

Diamond Spring, LLC

Pontotoc, Murray, and Johnston Counties, Oklahoma

Diamond Spring, LLC
310 4th Street NE, Suite 200
Charlottesville, VA 22902

November 28, 2016

Pontotoc County Board of Commissioners
P.O. Box 1425
Ada, OK 74821

Attn: Gary Starns Randy Floyd Justin Roberts
 District 1 Commissioner District 2 Commissioner District 3 Commissioner

NOTICE OF INTENT TO CONSTRUCT

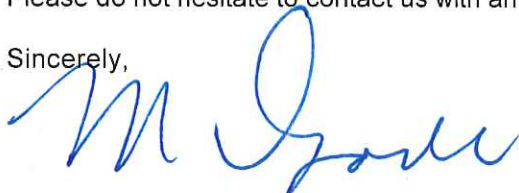
In order to comply with the requirements of Section 2 of Oklahoma Senate Bill 808¹ ("OK Siting Laws"), which was approved by the legislature and signed by the Governor, and in advance of certain rules that are to be promulgated by the Oklahoma Corporation Commission ("Commission") pursuant to the passage of SB 808, Diamond Spring, LLC, hereby informs the Commission of its intent to construct the Diamond Spring wind energy project (the "Project") located in 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 November 22, 2016. A summary of the November 22, 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, Diamond Spring, LLC, attests that the Project design complies with the setbacks required by the OK Siting Laws.

In accordance with the OK Siting Laws, Diamond Spring, LLC, 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: DUCHOIA (434) 270-7164
PATRICK BRONN
APEX CLEAN ENERGY INC.
310 4TH ST. NE, STE. 200
CHARLOTTEVILLE VA 22902
UNITED STATES US

SHIP DATE: 22NOV16
ACTWT/GST: 0.50 LB
CAD: 7.088930IN/ET3790
BILL SENDER

TO

PONTOTOC COUNTY BOARD OF COMMISSION
PO BOX 1425

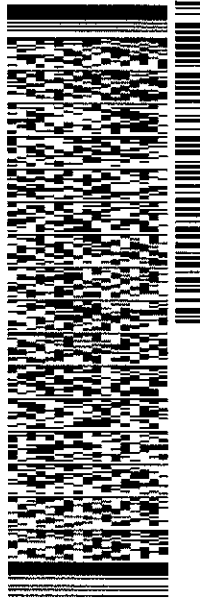
ADA OK 74821

(580) 332-8977

REF: DIAMOND SPRINGS

INV:

DEPT:



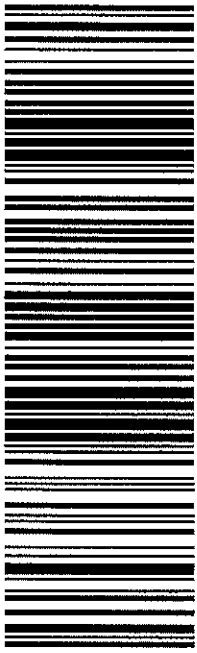
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TRK# 7777 7264 6382
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WED - 23 NOV 4:30P
PRIORITY OVERNIGHT

XH OKCA 74821
OK-US OKC



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