STRAW PROPOSAL AMENDMENT BALLOT

Wind Energy System Sizes – General

1. **How should small wind be defined?**
   - ☐ A wind energy system up to 100 kW in size in total
   - ☐ A wind energy system up to 300 kW in size in total, made up of one or more turbines each no greater than 100 kW in size (up to three 100 kW turbines)
   - ☐ A wind energy system up to 500 kW in size, made up of one or more turbines each no greater than 100 kW in size (up to five 100kW turbines)
   - ☐ Other _____
2. **Should the rules establish requirements for community wind energy systems that are different in some way than the requirements for small wind and large wind?**
   - ☐ Yes, notification requirements should be different
   - ☐ Yes, application requirements should be different
   - ☐ Yes, other procedural requirements should be different
   - ☐ Yes, other requirements should be different: _____
   - ☐ No
3. **If the rules establish a category for community wind, should the rules for large wind apply to community by default, unless the rules specify otherwise?**
   - ☐ Yes
   - ☐ No
4. **If the rules establish a category for community wind, should the definition of community wind require local ownership (of the system) or local use (of the energy)?**
   - ☐ Require both local ownership and local use
   - ☐ Require either local ownership or local use
   - ☐ Require local ownership only
   - ☐ Require local use only
   - ☐ No, the community wind category should not have requirements regarding ownership of the system or use of the energy
5. **If the rules require local ownership or local use for community wind, what should qualify as local? (choose as many as apply)**
   - ☐ Local residents or landowners (alone or in a group)
   - ☐ Local businesses
   - ☐ Schools
   - ☐ Local units of government
   - ☐ Cooperatives
   - ☐ Other local entities, such as: _____
6. **If the rules establish a category for community wind, should the definition of community wind include a size limit?**
   - ☐ Yes, up to 15 MW in size total
   - ☐ Yes, up to 20 MW in size total
   - ☐ Yes, up to 2 large wind turbines (over 100 kW)
   - ☐ Yes, one large turbine (over 100 kW)
   - ☐ Yes, up to _____ large turbines
   - ☐ No, there should not be a size limit
   - ☐ Other _____

Setbacks & Performance Standards - General

A "**safety setback**" means a setback that addresses safety only, and does not address noise or shadow flicker.

A "**performance standard**" means a requirement to perform a certain way. A noise performance standard imposes a limit on the amount of noise from a turbine. A shadow flicker performance standard imposes a limit on the amount of shadow flicker from a turbine. A performance standard may not be exceeded.

7. **Should the rules establish a minimum safety setback?**
   - ☐ Yes
   - ☐ No
8. **If the rules establish a minimum safety setback, how should the rules address noise?**
   - ☐ There should be a minimum safety setback, a noise setback, and a noise performance standard.
   - ☐ There should be a minimum safety setback, and a noise performance standard, but no noise-related setback.
   - ☐ There should be a minimum safety setback and a noise setback, but no noise performance standard.
9. **If the rules establish a minimum safety setback, how should the rules address shadow flicker?**
   - ☐ There should be a minimum safety setback, a shadow flicker setback, and a shadow flicker performance standard.
   - ☐ There should be a minimum safety setback, and a shadow flicker performance standard, but no shadow flicker-related setback.
   - ☐ There should be a minimum safety setback and a shadow flicker setback, but no shadow flicker performance standard.
10. **If the rules apply a noise performance standard (limit) to a nonparticipating residence, what should be included? (choose all that apply)**
    - ☐ Nonparticipating residences already constructed at the time of the wind energy system application
    - ☐ Nonparticipating residences already constructed at the time of the wind energy system approval
    - ☐ Nonparticipating residences not yet constructed at the time of the application but for which a building permit has been filed prior to the wind energy system application
    - ☐ Nonparticipating residences not yet constructed at the time of the approval but for which a building permit has been filed prior to the wind energy system approval
    - ☐ Nonparticipating residences constructed after the wind energy system receives approval and for which no building permit was filed prior to the wind energy system approval
    - ☐ Other _____

11. If the rules apply a shadow flicker performance standard (limit) to a nonparticipating residence, what should be included? (choose all that apply)

- ☐ Nonparticipating residences already constructed at the time of the wind energy system application
- ☐ Nonparticipating residences already constructed at the time of the wind energy system approval
- ☐ Nonparticipating residences not yet constructed at the time of the application but for which a building permit has been filed prior to the wind energy system application
- ☐ Nonparticipating residences not yet constructed at the time of the approval but for which a building permit has been filed prior to the wind energy system approval
- ☐ Nonparticipating residences constructed after the wind energy system receives approval and for which no building permit was filed prior to the wind energy system approval
- ☐ Other _____

Minimum Safety Setback

12. If the rules establish a minimum safety setback, should community wind have the same safety setbacks as large wind?

- ☐ Yes, community wind should have the same safety setbacks as large wind
- ☐ No, community wind should have the same safety setbacks as small wind
- ☐ No, community wind should have a different safety setbacks than small or large wind

13. Should the rules establish a minimum safety setback from a nonparticipating property line?

- ☐ Yes, there should be a waivable safety setback from a nonparticipating property line
- ☐ Yes, there should be a non-waivable safety setback from a nonparticipating property line
- ☐ No, there should not be a safety setback from a nonparticipating property line

14. Should the rules establish a minimum safety setback from a nonparticipating residence?

- ☐ Yes, there should be a waivable safety setback from a nonparticipating residence
- ☐ Yes, there should be a non-waivable safety setback from a nonparticipating residence
- ☐ No, there should not be a safety setback from a nonparticipating residence
- ☐ Other: _____

15. Should the rules establish a minimum safety setback from an occupied community building?

- ☐ Yes, there should be a waivable safety setback from an occupied community building
- ☐ Yes, there should be a non-waivable safety setback from an occupied community building
- ☐ No, there should not be a safety setback from an occupied community building
- ☐ Other: _____

16. Should the rules establish a minimum safety setback from a participating residence?

- ☐ Yes, there should be a waivable safety setback from a participating residence
- ☐ Yes, there should be a non-waivable safety setback from a participating residence
- ☐ No, there should not be a safety setback from a participating residence
- ☐ Other: _____

17. Should the rules establish a minimum safety setback from anything else?

- ☐ Yes: _____
- ☐ No

To answer the following questions:
"**Maximum blade tip height**" means how tall the turbine is with its blade extended to the maximum height.

18. If the rules establish a minimum safety setback from a nonparticipating property line, what should the distance be when measured from the center of the turbine?

- ☐ 1.1 times the maximum blade tip height for all turbines
- ☐ 1.1 times the maximum blade tip height for a large turbine (over 100 kW); 1.0 times the maximum blade tip height for a small turbine (100 kW or less)
- ☐ _____ times the maximum blade tip height for all turbines
- ☐ 2500 feet for all turbines
- ☐ Other _____

19. If the rules establish a minimum safety setback from a nonparticipating residence, what should the distance be when measured from the center of the turbine?

- ☐ 1.1 times the maximum blade tip height for all turbines
- ☐ 1.1 times the maximum blade tip height for a large turbine (over 100 kW); 1.0 times the maximum blade tip height for a small turbine (100 kW or less)
- ☐ _____ times the maximum blade tip height for all turbines
- ☐ 2500 feet
- ☐ 2600 feet
- ☐ Other _____

20. Should the rules require or allow for (at political subdivision's discretion) shorter safety setbacks for community wind?

- ☐ Yes, community wind should have shorter safety setback requirements set by rule as follows: _____
  _____
- ☐ Yes, a political subdivision should be able to establish shorter safety setbacks
- ☐ No, all wind projects should have the same safety setback requirements
- ☐ No, community wind should have the same safety setback requirements as large wind
- ☐ No, community wind should have the same safety setback requirements as small wind

Noise – General

21. If the rules establish noise performance standards (limits), should the rules have the same noise performance standards for all wind energy systems, small, community and large?

- ☐ Yes
- ☐ No

22. If the noise standards include decibel limits, <u>to what</u> should the limits apply? (choose all that apply)

- ☐ Nonparticipating residences
- ☐ Outbuildings at a nonparticipating residence
- ☐ Occupied community buildings (school, church, daycare facility or public library)
- ☐ The area extending 100 feet from the outer edge of a nonparticipating residence
- ☐ The area extending 100 feet from the outer edge of an outbuilding at a nonparticipating residence
- ☐ The area extending 100 feet from the outer edge of an occupied community building
- ☐ Recreation areas
- ☐ Where outdoor activity often occurs
- ☐ Anywhere on a nonparticipating property (at the nonparticipating property line)
- ☐ Other: _____

23. Should a noise <u>performance standard</u> be <u>waivable</u> by an affected landowner? (i.e. for compensation)?

- ☐ Yes
- ☐ No

24. Should a <u>noise-related setback</u> be <u>waivable</u> by an affected landowner? (i.e. for compensation)?

- ☐ Yes
- ☐ No

25. If the noise standards include <u>decibel limits</u>, should the limits vary <u>seasonally</u>?

- ☐ Yes
- ☐ No

26. If the noise standards include <u>decibel limits</u>, should the decibel limits be <u>absolute</u> (i.e., xx dBA) or <u>relative</u> (i.e., ambient + yy dBA)?

- ☐ Absolute
- ☐ Relative
- ☐ Both

27. If the noise standards include <u>relative</u> decibel limits for noise attributed to the wind energy system <u>and</u> a <u>noise-related setback</u>, <u>what</u> should the <u>relative decibel</u> limits be?

- ☐ 5 dBA above ambient
- ☐ 10 dBA above ambient
- ☐ Other _____

28. If the noise standards include <u>relative</u> decibel limits for noise attributed to the wind energy system but <u>do not include a noise-related setback</u>, <u>what</u> should the <u>relative decibel</u> limits be?

- ☐ 5 dBA above ambient
- ☐ 10 dBA above ambient
- ☐ Other _____

29. If the noise standards include absolute decibel limits for noise attributed to the wind energy system and a noise-related setback, what should the limits be?

- ☐ 55 dBA (at all times)
- ☐ 50 dBA (at all times)
- ☐ 45 dBA (at all times)
- ☐ 45 dBA on summer nights, 50 dBA at all other times
- ☐ 45 dBA at night (year round), 50 dBA during day
- ☐ 35 dBA (at all times)
- ☐ 30 dBA (at all times)
- ☐ Other _____

30. If the noise standards include absolute decibel limits for noise attributed to the wind energy system but do not include a noise-related setback, what should the absolute decibel limits be?

- ☐ 55 dBA (at all times)
- ☐ 50 dBA (at all times)
- ☐ 45 dBA (at all times)
- ☐ 45 dBA on summer nights, 50 dBA at all other times
- ☐ 45 dBA at night (year round), 50 dBA during day
- ☐ 35 dBA (at all times)
- ☐ 30 dBA (at all times)
- ☐ Other _____

31. If the noise standards include a noise-related setback and a decibel limit, what should the noise-related setback distance be?

- ☐ 1000 feet from a nonparticipating residence
- ☐ 2000 feet from a nonparticipating residence
- ☐ 2500 feet from a nonparticipating residence
- ☐ 2600 feet from a nonparticipating residence
- ☐ _____ feet from all of the items selected in question 22
- ☐ Other _____

32. If the noise standards include a noise-related setback and but do not include a decibel limit, what should the noise-related setback distance be?

- ☐ 1000 feet from a nonparticipating residence
- ☐ 2000 feet from a nonparticipating residence
- ☐ 2500 feet from a nonparticipating residence
- ☐ 2600 feet from a nonparticipating residence
- ☐ _____ feet from all of the items selected in question 22
- ☐ Other _____

33. If the noise standards include absolute decibel limits, should they provide for the instance when the ambient noise exceeds the absolute decibel limit imposed on the wind energy system?

- ☐ Yes, in that case the standard for noise attributed to the wind energy system should be ambient dBA plus 5 dBA
- ☐ Yes, in that case the standard for noise attributed to the wind energy system should be ambient dBA plus 10 dBA
- ☐ Yes, in that case the standard for noise attributed to the wind energy system should be: _____
- ☐ No, if there is an absolute decibel limit, the wind energy system should always meet the absolute limit, regardless of the ambient noise level

34. Should the rules prescribe the specific measures that may or must be used when noise performance standards (limits) are exceeded?

- ☐ Yes, the rules should require the turbine to be shut down as needed to bring a turbine into compliance when noise limits are exceeded
- ☐ Yes, the rules should list measures that may be used to bring a turbine into compliance when noise limits are exceeded
- ☐ Yes, other: _____
  _____
  _____
  _____
- ☐ No, the noise limit may not be exceeded, and it should be up to the developer/owner to determine how to comply with the limit

35. Should the rules require use of a standard noise measurement protocol?

- ☐ Yes, the PSC protocol
- ☐ Yes, the PSC protocol and additional standards: _____
  _____
  _____
  _____
- ☐ Yes, but not the PSC protocol, instead: _____
  _____
  _____
- ☐ No, the rules should not require use of a specific noise measurement protocol

36. Should the rules require pre-construction noise testing at typical ambient sound levels?

- ☐ Yes
- ☐ No

37. Should the rules require post-construction noise testing at full turbine power or close to full turbine power?

- ☐ Yes, testing at full turbine power should be required
- ☐ Yes, testing at full turbine power should be required, but if it is not practicable, then testing at close to full turbine power should be required
- ☐ No, testing should not be required at full turbine power or close to it

38. Should the rules require noise measurement readings in winter as well as summer? (choose all that apply)

- ☐ Yes, this should be required for large wind
- ☐ Yes, this should be required for community wind
- ☐ Yes, this should be required for small wind
- ☐ No, this should not be required at all

Shadow Flicker – General

39. Should the rules establish a mandatory shadow flicker performance standard?

- ☐ Yes
- ☐ No
- ☐ No, but the Council should recommend a shadow flicker performance standard as a best practice

40. If the rules require a shadow flicker performance standard (limit), should the same standard apply to all wind energy systems?

- ☐ Yes, it should apply to large, community, and small wind
- ☐ No, it should apply to large wind and community wind only
- ☐ No, it should apply to large wind only

41. If the shadow flicker standards include a shadow flicker performance standard, to what should the standard apply? (select all that apply)

- ☐ Nonparticipating residences
- ☐ Outbuildings at a nonparticipating residence
- ☐ Occupied community buildings (school, church, daycare facility or public library)
- ☐ The area extending 100 feet from the outer edge of a nonparticipating residence
- ☐ The area extending 100 feet from the outer edge of an outbuilding at a nonparticipating residence
- ☐ The area extending 100 feet from the outer edge of an occupied community building
- ☐ Recreation areas
- ☐ Where outdoor activity often occurs
- ☐ Anywhere on a nonparticipating property (at the nonparticipating property line)
- ☐ Other: _____

42. Should a shadow flicker performance standard (limit) be waivable by an affected landowner? (i.e. for compensation)?

- ☐ Yes
- ☐ No

43. Should a shadow flicker-related setback be waivable by an affected landowner? (i.e. for compensation)?

- ☐ Yes
- ☐ No

44. If the shadow flicker standards include a shadow flicker-related setback and a shadow flicker limit, what should the shadow flicker-related setback distance be?

- ☐ 1000 feet from a nonparticipating residence
- ☐ 1100 feet from a nonparticipating residence
- ☐ 2500 feet from a nonparticipating residence
- ☐ 2600 feet from a nonparticipating residence
- ☐ _____ feet from all of the items selected in question 41
- ☐ Other _____

45. If the shadow flicker standards include a shadow flicker-related setback but do not include a shadow flicker limit, what should the shadow flicker-related setback distance be?

- ☐ 1000 feet from a nonparticipating residence
- ☐ 1100 feet from a nonparticipating residence
- ☐ 2500 feet from a nonparticipating residence
- ☐ 2600 feet from a nonparticipating residence
- ☐ _____ feet from all of the items selected in question 41

46. If the shadow flicker standards include shadow flicker limits and a shadow flicker-related setback, what should the shadow flicker performance standards be?

- ☐ No shadow flicker may occur on areas subject to the standard
- ☐ Shadow flicker may not exceed 25 hours per year, and must be mitigated if exceeding 20 hours per year
- ☐ Shadow flicker may not exceed 40 hours per year, and must be mitigated if exceeding 25 hours per year
- ☐ Shadow flicker may not exceed 45 hours per year, and must be mitigated if exceeding 25 hours per year
- ☐ Shadow flicker may not exceed 50 hours per year, and must be mitigated if exceeding 25 hours per year
- ☐ Shadow flicker may not exceed 25 hours per year, and no mitigation is required for under 25 hours per year
- ☐ Shadow flicker may not exceed 40 hours per year, and no mitigation is required for under 40 hours per year
- ☐ Shadow flicker may not exceed 45 hours per year, and no mitigation is required for under 45 hours per year
- ☐ Shadow flicker may not exceed 50 hours per year, and no mitigation is required for under 50 hours per year
- ☐ Other: _____

_____

_____

47. If the shadow flicker standards include shadow flicker limits but no shadow flicker-related setback, what should the shadow flicker performance standards be?

- ☐ No shadow flicker may occur on areas subject to the standard
- ☐ Shadow flicker may not exceed 25 hours per year, and must be mitigated if exceeding 20 hours per year
- ☐ Shadow flicker may not exceed 40 hours per year, and must be mitigated if exceeding 25 hours per year
- ☐ Shadow flicker may not exceed 45 hours per year, and must be mitigated if exceeding 25 hours per year
- ☐ Shadow flicker may not exceed 50 hours per year, and must be mitigated if exceeding 25 hours per year
- ☐ Shadow flicker may not exceed 25 hours per year, and no mitigation is required for under 25 hours per year
- ☐ Shadow flicker may not exceed 40 hours per year, and no mitigation is required for under 40 hours per year
- ☐ Shadow flicker may not exceed 45 hours per year, and no mitigation is required for under 45 hours per year
- ☐ Shadow flicker may not exceed 50 hours per year, and no mitigation is required for under 50 hours per year
- ☐ Other: _____

_____

_____

48. Should the rules prescribe the specific measures that may or must be used when shadow flicker limits are exceeded?

- ☐ Yes, the rules should require the turbine to be shut down to bring a turbine into compliance when shadow flicker limits are exceeded
- ☐ Yes, the rules should list measures that may be used to bring a turbine into compliance when shadow flicker limits are exceeded
- ☐ Yes, other: _____
  _____
  _____
  _____
- ☐ No, the shadow flicker limit may not be exceeded, and it should be up to the developer/owner to determine how to comply with the shadow flicker limit

49. Should the rules prescribe the specific measures that may or must be used to mitigate shadow flicker when shadow flicker mitigation is required?

- ☐ Yes, the rules should require that the turbine to be shut down as needed to mitigate shadow flicker when mitigation is required, even when the absolute shadow flicker limit is not exceeded
- ☐ Yes, the rules should list measures that may be used when shadow flicker mitigation is required
- ☐ Yes, other: _____
  _____
  _____
  _____
- ☐ No, when shadow flicker mitigation is required, the methods to be used for mitigation should be determined by the landowner and the developer/owner in discussions regarding how to implement the required mitigation

50. Should the rules address potential tax liability of a landowner relating to shadow flicker mitigation measures received by the landowner?

- ☐ Yes, the rules should make the developer/owner financially responsible for paying any taxes assessed to the landowner due to shadow flicker mitigation measures being considered an improvement of the landowner's property
- ☐ No, the rules should not address tax liability for shadow flicker mitigation measures
- ☐ Other: _____
  _____

51. Should the rules require wind energy system applications to include a plan describing the measures that will be used for mitigating shadow flicker?

- ☐ Yes
- ☐ No

52. Should the rules require shadow flicker computer modeling to be used in designing a wind energy system? (choose as many as apply)

- ☐ Yes, shadow flicker computer modeling should be required for large wind
- ☐ Yes, shadow flicker computer modeling should be required for community wind
- ☐ Yes, shadow flicker computer modeling should be required for small wind
- ☐ If used, shadow flicker computer modeling must meet some established standards or criteria for accuracy
- ☐ No, the rules should not require shadow flicker computer modeling
- ☐ Other _____

Siting – Other

53. Should the rules treat private heliports at medical facilities used for air ambulance purposes as a public airport for purposes of establishing siting criteria around the medical heliport?

- ☐ Yes
- ☐ No

54. Should siting requirements be science-based?

- ☐ Yes
- ☐ No

Signal Interference

55. Should the rules provide a definition of what constitutes "reasonable effort" to mitigate signal interference?

- ☐ Yes, it should be defined as: _____
  _____
  _____
- ☐ No, what is a "reasonable effort" will differ case by case and should not be prescribed in the rules

Complaint Resolution

56. Whom should the rules make responsible for developing a complaint resolution process?

- ☐ The developer/owner of the project, at the time of applying for construction approval
- ☐ The political subdivision, prior to approving a project
- ☐ The PSC, in the wind siting rules
- ☐ The PSC, but not through the wind siting rules
- ☐ Nobody – this should not be included in the rules
- ☐ Nobody – but the Wind Siting Council should identify best practices as part of its ongoing duties

57. If the rules make the Public Service Commission responsible for developing a complaint resolution process, who should be responsible for implementing the process (i.e. resolving complaints)?

- ☐ All complaints from projects approved by a political subdivision should be handled directly by the PSC with no political subdivision involvement
- ☐ The political subdivision itself should be required to deal with complaints from projects it approves, pursuant to the process developed by the PSC
- ☐ The political subdivision should be required to establish a committee to deal with complaints pursuant to the process developed by the PSC
- ☐ The political subdivision should be able to decide whether to deal with complaints itself or to delegate complaint resolution to a committee, the developer/owner of the project, or some other entity - in all cases following the process developed by the PSC
- ☐ The developer/owner of the project should be required to deal with complaints pursuant to the process developed by the PSC
- ☐ Other _____
  _____
  _____

58. Should the rules specify the types of complaints that will be considered by the entity responsible for complaint resolution?

- ☐ Yes, the complaints to be considered should include: _____
  _____
  _____
  _____
- ☐ No, the rules should not prescribe what types of complaints will be considered

59. Should the rules require that a complaint must be resolved within 90 days?

- ☐ Yes
- ☐ No, the rules should not place a hard time limit on complaint resolution
- ☐ No, the rules should impose a different time limit of: _____

60. Should the rules require dismissal of complaints if the complaint stems from an activity or condition that is clearly allowed pursuant to the political subdivision's approval?

- ☐ Yes
- ☐ No
- ☐ Other _____

61. If the PSC is not the entity responsible for resolving complaints in the first instance, should the rules clarify the PSC's authority to review complaints?

- ☐ Yes, the rules should be clarified regarding: _____
  _____
  _____
- ☐ No

62. Should the rules clarify how stakeholders may engage in the PSC's review of complaints?

- ☐ Yes, stakeholder should be able to: _____
  _____
  _____
- ☐ No, the draft rules are sufficient on this issue

Property Value Protection Plan

63. Should the rules require developers to offer a property value protection plan?

- ☐ Yes
- ☐ No
- ☐ No, but the Council should recommend using a property value protection plan as a best practice

64. If the rules require developers to offer a property value protection plan, what wind energy systems should it apply to? (choose all that apply)

- ☐ Large wind energy systems
- ☐ Community wind energy systems
- ☐ Small wind energy systems

65. If the rules require developers to offer a property value protection plan for large wind energy systems, to whom should it be offered?

- ☐ Non-participating landowners adjacent to turbine host properties
- ☐ Non-participating landowners within _____ feet of a turbine
- ☐ Other _____

66. If the rules require developers to offer a property value protection plan for community wind energy systems, to whom should it be offered?

- ☐ Non-participating landowners adjacent to turbine host properties
- ☐ Non-participating landowners within _____ feet of a turbine
- ☐ Other _____

67. If the rules require developers to offer a property value protection plan for small wind energy systems, to whom should it be offered?

- ☐ Non-participating landowners adjacent to turbine host properties
- ☐ Non-participating landowners within _____ feet of a turbine
- ☐ Other _____

Wind Leases & Easements – Specific Requirements

The following questions 68 through 76 inquire about each of the individual components of the wind lease and easement language currently in the PSC draft rule or straw proposal. Voting **no** to all questions 68 through 76 indicates support for removing these components completely from the rules.

If you feel leases or easements should be addressed to some extent in the rules, voting **yes** to one or more questions in the following section indicates support for including these specific topics in the rules.

68. Should the rules require the developer, owner and operator of the wind energy system to comply with all federal, state and local laws and regulations applicable to the wind energy system?

- ☐ Yes
- ☐ No

69. Should the rules require a lease to permit the property owner to terminate the wind lease if the portion of the wind energy system located on the property has not operated for a period of at least 18 months unless the property owner receives the normal minimum payments?

- ☐ Yes
- ☐ No

70. Should the rules require a lease to specify the circumstances under which the developer, owner or operator of the wind energy system may withhold payments from the property owner?

- ☐ Yes
- ☐ No

71. Should the rules require a lease to permit the property owner to rescind an executed wind lease within 3 business days of signing the wind lease?

- ☐ Yes
- ☐ No

72. Should the rules provide that a lease, except for compensation terms, may not be required to be confidential?

- ☐ Yes
- ☐ No

73. Should the rules provide that a lease may not make the property owner liable for any property tax associated with the wind energy system itself or other equipment related to the production of electricity by the wind energy system?

- ☐ Yes
- ☐ No

74. Should the rules provide that a lease may not make the property owner liable for any violation of federal, state or local laws and regulations by the developer, owner or operator of the wind energy system?

- ☐ Yes
- ☐ No

75. Should the rules provide that a lease may not make the property owner liable for any damages caused by the wind energy system or the operation of the wind energy system, including liability or damage to the property owner or to third parties?

- ☐ Yes
- ☐ No

76. Should the rules provide that a developer, owner or operator may not, as a condition of accepting any benefit to settle a noise, signal interference, stray voltage or shadow flicker mitigation issue, require a property owner to keep the settlement confidential or require the property owner to waive any right to make a future claim about an unrelated issue?

- ☐ Yes
- ☐ No

The following wind lease & easement questions 77 through 83 do not represent language that is currently in the PSC draft rule, nor is it in the straw proposal. The questions below contain additional amendments offered through the straw proposal amendment process that would **expand** the lease & easement language in the current PSC draft rule.

77. Should the rules require the lease to state that a person negotiating or presenting a wind lease or easement on behalf of a developer represents the developer and not the landowner?

- ☐ Yes
- ☐ No

78. Should the rules require the lease to state that the lease is a contract?

- ☐ Yes
- ☐ No

79. Should the rules require the lease to include plans and specifications regarding the specific wind turbine that may be constructed?

- ☐ Yes
- ☐ No

80. Should the rules require the developer to give general public notice of the planned wind energy system prior to signing any binding wind lease or easement?

- ☐ Yes
- ☐ No

81. If the rules require the developer to give general public notice of the planned wind energy system prior to signing any binding wind lease or easement, should the rules allow a letter of intent to be signed in lieu of a lease (without requiring general public notice first)?

- ☐ Yes
- ☐ No

82. Should the rules require any person negotiating or presenting a wind lease or easement on behalf of a developer to hold a license to conduct real estate activities and be under the supervision of a real estate broker?

- ☐ Yes
- ☐ No

83. Should the rules require any person negotiating or presenting a wind lease or easement on behalf of a developer to hold a real estate broker license?

- ☐ Yes
- ☐ No

Wind Leases and Easements – General

84. Should the rules only establish requirements for wind leases and easements consistent with existing precedent and state laws relating to other types of construction?

- ☐ Yes
- ☐ No

85. If the rules do not contain any or only limited wind lease and easement requirements, should the Council recommend wind lease and easement best practices?

- ☐ Yes
- ☐ No

Decommissioning

86. For how long should a wind energy system be allowed to stand continuously without operating before decommissioning is required?

- ☐ 18 continuous months, with limited exceptions
- ☐ 24 months, with a rebuttable presumption if the system will be reused
- ☐ Other _____

87. Should the rules require removal of turbine foundations?

- ☐ Yes, they should be completely removed
- ☐ Yes, they should be removed to at least four feet below grade
- ☐ Yes, they should be removed to _____
- ☐ No

88. Should the rules require removal of underground collector lines?

- ☐ Yes, they should be completely removed
- ☐ Yes, they should be removed to at least four feet below grade
- ☐ Yes, they should be removed to _____
- ☐ No

89. Should the rules require removal of other underground structures (other than foundations and collector lines)?

- ☐ Yes, they should be completely removed
- ☐ Yes, they should be removed to at least four feet below grade
- ☐ Yes, they should be removed to _____
- ☐ No

90. If the rules require removal of turbine foundations or underground improvements, should the rules require wind energy system applications to include plans and estimated costs for excavation and removal?

- ☐ Yes
- ☐ No

91. To what condition should the rules require restoration of the land upon decommissioning?

- ☐ Topography, soils and vegetation consistent with or similar to that of immediately adjacent properties at the time of decommissioning, except only necessary to restore brownfields to original (pre-construction) condition
- ☐ Pre-construction condition, to the extent feasible
- ☐ The same general topography that existed just prior to construction and with topsoil re-spread over the disturbed areas at a depth similar to that in existence prior to the disturbance. Areas disturbed by the construction of the facility and decommissioning activities must be graded, top-soiled, and re-seeded according to NRCS technical guide recommendations and other agency recommendations, unless the landowner requests in writing that the access roads or other land surface areas be retained.
- ☐ Other _____

92. What should the rules require developers/owners to provide in terms of financial assurances related to decommissioning?

- ☐ Proof of financial ability to decommission in a form and amount determined by the political subdivision
- ☐ Proof of financial ability to decommission in a form and amount based on a cost estimate by a mutually agreeable third-party
- ☐ Bonds or monies paid up front in an amount sufficient to guarantee decommissioning
- ☐ Other _____

93. The draft rules include a filing requirement upon completion of decommissioning. Should the rules require owners of wind energy systems to file a notice upon completion of decommissioning?

- ☐ Yes
- ☐ No

94. Should the rules stipulate penalties if decommissioning requirements are not followed?

- ☐ Yes
- ☐ No

95. If the rules stipulate penalties if decommissioning requirements are not followed, what should these penalties be?

- ☐ Penalties imposed by political subdivision using political subdivision's general authority
- ☐ Specific financial forfeiture in the amount of _____
  _____
- ☐ Other _____
  _____
  _____

96. Should the State assume ultimate responsibility for decommissioning wind energy systems approved by political subdivisions?

- ☐ Yes
- ☐ No

Construction and Operation Standards – General

The draft rules include provisions relating to turbine appearance. Questions 97-100 ask about requirements that are included in the draft rules.

97. Should the rules require wind turbines to have a neutral finish?

- ☐ Yes
- ☐ No, there should be no requirements about the finish
- ☐ No, there should be a different requirement about the finish _____

98. Should the rules prohibit displaying advertising material or signage on a wind turbine, other than warnings, equipment information or indicia of ownership?

- ☐ Yes
- ☐ No
- ☐ Yes, advertising material and signage on a turbine should be prohibited, but with different/additional exceptions: _____

99. Should the rules prohibit attaching any flag, decorative sign, streamers, pennants, ribbons, spinners, fluttering, or revolving devices except for safety features or wind monitoring devices?

- ☐ Yes
- ☐ No
- ☐ Yes, these should be prohibited, but with different/additional exceptions:

_____

100. Should the rules require the wind energy system owner to provide as-built specifications for the wind energy system?

- ☐ Yes, to the political subdivision granting the approval
- ☐ Yes, to the Public Service Commission
- ☐ Yes, to some other entity: _____
- ☐ No

Construction and Operation Standards – Emergency Procedures

101. Should the rules set forth default areas of responsibility for providing emergency services at the wind energy system (what is the developer/owner responsible for, what is the local service provider responsible for)?

- ☐ Yes
- ☐ No

102. If the rules set forth default areas of responsibility for providing emergency services at the wind energy system, should the developer/owner be responsible for services starting at the base of the turbine?

- ☐ Yes
- ☐ Yes, and the developer/owner should also be responsible for _____-

_____

_____

- ☐ No, the developer/owner should only be responsible for _____

_____

_____

103. Should the rules require the applicant to provide a copy of the project summary and site plan to the local emergency services provider, as designated by the political subdivision reviewing the application?

- ☐ Yes
- ☐ No

104. Should the rules require the applicant to cooperate with local emergency services in developing an emergency response plan upon the request of the political subdivision?

- ☐ Yes
- ☐ No

105. If the rules require the applicant to cooperate with local emergency services in developing an emergency response plan upon request, what area should this plan cover?

- ☐ The wind energy system
- ☐ The area within _____ feet of the wind energy system
- ☐ Other _____

Conflict of Interest

106. Should the wind siting rules include specific provisions to guard against conflicts of interest?

- ☐ Yes
- ☐ No, the requirements in Subchapter III of Chapter 19 of Wisconsin Statutes (Code of Ethics for Public Officials) are sufficient

107. If the rules include specific provisions to guard against conflicts of interest, beyond those in Chapter 19 of Wisconsin Statutes, what provisions should be included?

- ☐ Just state that compliance with Subchapter III of Chapter 19 of Wisconsin Statutes (Code of Ethics for Public Officials) is required
- ☐ Require the political subdivision to take reasonable steps to ensure that the public is informed about the Code of Ethics for Public Officials and is aware of how to raise concerns about possible violations of that Code with respect to the wind energy system
- ☐ Require any person having a financial interest in a project to publicly disclose the financial interest, but allow such persons to participate in the review, approval, or subsequent regulation of the project to the extent allowed under the Code of Ethics for Public Officials
- ☐ Completely forbid any person having a financial interest in a project from participating in the review, approval, or subsequent regulation of the project
- ☐ Other _____

_____

_____

_____

General Notification Requirements

108. What should the general public notification period be for large wind energy systems?

- ☐ 270 days before filing a construction application or 180 days before planned start of construction, whichever is earlier
- ☐ 90 days before filing a construction application
- ☐ 60 days before filing a construction application
- ☐ 30 days before filing a construction application or 60 days before planned start of construction, whichever is earlier
- ☐ Other _____

109. What should the notification period be for small wind energy systems?

- ☐ 270 days before filing a construction application or 180 days before planned start of construction, whichever is earlier
- ☐ 90 days before filing a construction application
- ☐ 60 days before filing a construction application
- ☐ 30 days before filing a construction application or the planned start of construction, whichever is earlier
- ☐ Other _____

110. What should the notification period be for community wind energy systems, if the rules establish a definition and separate requirements for community wind energy systems?

- ☐ The same as for large wind energy systems
- ☐ The same as for small wind energy systems
- ☐ Other _____

111. Whom should the rules require large wind energy systems to notify? (Check all that apply)

- ☐ Political subdivision
- ☐ Adjacent landowners
- ☐ All landowners within one mile
- ☐ PSC
- ☐ Other: _____

112. Whom should the rules require small wind energy systems to notify? (Check all that apply)

- ☐ Political subdivision
- ☐ Adjacent landowners
- ☐ All landowners within one mile
- ☐ PSC
- ☐ Other: _____

113. Whom should the rules require community wind energy system developers to notify, if the rules establish a definition and separate requirements for community wind energy systems?

- ☐ Political subdivision
- ☐ Adjacent landowners
- ☐ All landowners within one mile
- ☐ PSC
- ☐ Other: _____

114. Regarding the methods used by developers to provide required notifications, should the rules require "commercially reasonable efforts" only?

- ☐ Yes
- ☐ No

Application Process Requirements

115. Should the rules require that wind energy system applications include plans and specifications for the turbines being built?

- ☐ Yes
- ☐ No

116. Should the rules provide that a political subdivision may only request additional information if the information is required under the rules?

- ☐ Yes
- ☐ No

The PSC's draft rules provide for the information a political subdivision may request in reviewing an application for a wind energy system. Questions 117-119 address general types of information the political subdivision is allowed to request under the draft rules.

117. Should the rules allow political subdivisions to request information in an application pursuant to detailed application filing requirements specified by the Commission?

- ☐ Yes
- ☐ No

118. Should the rules allow political subdivisions to request any other information necessary to understand the proposed wind energy system?

- ☐ Yes
- ☐ No

119. Should the rules allow political subdivisions to request information related to the wind energy system?

- ☐ Yes
- ☐ No

Political Subdivision Process

120. Should the rules prohibit a political subdivision from placing any condition or regulation on a wind energy system except as specifically authorized by the rules (so a political subdivision could not impose a condition or regulation that relates to an issue not addressed by the rules?

- ☐ Yes, if the rules do not address an issue, a political subdivision should not be able to impose conditions on it
- ☐ No, if the rules do not address an issue, a political subdivision should be able to impose conditions relating to that issue

Questions 121 and 122 are additional questions from Commission staff.

121. Should the rules specify numerical limits on the amount of reasonable fees that a political subdivision can charge?

- ☐ Yes
- ☐ No

122. If the rules specify numerical limits on the amount of reasonable fees that a political subdivision can charge, what should the limits be?

- ☐ Fee capped at 1.0% of estimated wind energy system cost
- ☐ Fee capped at 0.5% of estimated wind energy system cost
- ☐ Fee capped at 0.3% of estimated wind energy system cost
- ☐ Other _____

Stray Voltage

123. Should the rules establish mandatory standards for pre-construction and post-construction stray voltage testing?

- ☐ Yes
- ☐ No, but the Wind Siting Council should identifying best practices for stray voltage testing
- ☐ No

124. If the rules establish mandatory standards for pre-construction and post-construction stray voltage testing, what should the rules require?

- ☐ Parties must follow the PSC's Phase 2 stray voltage protocol
- ☐ Facility should be tested by a licensed engineer before the utility gets involved
- ☐ Utilities should be required to install neutral isolation devices on all transformers serving dairies and other livestock operation.
- ☐ Other _____

125. Should the rules address who (developer/owner v. utility) is responsible for ensuring that required pre-construction and post-construction stray voltage testing is conducted?

- ☐ Yes
- ☐ No

126. Should the rules address who (developer/owner v. utility) is financially responsible for each aspect of pre-construction and post-construction stray voltage testing?

- ☐ Yes
- ☐ No

About this Ballot:

This Straw Proposal Amendment Ballot was prepared by Commission staff based on written responses to the Straw Proposal of June 9, 2010 that were submitted by Wind Siting Council members as of June 25, 2010, and based on discussions at the Wind Siting Council meetings June 15, June 21, and June 23, 2010.

Wind Siting Council members are encouraged to contact Commission staff as soon as possible regarding any errors in or omissions from this Ballot.