

**BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN**

Application of Highland Wind Farm, LLC for a
Certificate of Public Convenience and Necessity
to Construct a 102.5 MW Wind Electric
Generation Facility and Associated Electric Facilities,
to be Located in the towns of Forest and
Cylon, St. Croix County, Wisconsin

Docket No. 2535-CE-100

**FOREST VOICE, INC.'s CLARIFICATIONS TO CLEAN WISCONSIN'S
"HESSLER EX. 6" - LOW FREQUENCY NOISE REPORT**

On December 27, 2012, Clean Wisconsin filed "A Cooperative Measurement Survey and Analysis of Low Frequency and Infrasound at the Shirley Wind Farm in Brown County, Wisconsin" (the "LFN Report") as "Ex.-Clean Wisconsin-Hessler-6." Forest Voice, Inc., as a participant in the report, makes the following corrections and clarifications:

1. The LFN Report should be marked **Exhibit 7**. Ex.-Clean Wisconsin-Hessler-6 already exists, PSC Ref. 174449, titled, "Recommended noise level design goals and limits at residential receptors for wind turbine development in the United States," filed 10/11/12.
2. Clean Wisconsin edited the LFN Report prior to filing; the original LFN Report included a section with one and one-half pages of recommendations for the Highland Wind Farm (HWF), the original Section 5.2. While it can be debated whether recommendations for HWF belong in the LFN Report, Forest Voice believes the original

report as signed by the five acousticians should be in the record, because it was what the acousticians actually signed. The acousticians did not re-sign the LFN Report after Clean Wisconsin deleted the original Section 5.2. Therefore, Forest Voice files, together with this Clarification, the original report of the five acousticians.

3. Section 1.0_Introduction, states, "Clean Wisconsin was retained by the Wisconsin Public Service Commission (PSC) to provide an independent review of a proposed wind farm called the Highlands Project to be located in St. Croix County, WI (WI PSC Docket 2535-CE-100)." A more accurate statement is, "The Wisconsin Public Service Commission (PSC) provided intervenor compensation to Clean Wisconsin (CW) and Forest Voice (FV) to conduct a cooperative study of low frequency noise at the Shirley Wind Farm in Glenmore, WI. The intervenor compensation was granted pursuant to CW's and FV's participation as intervenors in the Highland Wind Farm docket, 2535-CD-100." The latter statement is more accurate because the PSC did not "retain" CW, and CW did not conduct an "independent review" of HWF. CW is a party in a highly contested proceeding; it is not a neutral party.

4. Section 1.0_Introduction, paragraph three, refers to Duke Energy as Shirley Wind's owner, and discusses Duke's lack of cooperation. To clarify, Shirley Wind, LLC owns the Shirley Wind Farm. Shirley Wind LLC is a subsidiary of Duke Energy Corporation. On November 26, 2012, Forest Voice issued Shirley Wind a deposition subpoena and subpoena duces tecum to produce turbine operational data, called supervisory control and data acquisition data, or "SCADA" data, to assist the acousticians in analyzing the data they collected. Shirley Wind's legal counsel,

Gonzalez, Saggio & Harlan LLP, together with Shirley Wind's site manager, worked cooperatively with counsel for Forest Voice to produce the requested data. Shirley Wind's legal counsel and site manager provided the requested data in their possession and control, answered several questions, and sent the data in alternate formats when requested. Often, Shirley Wind provided requested information and data late at night and over the weekend.

5. Section 1.0_Introduction, paragraph three states that the Shirley homeowners originally withdrew permission at the last moment. To clarify, the Shirley homeowners only gave conditional permission. The conditions were spelled out very clearly in emails that were shared with the attorneys involved. Due to the timing, the parties were not able to meet the conditions and thus the testing did not occur as originally scheduled. All parties, acousticians, the PSC, and the Shirley Homeowners all worked very hard to put in place testing that would produce the most accurate and complete results. These efforts culminated in the December testing, which, because of the world-class acousticians involved, produced a ground-breaking, comprehensive report.

6. The LFN Report stated Michael Hankard, HWF's noise engineering consultant," accompanied, assisted and observed the investigators on Wednesday, 12/5." HWF did not inform Forest Voice it intended to send Mr. Hankard to the testing site and at no time did HWF request to be included in the memorandum of understanding, filed with the PSC, between the Shirley homeowners, the four noise engineering firms hired by CW, FV, and the Town of Forest, and their attorneys, that

outlined the general parameters of the testing and granted permission to the acousticians to enter and test in the homes.

Dated: December 28, 2012

Garvey McNeil & Associates, S.C.

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