

Diamond Spring, LLC

Pontotoc, Murray, and Johnston Counties, Oklahoma

Apex Clean Energy on behalf of Diamond Spring, LLC
310 4th Street NE Suite 200
Charlottesville, VA 22902

June 1, 2016

Johnston County Board of Commissioners
403 W. Main St.
Tishomingo, OK 73460

Attn: Ron Wayne Blevins
District 1 Commissioner

Mike Thompson
District 2 Commissioner

Melvin Farmer
District 3 Commissioner

NOTICE OF INTENT TO CONSTRUCT

In order to comply with the requirements of Section 2 of Oklahoma Senate Bill 808¹ ("OK Siting Laws"), which was approved by the legislature and signed by the Governor, and in advance of certain rules that are to be promulgated by the Oklahoma Corporation Commission ("Commission") pursuant to the passage of SB 808, Apex Clean Energy ("Company"), on behalf of Diamond Spring, LLC, hereby informs the Commission of its intent to construct the Diamond Spring wind energy project (the "Project") located in Murray, Pontotoc, and Johnston Counties, Oklahoma.

The Project has been under active development for several years. The most recent FAA form 7460-1 filing was made on May 27, 2016. A summary of the May 27, 2016 FAA form 7460-1 filings for each wind turbine tower location within the Project boundary is attached as Exhibit A. Exhibit B to this letter presents a diagram showing the real estate analyzed and included in statutory setback compliance. As of the date of this notice, and based on publicly available data, Company attests that the Project design complies with the setbacks required by the OK Siting Laws.

In accordance with the OK Siting Laws, Apex Clean Energy also confirms it is submitting a notice of intent to construct to the Oklahoma Corporation Commission in the form attached hereto as Exhibit C. No project facilities are located within an incorporated area of a municipality, and thus no additional notice is required under SB 808.

Please do not hesitate to contact us with any questions regarding this filing.

Sincerely,



Mark Goodwin
President

¹ Senate Bill 808 will become effective 90 days after *sine die* of the Oklahoma State Legislature, and Section 2 will appear in the Oklahoma State Statutes in Section 160.21, Title 17.

ORIGIN ID: CHOA (434) 270-7164
PATRICK BROWN
APEX CLEAN ENERGY, INC.
310 4TH ST, NE, STE. 200
CHARLOTTEVILLE VA 22902
UNITED STATES US

SHIP DATE: 01 JUN 16
ACTWTG: 0.50 LB
CAD: 7668930N/E13730
BILL SENDER

TO JOHNSTON COUNTY BOARD OF COMMISSION

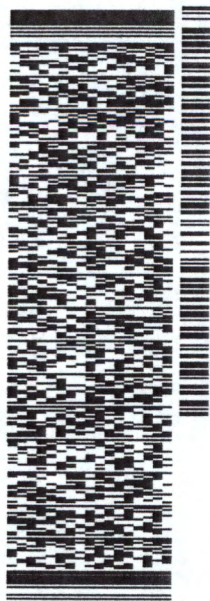
403 W. MAIN ST.

TISHOMINGO OK 73460

(580) 371-3058

REF: DIAMOND SPRING

PO. DEPT.



J161616020501ur

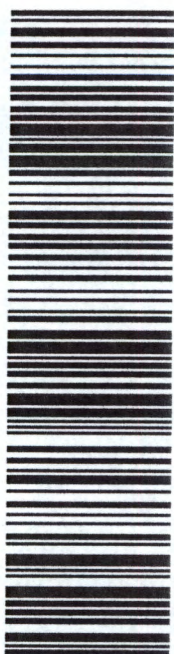
540.02/30BD/727F

TRK# 7764 1908 3797
0201

THU - 02 JUN 4:30P
PRIORITY OVERNIGHT

XH OKCA

OK-US 73460
OKC



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Shipment Receipt

Address Information

Ship to: Johnston County Board of Commission 403 W. Main St. TISHOMINGO, OK 73460 US (580) 371-3058	Ship from: Patrick Brown Apex Clean Energy, Inc. 310 4th St. NE, Ste. 200 Charlottesville, VA 22902 US 4342707164
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Shipment Information:

Tracking no.: 776419083797
Ship date: 06/01/2016
Estimated shipping charges: 25.80

Package Information

Pricing option: FedEx Standard Rate
Service type: Priority Overnight
Package type: FedEx Envelope
Number of packages: 1
Total weight: 0.50 LBS
Declared Value: 0.00 USD
Special Services:
Pickup/Drop-off: Drop off package at FedEx location

Billing Information:

Bill transportation to: MyAccount-989
Your reference: Diamond Spring
P.O. no.:
Invoice no.:
Department no.:

Thank you for shipping online with FedEx ShipManager at fedex.com.

Please Note

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1000, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits; Consult the applicable FedEx Service Guide for details.
The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable [FedEx Service Guide](#) or the FedEx Rate Sheets for details on how shipping charges are calculated.