

## CUMMINGS WESTLAKE LLC

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April 4, 2014

Mr. Jeff Byrd  
Superintendent  
Claude ISD  
PO Box 209  
Claude TX, 79019

**via email: [jeff.byrd@region16.net](mailto:jeff.byrd@region16.net)**

### **Re: Cancellation of 313 Application for Pullman Road Wind Power, LLC**

Dear Mr. Byrd,

Pullman Road is electing not to proceed with the execution of an LAVA agreement at this time due to an on-going issue with the FAA that is delaying the Project's construction and operation. As background, on August 20, 2014, the FAA's Obstruction Evaluation Group issued Notices of Presumed Hazard (NPHs) for the entire Pullman Road Project area because of concerns raised by the Albuquerque Air Route Traffic Control Center (ARTCC) about the impacts of the Project's turbines on a long-range radar used by ARTCC and located at Rick Husband Airport. Over the past several months, despite our best efforts to engage the FAA in a meaningful dialogue about potential mitigation solutions, we have made no progress with the FAA thus far. As such, we do not believe there is sufficient benefit to proceed with the Limitation on Appraised Value Agreement (LAVA) between the district and Pullman Road Wind Power, LLC. Accordingly, we are reluctantly withdrawing the application to Claude ISD and terminating discussion at this time.

We want to express our appreciation to Claude ISD for the cooperation and on-going support extended to Pullman Road Wind throughout this application process and hope to pursue a LAVA at a later date, provided we reach a resolution with the FAA.

Best regards,



J. Weston Jackson, Consultant for  
Pullman Road Wind Power, LLC