

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

COMMONWEALTH OF VIRGINIA, *ex rel.*

DEPARTMENT OF HISTORIC RESOURCES

Complainant

v.

HIGHLAND NEW WIND DEVELOPMENT, LLC

Defendant

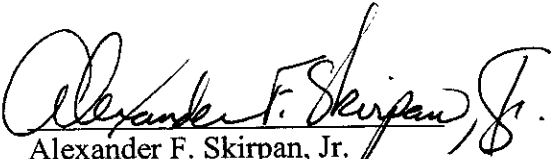
HEARING EXAMINER'S RULING

September 21, 2009

On August 19, 2009, the Director of the Department of Historic Resources ("DHR" or "Complainant") sent a letter to the State Corporation Commission's general counsel wherein DHR contended that Highland New Wind Development, LLC ("Highland Wind" or "Defendant") has failed to comply with the Commission's Final Order in PUE-2005-00101.¹ The Commission deemed the letter to constitute a formal complaint in an Order dated August 26, 2009. Among other things, the Commission scheduled a hearing on the matter for September 23, 2009, and assigned the matter to a hearing examiner to conduct all further proceedings in this matter.

On September 21, 2009, Highland Wind filed Defendant's Motion in Limine – Viewshed. In a conference with counsel for the parties, DHR indicated that it would file a response to the motion. The parties asked that the hearing scheduled for Wednesday, September 23, 2009, be convened solely to address the Defendant's motion and that the evidentiary hearing be rescheduled for a later date.

Based on the agreement of the parties, I find that the hearing scheduled for September 23, 2009, will be limited to addressing the Defendant's Motion in Limine – Viewshed.


Alexander F. Skirpan, Jr.
Senior Hearing Examiner

¹ *Application of Highland New Wind Development, LLC, For approval to construct, own and operate an electric generation facility in Highland County, Virginia, pursuant to §§ 54-46.1 and 56-580 D of the Code of Virginia, Case No. PUE-2005-00101, 2007 S.C. C. Ann. Rep. 295.*

CLERK'S OFFICE

2009 SEP 21 10 43 31

DOCUMENT CONTROL

CASE NO. PUE-2009-000921

Document Control Center is requested to mail or deliver a copy of this Ruling to:
Honorable Kathleen S. Kilpatrick, Director, Department of Historic Resources, 2801 Kensington Avenue, Richmond, Virginia 23221; Steven O. Owens, Senior Assistant Attorney General, Office of Attorney General, 900 East Main Street, Richmond, Virginia 23219; and John W. Flora, Esquire, Lenhart Obenshain, PC, 90 North Main Street, Suite 201, Harrisonburg, Virginia 22802.