January 14, 2013

The Honorable Sarah Parrot

Administrative Law Judge

Ohio Power Siting Board

180 East Broad Street, 12th floor

Columbus, OH 43215-3793

Re: Motion for Certain Waivers,

Case No. 12-2933-EL-BGN

Dear Judge Parrot:

On November 8, 2012, Republic Wind, LLC (Applicant) filed a Motion for Waivers of various rules in Chapter 4906-17, Ohio Administrative Code (O.A.C.). The Applicant specifically requested waiver of the following requirements:

(1) Providing an extensive site selection study to the extent that Applicant is not able to describe all the specific information listed in the site selection criteria as set forth in O.A.C. Rule 4906-17-04(A);

(2) Providing map of vegetative cover as set forth in O.A.C. 4906-17-05(A)(3)(g), and instead allow the Applicant to provide a general narrative description of the vegetative cover that may be disturbed during construction; and

(3) Certain requirements relating to cross-sectional views and test borings and maps set forth in O.A.C. 4906-17-05(A)(4), and instead allow the Applicant to submit this information once it determines the final location of turbines and other structures.

The Applicant also requested that the waivers be granted on an expedited basis.

On December 27, 2012, the Applicant filed a Supplement/Correction to Motion for Waivers, in which it clarified its requested waiver pertaining to cross-sectional views and test borings.

Staff does not object to the specific waiver requests contained within the Applicant’s motion and supplemental motion. However, Staff also offers the following:

1) To the extent that such waivers are granted, Staff reserves the right to require information from the Applicant in areas covered by the waiver requests if Staff later determines it to be necessary during the course of the investigation.

2) The Applicant also notes its intention to begin construction of the facility by the second quarter of 2014. If the waiver request is granted, it should not be perceived as any predetermination of the Applicant’s stated construction and operation schedule.

3) With respect to the location and results of the test borings, Staff recommends that such data be provided at least 30 days prior to any preconstruction conference.

Respectfully submitted

/s/ Devin D. Parram

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**On behalf of the Staff of   
The Ohio Power Siting Board**

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