b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION

OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. This determination is based, in part, on the foregoing description which includes specific coordinates and heights . Any changes in coordinates will void this determination. Any future construction or alteration requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

If we can be of further assistance, please contact our office at (404) 305-7081. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2011-WTE-2312-OE.

Signature Control No: 137915776-145372207
Michael Blaich
Specialist

(DNE -WT)

Attachment(s)
Additional Information

Additional information for ASN 2011-WTE-2312-OE

A Department of the Navy (DON) evaluation determined the structure would not have an adverse aeronautical effect on flight operations, flight procedures, and safety of flight and as such the DON is providing a No Objection. While the evaluation determined the structure would not have an adverse aeronautical effect, construction of wind turbines may have an adverse impact on DON receiver subsystem site at the Naval Support Activity, Northwest in Chesapeake, Virginia. The FAA requires the Proponent, prior to construction, to contact:

Director, Forces Surveillance Support Center, 1298 Olympic Boulevard, Chesapeake, Virginia 23322

**EXHIBIT 2 — LIST OF ALL 2014
WIND TOWER LOCATIONS BY
LONGITUDE AND LATITUDE**



Circle Search for Cases Results

Records 1 to 200 of 263

Page 1 of 2

[Next page →](#)

Case Number	City	State	Latitude	Longitude	Site Elevation	Structure Height	Total Height
2014-WTE-3763-OE	Windfall	NC	36° 19' 48.94" N	76° 28' 46.24" W	10	404	414
2014-WTE-3759-OE	Windfall	NC	36° 17' 02.75" N	76° 26' 18.08" W	13	499	512
2014-WTE-3758-OE	Windfall	NC	36° 17' 37.95" N	76° 27' 21.64" W	13	499	512
2014-WTE-3757-OE	Windfall	NC	36° 17' 20.90" N	76° 27' 10.90" W	15	499	514
2014-WTE-3756-OE	Windfall	NC	36° 17' 06.57" N	76° 27' 02.11" W	14	499	513
2014-WTE-3755-OE	Windfall	NC	36° 17' 14.44" N	76° 27' 45.08" W	13	499	512
2014-WTE-3754-OE	Windfall	NC	36° 17' 00.01" N	76° 27' 34.37" W	14	499	513
2014-WTE-3753-OE	Windfall	NC	36° 17' 45.57" N	76° 25' 21.59" W	13	499	512
2014-WTE-3752-OE	Windfall	NC	36° 17' 32.62" N	76° 25' 17.46" W	13	499	512
2014-WTE-3751-OE	Windfall	NC	36° 18' 14.93" N	76° 26' 23.16" W	14	499	513
2014-WTE-3750-OE	Windfall	NC	36° 16' 45.10" N	76° 27' 24.42" W	15	499	514
2014-WTE-3749-OE	Windfall	NC	36° 17' 44.76" N	76° 26' 08.21" W	14	499	513
2014-WTE-3748-OE	Windfall	NC	36° 17' 31.13" N	76° 25' 58.82" W	14	499	513
2014-WTE-3747-OE	Windfall	NC	36° 17' 20.41" N	76° 25' 46.78" W	14	499	513
2014-WTE-3746-OE	Windfall	NC	36° 17' 50.77" N	76° 26' 47.46" W	14	499	513
2014-WTE-3745-OE	Windfall	NC	36° 17' 34.54" N	76° 26' 37.27" W	13	499	512
2014-WTE-3744-OE	Windfall	NC	36° 17' 19.67" N	76° 26' 30.84" W	12	499	511
2014-WTE-3743-OE	Windfall	NC	36° 16' 48.06" N	76° 28' 01.83" W	14	499	513
2014-WTE-3742-OE	Windfall	NC	36° 20' 13.65" N	76° 24' 35.72" W	13	499	512
2014-WTE-3741-OE	Windfall	NC	36° 18' 35.89" N	76° 24' 18.06" W	14	499	513
2014-WTE-3740-OE	Windfall	NC	36° 18' 52.55" N	76° 24' 27.54" W	17	499	516
2014-WTE-3739-OE	Windfall	NC	36° 19' 03.75" N	76° 24' 38.04" W	11	499	510
2014-WTE-3738-OE	Windfall	NC	36° 22' 02.21" N	76° 22' 33.03" W	15	499	514
2014-WTE-3737-OE	Windfall	NC	36° 22' 21.24" N	76° 22' 40.13" W	13	499	512
2014-WTE-3736-OE	Windfall	NC	36° 22' 35.00" N	76° 22' 48.72" W	14	499	513
2014-WTE-3735-OE	Windfall	NC	36° 19' 19.88" N	76° 24' 44.19" W	15	499	514
2014-WTE-3734-OE	Windfall	NC	36° 22' 15.93" N	76° 23' 17.56" W	15	499	514
2014-WTE-3733-OE	Windfall	NC	36° 22' 31.44" N	76° 23' 24.07" W	13	499	512
2014-WTE-3732-OE	Windfall	NC	36° 20' 15.30" N	76° 22' 58.12" W	11	499	510
2014-WTE-3731-OE	Windfall	NC	36° 20' 27.84" N	76° 23' 09.46" W	10	499	509
2014-WTE-3730-OE	Windfall	NC	36° 19' 38.03" N	76° 24' 53.92" W	9	499	508
2014-WTE-3729-OE	Windfall	NC	36° 20' 43.17" N	76° 23' 17.75" W	14	499	513
2014-WTE-3728-OE	Windfall	NC	36° 20' 56.89" N	76° 23' 26.67" W	12	499	511
2014-WTE-3727-OE	Windfall	NC	36° 21' 09.61" N	76° 23' 37.88" W	14	499	513
2014-WTE-3726-OE	Windfall	NC	36° 21' 22.72" N	76° 23' 49.22" W	15	499	514
2014-WTE-3725-OE	Windfall	NC	36° 19' 04.18" N	76° 23' 00.64" W	13	499	512
2014-WTE-3724-OE	Windfall	NC	36° 19' 17.02" N	76° 23' 12.33" W	14	499	513
2014-WTE-3723-OE	Windfall	NC	36° 19' 30.95" N	76° 23' 20.88" W	13	499	512
2014-WTE-3722-OE	Windfall	NC	36° 19' 46.16" N	76° 23' 27.19" W	10	499	509
2014-WTE-3721-OE	Windfall	NC	36° 20' 02.33" N	76° 23' 34.43" W	12	499	511
2014-WTE-3720-OE	Windfall	NC	36° 20' 14.65" N	76° 23' 41.97" W	11	499	510
2014-WTE-3719-OE	Windfall	NC	36° 18' 26.51" N	76° 25' 11.70" W	14	499	513
2014-WTE-3718-OE	Windfall	NC	36° 20' 31.60" N	76° 23' 50.88" W	12	499	511
2014-WTE-3717-OE	Windfall	NC	36° 21' 03.17" N	76° 24' 13.74" W	13	499	512
2014-WTE-3716-OE	Windfall	NC	36° 18' 27.19" N	76° 23' 46.43" W	13	499	512

2014-WTE-3715-OE	Windfall	NC	36° 18' 40.41" N	76° 23' 20.05" W	11	499	510
2014-WTE-3714-OE	Windfall	NC	36° 18' 53.01" N	76° 23' 32.36" W	10	499	509
2014-WTE-3713-OE	Windfall	NC	36° 19' 03.90" N	76° 23' 44.66" W	14	499	513
2014-WTE-3712-OE	Windfall	NC	36° 19' 19.53" N	76° 23' 54.44" W	13	499	512
2014-WTE-3711-OE	Windfall	NC	36° 19' 50.42" N	76° 24' 12.53" W	13	499	512
2014-WTE-3710-OE	Windfall	NC	36° 20' 02.49" N	76° 24' 26.27" W	11	499	510
2014-WTE-3709-OE	Windfall	NC	36° 18' 42.26" N	76° 25' 18.33" W	10	499	509
2014-WTE-3708-OE	Windfall	NC	36° 22' 48.62" N	76° 25' 11.20" W	14	499	513
2014-WTE-3707-OE	Windfall	NC	36° 23' 08.20" N	76° 25' 25.01" W	13	499	512
2014-WTE-3706-OE	Windfall	NC	36° 22' 30.99" N	76° 25' 37.23" W	13	499	512
2014-WTE-3705-OE	Windfall	NC	36° 22' 45.93" N	76° 25' 47.80" W	13	499	512
2014-WTE-3704-OE	Windfall	NC	36° 21' 56.87" N	76° 25' 58.91" W	13	499	512
2014-WTE-3703-OE	Windfall	NC	36° 22' 51.57" N	76° 24' 37.17" W	13	499	512
2014-WTE-3702-OE	Windfall	NC	36° 22' 13.61" N	76° 26' 13.18" W	12	499	511
2014-WTE-3701-OE	Windfall	NC	36° 22' 15.12" N	76° 24' 48.43" W	12	499	511
2014-WTE-3700-OE	Windfall	NC	36° 21' 16.04" N	76° 24' 49.93" W	14	499	513
2014-WTE-3699-OE	Windfall	NC	36° 21' 30.90" N	76° 24' 59.15" W	14	499	513
2014-WTE-3698-OE	Windfall	NC	36° 21' 13.11" N	76° 25' 26.41" W	14	499	513
2014-WTE-3697-OE	Windfall	NC	36° 21' 27.74" N	76° 25' 32.37" W	15	499	514
2014-WTE-3696-OE	Windfall	NC	36° 21' 25.18" N	76° 24' 21.47" W	14	499	513
2014-WTE-3695-OE	Windfall	NC	36° 22' 26.83" N	76° 21' 49.61" W	16	499	515
2014-WTE-3694-OE	Windfall	NC	36° 21' 39.04" N	76° 21' 45.07" W	13	499	512
2014-WTE-3693-OE	Windfall	NC	36° 21' 52.14" N	76° 21' 53.33" W	13	499	512
2014-WTE-3692-OE	Windfall	NC	36° 22' 03.98" N	76° 22' 03.70" W	15	499	514
2014-WTE-3691-OE	Windfall	NC	36° 21' 47.64" N	76° 23' 43.00" W	14	499	513
2014-WTE-3690-OE	Windfall	NC	36° 21' 58.32" N	76° 23' 54.59" W	14	499	513
2014-WTE-3689-OE	Windfall	NC	36° 19' 59.51" N	76° 25' 16.14" W	15	499	514
2014-WTE-3688-OE	Windfall	NC	36° 19' 58.05" N	76° 26' 21.22" W	13	499	512
2014-WTE-3687-OE	Windfall	NC	36° 19' 36.92" N	76° 25' 44.47" W	13	499	512
2014-WTE-3686-OE	Windfall	NC	36° 19' 01.11" N	76° 25' 29.44" W	12	499	511
2014-WTE-3685-OE	Windfall	NC	36° 19' 17.19" N	76° 25' 56.81" W	13	499	512
2014-WTE-3684-OE	Windfall	NC	36° 19' 32.52" N	76° 26' 25.41" W	13	499	512
2014-WTE-3683-OE	Windfall	NC	36° 19' 46.46" N	76° 26' 45.99" W	13	499	512
2014-WTE-3682-OE	Windfall	NC	36° 18' 38.99" N	76° 25' 48.09" W	12	499	511
2014-WTE-3681-OE	Windfall	NC	36° 18' 55.67" N	76° 26' 15.36" W	12	499	511
2014-WTE-3680-OE	Windfall	NC	36° 19' 11.12" N	76° 26' 42.31" W	12	499	511
2014-WTE-3679-OE	Windfall	NC	36° 19' 26.84" N	76° 27' 08.69" W	13	499	512
2014-WTE-3678-OE	Windfall	NC	36° 19' 49.64" N	76° 27' 20.08" W	12	499	511
2014-WTE-3677-OE	Windfall	NC	36° 16' 31.54" N	76° 27' 54.83" W	15	499	514
2014-WTE-3676-OE	Windfall	NC	36° 15' 58.75" N	76° 26' 07.80" W	13	499	512
2014-WTE-3675-OE	Windfall	NC	36° 16' 10.00" N	76° 26' 33.55" W	13	499	512
2014-WTE-3674-OE	Windfall	NC	36° 15' 19.20" N	76° 27' 09.60" W	13	499	512
2014-WTE-3673-OE	Windfall	NC	36° 15' 30.39" N	76° 27' 21.79" W	13	499	512
2014-WTE-3672-OE	Windfall	NC	36° 15' 46.53" N	76° 27' 24.18" W	15	499	514
2014-WTE-3671-OE	Windfall	NC	36° 17' 33.18" N	76° 27' 55.59" W	13	499	512
2014-WTE-3670-OE	Windfall	NC	36° 17' 03.23" N	76° 28' 15.50" W	12	499	511
2014-WTE-3669-OE	Windfall	NC	36° 17' 14.55" N	76° 28' 22.00" W	12	499	511
2014-WTE-3668-OE	Windfall	NC	36° 17' 26.95" N	76° 28' 27.74" W	12	499	511
2014-WTE-3667-OE	Windfall	NC	36° 16' 52.88" N	76° 26' 50.12" W	14	499	513
2014-WTE-3666-OE	Windfall	NC	36° 19' 10.20" N	76° 27' 46.27" W	14	499	513
2014-WTE-3665-OE	Windfall	NC	36° 18' 09.19" N	76° 25' 36.07" W	13	499	512
2014-WTE-3664-OE	Windfall	NC	36° 19' 22.71" N	76° 28' 10.10" W	14	499	513
2014-WTE-3663-OE	Windfall	NC	36° 18' 54.43" N	76° 27' 32.48" W	14	499	513
2014-WTE-3662-OE	Windfall	NC	36° 18' 54.76" N	76° 27' 03.00" W	13	499	512

2014-WTE-3661-OE	Windfall	NC	36° 18' 37.09" N	76° 26' 47.43" W	14	499	513
2014-WTE-3660-OE	Windfall	NC	36° 18' 01.00" N	76° 26' 13.87" W	14	499	513
2014-WTE-3659-OE	Windfall	NC	36° 17' 00.53" N	76° 25' 39.59" W	14	499	513
2014-WTE-3658-OE	Windfall	NC	36° 18' 17.83" N	76° 27' 04.16" W	15	499	514
2014-WTE-3657-OE	Windfall	NC	36° 18' 03.81" N	76° 26' 52.08" W	15	499	514
2014-WTE-3656-OE	Windfall	NC	36° 19' 31.48" N	76° 21' 36.38" W	12	499	511
2014-WTE-3655-OE	Windfall	NC	36° 19' 45.30" N	76° 21' 40.38" W	15	499	514
2014-WTE-3654-OE	Windfall	NC	36° 19' 31.22" N	76° 22' 12.00" W	13	499	512
2014-WTE-3653-OE	Windfall	NC	36° 20' 05.38" N	76° 19' 40.64" W	14	499	513
2014-WTE-3652-OE	Windfall	NC	36° 20' 15.46" N	76° 19' 51.78" W	13	499	512
2014-WTE-3651-OE	Windfall	NC	36° 20' 09.98" N	76° 20' 10.26" W	12	499	511
2014-WTE-3650-OE	Windfall	NC	36° 20' 05.92" N	76° 20' 27.21" W	12	499	511
2014-WTE-3649-OE	Windfall	NC	36° 20' 18.39" N	76° 20' 48.97" W	12	499	511
2014-WTE-3648-OE	Windfall	NC	36° 20' 33.70" N	76° 20' 52.32" W	13	499	512
2014-WTE-3647-OE	Windfall	NC	36° 20' 01.83" N	76° 20' 45.79" W	11	499	510
2014-WTE-3646-OE	Windfall	NC	36° 20' 16.75" N	76° 21' 16.31" W	13	499	512
2014-WTE-3645-OE	Windfall	NC	36° 20' 30.57" N	76° 21' 20.44" W	14	499	513
2014-WTE-3644-OE	Windfall	NC	36° 20' 00.45" N	76° 21' 13.13" W	12	499	511
2014-WTE-3643-OE	Windfall	NC	36° 19' 46.80" N	76° 22' 16.26" W	14	499	513
2014-WTE-3642-OE	Windfall	NC	36° 21' 02.37" N	76° 22' 59.91" W	13	499	512
2014-WTE-3641-OE	Windfall	NC	36° 21' 23.06" N	76° 22' 39.25" W	12	499	511
2014-WTE-3640-OE	Windfall	NC	36° 21' 36.97" N	76° 22' 58.19" W	14	499	513
2014-WTE-3639-OE	Windfall	NC	36° 21' 56.18" N	76° 23' 14.20" W	14	499	513
2014-WTE-3638-OE	Windfall	NC	36° 20' 34.39" N	76° 22' 43.12" W	12	499	511
2014-WTE-3637-OE	Windfall	NC	36° 20' 48.70" N	76° 22' 51.81" W	11	499	510
2014-WTE-3636-OE	Windfall	NC	36° 19' 32.40" N	76° 22' 50.41" W	13	499	512
2014-WTE-3635-OE	Windfall	NC	36° 20' 49.99" N	76° 24' 02.08" W	13	499	512
2014-WTE-3634-OE	Windfall	NC	36° 23' 04.45" N	76° 24' 48.65" W	17	499	516
2014-WTE-3633-OE	Windfall	NC	36° 22' 31.33" N	76° 24' 58.17" W	14	499	513
2014-WTE-3632-OE	Windfall	NC	36° 22' 15.23" N	76° 25' 28.80" W	14	499	513
2014-WTE-3631-OE	Windfall	NC	36° 22' 35.94" N	76° 22' 01.02" W	17	499	516
2014-WTE-3630-OE	Windfall	NC	36° 21' 42.10" N	76° 22' 17.31" W	14	499	513
2014-WTE-3629-OE	Windfall	NC	36° 20' 25.74" N	76° 26' 37.87" W	12	499	511
2014-WTE-3628-OE	Windfall	NC	36° 20' 22.80" N	76° 24' 50.89" W	16	499	515
2014-WTE-3627-OE	Windfall	NC	36° 20' 21.70" N	76° 25' 25.84" W	13	499	512
2014-WTE-3626-OE	Windfall	NC	36° 20' 20.75" N	76° 25' 55.90" W	12	499	511
2014-WTE-3625-OE	Windfall	NC	36° 20' 12.17" N	76° 26' 30.28" W	11	499	510
2014-WTE-3624-OE	Windfall	NC	36° 19' 57.59" N	76° 25' 48.54" W	13	499	512
2014-WTE-3623-OE	Windfall	NC	36° 20' 38.37" N	76° 24' 59.56" W	15	499	514
2014-WTE-3622-OE	Windfall	NC	36° 15' 57.39" N	76° 25' 27.46" W	13	499	512
2014-WTE-3621-OE	Windfall	NC	36° 16' 36.07" N	76° 26' 26.15" W	15	499	514
2014-WTE-3620-OE	Windfall	NC	36° 15' 42.72" N	76° 25' 52.65" W	13	499	512
2014-WTE-3619-OE	Windfall	NC	36° 16' 30.10" N	76° 27' 03.55" W	11	499	510
2014-WTE-3618-OE	Windfall	NC	36° 15' 33.76" N	76° 26' 48.88" W	14	499	513
2014-WTE-3617-OE	Windfall	NC	36° 17' 50.04" N	76° 28' 00.75" W	14	499	513
2014-WTE-3616-OE	Windfall	NC	36° 17' 58.81" N	76° 28' 25.23" W	12	499	511
2014-WTE-3615-OE	Windfall	NC	36° 17' 12.87" N	76° 28' 55.16" W	9	499	508
2014-WTE-3614-OE	Windfall	NC	36° 17' 24.73" N	76° 29' 02.88" W	10	499	509
2014-WTE-3613-OE	Windfall	NC	36° 17' 43.87" N	76° 29' 12.98" W	9	499	508
2014-WTE-3612-OE	Windfall	NC	36° 17' 56.48" N	76° 29' 19.77" W	10	499	509
2014-WTE-3611-OE	Windfall	NC	36° 17' 12.18" N	76° 29' 29.20" W	10	499	509
2014-WTE-3610-OE	Windfall	NC	36° 16' 51.45" N	76° 29' 41.05" W	10	499	509
2014-WTE-3328-OE	Hertford	NC	36° 08' 24.48" N	76° 32' 53.17" W	16	394	410
2014-WTE-1925-OE	Hertford	NC	36° 07' 23.62" N	76° 31' 59.94" W	17	497	514
2014-WTE-1924-OE	Hertford	NC	36° 07' 29.03" N	76° 32' 23.65" W	17	497	514

2014-WTE-1923-OE	Hertford	NC	36° 07' 35.36" N	76° 30' 33.40" W	16	497	513
2014-WTE-1922-OE	Hertford	NC	36° 07' 34.53" N	76° 32' 55.04" W	17	497	514
2014-WTE-1920-OE	Hertford	NC	36° 07' 45.40" N	76° 30' 58.60" W	17	497	514
2014-WTE-1918-OE	Hertford	NC	36° 07' 45.90" N	76° 33' 13.78" W	17	497	514
2014-WTE-1915-OE	Hertford	NC	36° 07' 57.39" N	76° 31' 17.95" W	15	497	512
2014-WTE-1913-OE	Hertford	NC	36° 08' 05.41" N	76° 32' 15.84" W	16	497	513
2014-WTE-1912-OE	Hertford	NC	36° 08' 06.29" N	76° 31' 40.05" W	16	497	513
2014-WTE-1911-OE	Hertford	NC	36° 08' 06.82" N	76° 33' 22.68" W	18	497	515
2014-WTE-1907-OE	Hertford	NC	36° 08' 19.19" N	76° 32' 34.55" W	16	497	513
2014-WTE-1905-OE	Hertford	NC	36° 08' 21.99" N	76° 33' 36.70" W	17	497	514
2014-WTE-1903-OE	Hertford	NC	36° 08' 34.57" N	76° 33' 57.52" W	17	497	514
2014-WTE-1902-OE	Hertford	NC	36° 08' 41.42" N	76° 29' 38.01" W	15	497	512
2014-WTE-1900-OE	Hertford	NC	36° 08' 41.23" N	76° 32' 47.27" W	17	497	514
2014-WTE-1899-OE	Hertford	NC	36° 08' 45.55" N	76° 34' 18.82" W	17	497	514
2014-WTE-1898-OE	Hertford	NC	36° 08' 48.57" N	76° 31' 53.15" W	15	497	512
2014-WTE-1897-OE	Hertford	NC	36° 08' 51.59" N	76° 29' 58.21" W	16	497	513
2014-WTE-1896-OE	Hertford	NC	36° 08' 53.90" N	76° 34' 40.16" W	17	497	514
2014-WTE-1894-OE	Hertford	NC	36° 08' 59.54" N	76° 30' 19.01" W	16	497	513
2014-WTE-1893-OE	Hertford	NC	36° 08' 57.84" N	76° 33' 05.04" W	17	497	514
2014-WTE-1892-OE	Hertford	NC	36° 09' 02.43" N	76° 35' 02.97" W	17	497	514
2014-WTE-1891-OE	Hertford	NC	36° 09' 06.96" N	76° 30' 40.68" W	16	497	513
2014-WTE-1889-OE	Hertford	NC	36° 09' 09.63" N	76° 31' 56.40" W	16	497	513
2014-WTE-1888-OE	Hertford	NC	36° 09' 10.47" N	76° 35' 25.83" W	17	497	514
2014-WTE-1887-OE	Hertford	NC	36° 09' 12.37" N	76° 33' 20.21" W	18	497	515
2014-WTE-1886-OE	Hertford	NC	36° 09' 16.79" N	76° 31' 00.76" W	16	497	513
2014-WTE-1884-OE	Hertford	NC	36° 09' 20.83" N	76° 32' 23.71" W	16	497	513
2014-WTE-1883-OE	Hertford	NC	36° 09' 20.39" N	76° 33' 44.98" W	17	497	514
2014-WTE-1882-OE	Hertford	NC	36° 09' 18.98" N	76° 35' 46.92" W	18	497	515
2014-WTE-1881-OE	Hertford	NC	36° 09' 24.88" N	76° 29' 22.03" W	15	497	512
2014-WTE-1880-OE	Hertford	NC	36° 09' 26.24" N	76° 36' 09.00" W	16	497	513
2014-WTE-1879-OE	Hertford	NC	36° 09' 28.79" N	76° 34' 08.12" W	19	497	516
2014-WTE-1878-OE	Hertford	NC	36° 09' 32.44" N	76° 31' 13.23" W	16	497	513
2014-WTE-1877-OE	Hertford	NC	36° 09' 36.86" N	76° 29' 37.50" W	15	497	512
2014-WTE-1876-OE	Hertford	NC	36° 09' 37.55" N	76° 32' 35.73" W	16	497	513
2014-WTE-1875-OE	Hertford	NC	36° 09' 37.36" N	76° 34' 29.58" W	19	497	516
2014-WTE-1874-OE	Hertford	NC	36° 09' 37.75" N	76° 36' 26.92" W	16	497	513
2014-WTE-1873-OE	Hertford	NC	36° 09' 43.61" N	76° 31' 30.73" W	17	497	514
2014-WTE-1872-OE	Hertford	NC	36° 09' 49.88" N	76° 29' 52.24" W	16	497	513
2014-WTE-1871-OE	Hertford	NC	36° 09' 48.82" N	76° 34' 46.66" W	17	497	514
2014-WTE-1870-OE	Hertford	NC	36° 09' 47.69" N	76° 36' 45.62" W	16	497	513
2014-WTE-1869-OE	Hertford	NC	36° 09' 55.21" N	76° 31' 52.09" W	17	497	514
2014-WTE-1868-OE	Hertford	NC	36° 09' 56.34" N	76° 35' 09.74" W	18	497	515
2014-WTE-1867-OE	Hertford	NC	36° 10' 00.70" N	76° 30' 09.77" W	15	497	512
2014-WTE-1866-OE	Hertford	NC	36° 09' 58.73" N	76° 37' 04.54" W	15	497	512
2014-WTE-1865-OE	Hertford	NC	36° 10' 02.62" N	76° 32' 52.07" W	16	497	513
2014-WTE-1864-OE	Hertford	NC	36° 10' 06.08" N	76° 30' 33.13" W	16	497	513

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EXHIBIT 3 — APPLICATION FOR
NO HAZARD DETERMINATION
SUBMITTED TO FAA BY
IBERDROLA ON JUNE 27, 2014



Federal Aviation Administration

The system will be going offline from 9 pm to 10 pm US/Eastern on Wed, August 5, 2015 for upgrades. We apologize for any inconvenience.

« OE/AAA

Circle Search for Cases Results: Form 7460-1 for ASN 2014-WTE-3611-OE

Overview		Received Date: 06/27/2014	
Study (ASN):	2014-WTE-3611-OE	Entered Date:	06/27/2014
Prior Study:	2014-WTE-1025-OE	Completion Date:	12/02/2014
Status:	Determined	Expiration Date:	06/02/2016
Letters:	Determination	Map:	View Map
Supplemental Form 7460-2: Please login to add a Supplemental Form 7460-2.			
Sponsor Information		Sponsor's Representative Information	
Sponsor:	Desert Wind LLC	Representative:	
Attention Of:	Michael Clayton	Attention Of:	Jamie Boyd
Address:	2 Radnor Corp Center Suite 200	Address:	2 Radnor Corp Center, Suite 200
Address2:	100 Matsonford Rd	Address2:	100 Matsonford Rd
City:	Radnor	City:	Radnor
State:	PA	State:	PA
Postal Code:	19087	Postal Code:	19087
Country:	US	Country:	US
Phone:	484-868-3747	Phone:	484-654-1874
Fax:		Fax:	
Construction Info		Structure Summary	
Notice Of:	CONSTR	Structure Type:	Wind Turbine
Duration:	PERM (Months: 0 Days: 0)	Structure Name:	A2
Work Schedule:	03/01/2015 to 03/01/2017	FCC Number:	
Data Built:			
Structure Details		Height and Elevation	
Latitude (NAD 83):	36° 17' 12.18" N	Proposed DNE DET	
Longitude (NAD 83):	76° 29' 29.20" W	Site Elevation:	10
Horizontal Datum:	NAD 83	Structure Height:	499 0 499
Survey Accuracy:	4D	Total Height (AMSL):	509 0 509
Marking/Lighting:	White Paint/Synchronized Red Lights		
Other Description:		Frequencies	
Current Marking/Lighting:	N/A Proposed Structure	Low Freq High FreqUnit	ERP Unit
Current Marking/Lighting Other Description:			
Name:			
City:	Windfall		
State:	NC		
Nearest County:	Perquimans		
Nearest Airport:	NC01		
Distance to Structure:	84632.29 feet		
On Airport:	No		
Direction to Structure:	325.19°		
Description of Location:	Appx 3 miles from Windfall and 10 miles from Elizabeth City CG Air Station Municipal		
Description of Proposal:	Refilling for turbine height, no change in turbine locations of 150 turbines and 1 met tower for Desert Wind Project		

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Circle Search for Cases Results: Form 7460-1 for ASN 2014-WTE-3664-OE

Overview	
Study (ASN):	2014-WTE-3664-OE
Prior Study:	2014-WTE-1078-OE
Status:	Determined
Letters:	Determination
Supplemental Form 7460-2:	Please login to add a Supplemental Form 7460-2.
Received Date:	06/27/2014
Entered Date:	06/27/2014
Completion Date:	12/02/2014
Expiration Date:	06/02/2016
Map:	View Map
Sponsor Information	
Sponsor:	Desert Wind LLC
Attention Of:	Michael Clayton
Address:	2 Radnor Corp Center Suite 200
Address2:	100 Matsonford Rd
City:	Radnor
State:	PA
Postal Code:	19087
Country:	US
Phone:	484-868-3747
Fax:	.
Sponsor's Representative Information	
Representative:	Jamie Boyd
Attention Of:	Jamie Boyd
Address:	2 Radnor Corp Center, Suite 200
Address2:	100 Matsonford Rd
City:	Radnor
State:	PA
Postal Code:	19087
Country:	US
Phone:	484-654-1874
Fax:	.
Construction Info	
Notice Of:	CONSTR
Duration:	PERM (Months: 0 Days: 0)
Work Schedule:	03/01/2015 to 03/01/2017
Date Built:	
Structure Summary	
Structure Type:	Wind Turbine
Structure Name:	W24
FCC Number:	
Structure Details	
Latitude (NAD 83):	36° 19' 22.71" N
Longitude (NAD 83):	76° 28' 10.10" W
Horizontal Datum:	NAD 83
Survey Accuracy:	4D
Marking/Lighting:	White Paint/Synchronized Red Lights
Other Description:	
Current Marking/Lighting:	N/A Proposed Structure
Current Marking/Lighting Other Description:	
Name:	
City:	Windfall
State:	NC
Nearest County:	Perquimans
Nearest Airport:	ECG
Distance to Structure:	89831.95 feet
On Airport:	No
Direction to Structure:	284.8°
Description of Location:	Appx 3 miles from Windfall and 10 miles from Elizabeth City CG Air Station Municipal
Description of Proposal:	Refiling for turbine height, no change in turbine locations of 150 turbines and 1 met tower for Desert Wind Project
Height and Elevation	
	Proposed DNE DET
Site Elevation:	14
Structure Height:	499 0 499
Total Height (AMSL):	513 0 513
Frequencies	
Low Freq High Freq Unit	ERP Unit

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EXHIBIT 4 — 2014 NO HAZARD
DETERMINATION LETTER



Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 2601 Meacham Boulevard
 Fort Worth, TX 76193

Aeronautical Study No.
 2014-WTE-3664-OE
 Prior Study No.
 2014-WTE-1078-OE

Issued Date: 12/02/2014

Michael Clayton
 Desert Wind LLC
 2 Radnor Corp Center Suite 200
 100 Matsonford Rd
 Radnor, PA 19087

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Wind Turbine W24
 Location: Windfall, NC
 Latitude: 36-19-22.71N NAD 83
 Longitude: 76-28-10.10W
 Heights: 14 feet site elevation (SE)
 499 feet above ground level (AGL)
 513 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

As a condition to this Determination, the structure is marked/lighted in accordance with FAA Advisory circular 70/7460-1 K Change 2, Obstruction Marking and Lighting, white paint/synchronized red lights - Chapters 4,12&13(Turbines).

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

Any height exceeding 499 feet above ground level (513 feet above mean sea level), will result in a substantial adverse effect and would warrant a Determination of Hazard to Air Navigation.

This determination expires on 06/02/2016 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. This determination is based, in part, on the foregoing description which includes specific coordinates and heights . Any changes in coordinates will void this determination. Any future construction or alteration requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

This determination cancels and supersedes prior determinations issued for this structure.

If we can be of further assistance, please contact our office at (816) 329-2528. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2014-WTE-3664-OE.

Signature Control No: 222254341-235793590

Cindy Whitten

Specialist

(DNE -WT)

Attachment(s)

Additional Information

Map(s)

Additional information for ASN 2014-WTE-3664-OE

This determination is for 1 of 104 wind turbines approved by the Department of Defense Siting Clearinghouse. The remaining 46 wind turbines will be held in WORK status by the FAA until the clearinghouse releases and approves them in accordance with your written agreement. Any further questions reference the remaining 46 wind turbines in the project should be directed to Mr. Steven Sample, Mission Evaluation Branch, Department of Defense Siting Clearinghouse by email at osd.dod-siting-clearinghouse@mail.mil or by phone at 703-571-0076.

NOTE:

When you know for sure what your final layout plan will be for the entire project (once the DoD Siting Clearing House has released all 150 wind turbines), please notify me at 816-329-2528 or at cindy.whitten@faa.gov and then I will go back and update the marking and lighting requirement for the entire project to reduce the number of wind turbines with the red light requirement.

TOPO Map for ASN 2014-WTE-3664-OE

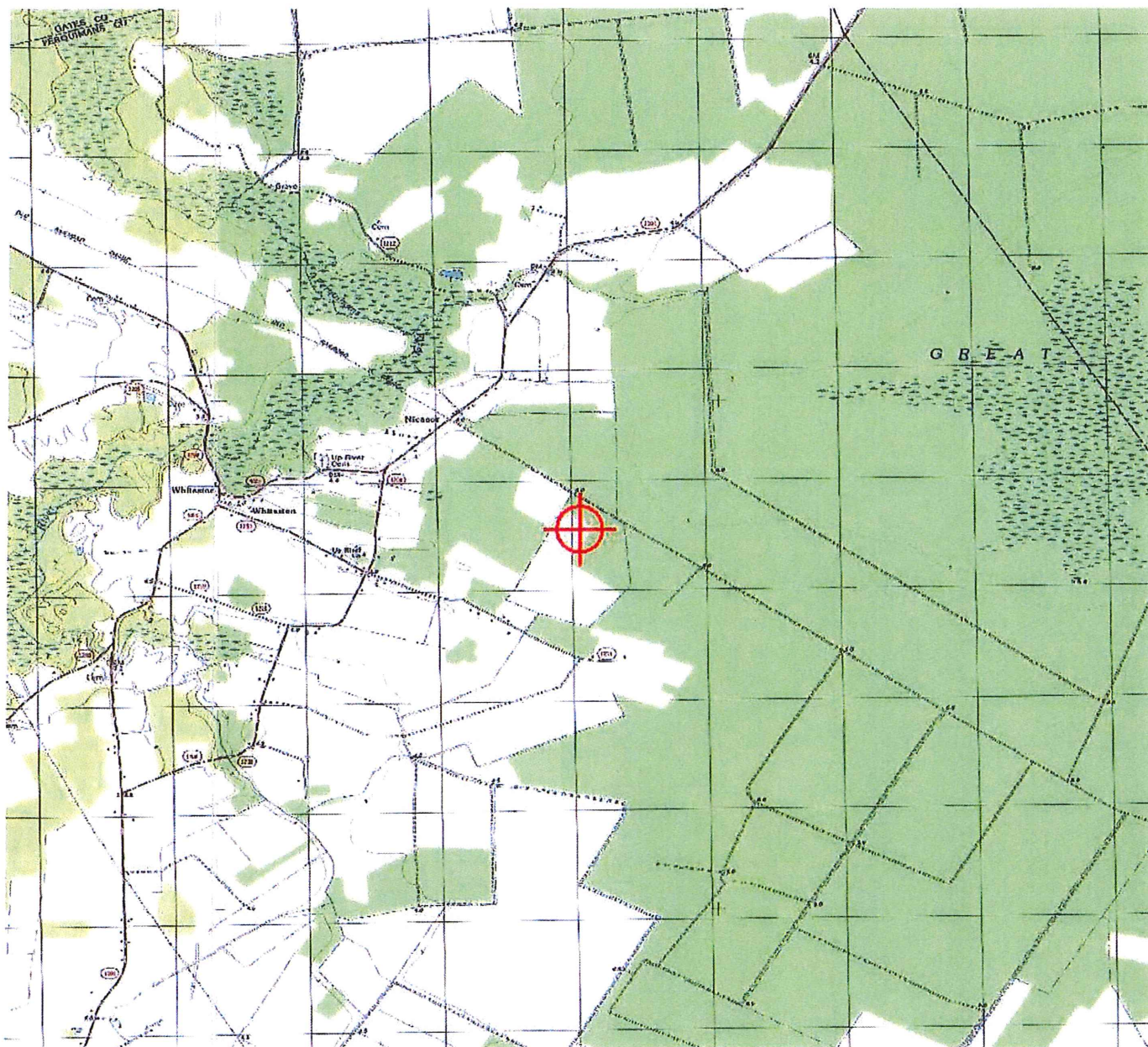




EXHIBIT 5 — APRIL 2015
LETTER FROM DENR TO
IBERDROLA RENEWABLES



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

Donald R. van der Vaart
Secretary

April 29, 2015

Mr. Craig Poff
Director, Business Development
Iberdrola Renewables
Two Radnor Corporate Center
100 Matsonford Road, Suite 200
Radnor, Pennsylvania 19087

Re: Applicability of Session Law 2013-51 - Permitting of Wind Energy Facilities

Dear Mr. Poff:

N.C. Session Law 2013-51, An Act to Establish a Permitting Program for the Siting and Operation of Wind Energy Facilities, (the Act) was signed into law on May 17, 2013. The Act became effective when it became law on May 17, 2013 and applies only to those wind energy facilities or wind energy facility expansions that have not received a written "Determination of No Hazard to Air Navigation" (a determination) issued by the Federal Aviation Administration (FAA) on or before that date.

Pursuant to the Act, no person shall undertake construction, operation, or expansion activities associated with a wind energy facility in North Carolina without first obtaining a permit from the Department of Environment and Natural Resources (DENR). A wind energy facility or wind energy facility expansion which has not received a written FAA determination, as described above, prior to May 17, 2013 is subject to the wind energy facility permitting process codified under North Carolina General Statutes § 143-215.115 et al.

DENR has renewed its review of the Act and has determined that Iberdrola's Desert Wind Project is not subject to permitting provisions of the Act based on a plain reading of the Act. This is true because the FAA issued determinations to Iberdrola, for its Desert Wind Project, on June 29, 2011, prior to the Act becoming law, despite the fact that these FAA issued determinations subsequently expired on May 21, 2014. Likewise, the fact that individual turbines within the Desert Wind Project have both increased in height and changed coordinate locations from Iberdrola's June 2011 FAA issued determinations does not implicate the permitting provisions of the Act.

DENR strongly advises Iberdrola to keep federal, state and local government agencies and the military apprised of any further changes in the Desert Wind project.

DENR is committed to protecting North Carolina's environment and natural resources. It strives to foster a collaborate stewardship among the citizens, regulators and the business community with the goal of maintaining and enhancing North Carolina's environment and natural resources for the benefit and enjoyment of everyone living in or visiting our great state.

1601 Mail Service Center, Raleigh, North Carolina 27699-1601
Phone: 919-707-8600 \ Internet: www.ncdenr.gov

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EXHIBIT 6 — MARCH 2015
LETTER FROM DENR TO
IBERDROLA RENEWABLES



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

Donald R. van der Vaart
Secretary

March 18, 2015

Mr. Craig Poff
Director, Business Development
Iberdrola Renewables
Two Radnor Corporate Center
100 Matsonford Road, Suite 200
Radnor, Pennsylvania 19087

Re: Applicability of Session Law 2013-51 - Permitting of Wind Energy Facilities

Dear Mr. Poff:

N.C. Session Law 2013-51, An Act to Establish a Permitting Program for the Siting and Operation of Wind Energy Facilities, (the Act) was signed into law on May 17, 2013. The Act became effective when it became law on May 17, 2013 and applies only to those wind energy facilities or wind energy facility expansions that have not received a written "Determination of No Hazard to Air Navigation" (a determination) issued by the Federal Aviation Administration (FAA) on or before that date.

Pursuant to the Act, no person shall undertake construction, operation, or expansion activities associated with a wind energy facility in North Carolina without first obtaining a permit from the Department of Environment and Natural Resources (DENR). A wind energy facility and wind energy facility expansion which has not received a written FAA determination, as described above, prior to May 17, 2013 is subject to the wind energy facility permitting process codified under North Carolina General Statutes § 143-215.115 et al.

Based on the information you provided and the provisions of the Act, DENR has determined that Iberdrola's Desert Winds Project is subject to the State's wind energy facility permitting process. DENR welcomes the opportunity to assist Iberdrola during the wind permitting application process.

DENR is committed to protecting North Carolina's environment and natural resources. It strives to foster a collaborate stewardship among the citizens, regulators and the business community with the goal of maintaining and enhancing North Carolina's environment and natural resources for the benefit and enjoyment of everyone living in or visiting our great state.

Please contact me if you have any additional questions regarding this matter.

Sincerely,

Brad Atkinson
Energy Section Chief