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Before
The Ohio Power Siting Board 2008 SEP 29 AM 11:01

In the Matter of the Power Siting)
Board's Adoption of Chapter 4906-)
17 of the Ohio Administrative Code)
and the Amendment of Certain)
Rules in Chapters 4906-1, 4906-5)
and Rule 4906-7-17 of the Ohio)
Administrative Code to Implement)
Certification Requirements for)
Electric Generating Wind Facilities)

PUCO

Case No. 08-1024-EL-ORD

Comments of the Ohio Farm Bureau Federation

On June 24, 2008, the governor of the state of Ohio signed Amended Substitute House Bill 562 (HB 562), with provisions directing the Ohio Power Siting Board (OPSB) to adopt certification rules for the construction, operation and maintenance of electric generation wind facilities. Moreover, Executive Order 2008-04S, entitled *Implementing Common Sense Business Regulation* sets forth key factors the OPSB should consider in the promulgation of rules. These considerations include (1) Each rule created is needed in order to implement the underlying statute; (2) Amend or rescind rules that are unnecessary, ineffective, contradictory, redundant, inefficient or needlessly burdensome; (3) Unnecessarily impede economic growth; (4) Have unintended negative consequences, and (5) Reduce or eliminate areas of regulation where federal regulation now adequately regulates the subject matter.

The OPSB issued an entry seeking comments on its proposed rules concerning the adoption of chapter 4906-17 of the Ohio Administrative Code and the amendment of certain rules in chapters 4906-1, 4906-5 and Rule 4906-7-17 of the Ohio Administrative Code to implement certification requirements for electric generating wind facilities in Ohio on September 15, 2008. Initial comments were to be submitted to the OPSB by September 29, 2008.

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The Ohio Farm Bureau Federation (OFBF) appreciates the opportunity to be involved in this process and submits the following comments for your consideration.

Certificate Applications for Electric Generating Wind Facilities

4906-17-01 (B) Definitions as Used in this Chapter: OFBF understands that a "wind power facility" (facility) will encompass "all turbines, collection lines, associated substations and all other associated equipment." Moreover, we understand that separate and currently approved "transmission line" rules also include provisions for associated hardware for carrying generation from the facility directly to an interconnection point with the transmission power grid. OFBF suggests that more detail be given throughout the draft to better explain what facilities will be considered under the "wind farm" application and what facilities will encompass the associated "transmission line" application.

4906-17-02 (A) (3) (4) Project Summary and General Descriptions: The size and nature of traditional coal, nuclear and natural gas fired electric generation facilities – all facilities in one, relatively compact location with little, if any need to harness wind currents - lend themselves to considering several site options in a given area. Given the nature of new wind technology and the need to pinpoint turbines in key locations to maximize harnessing available wind resources, major site location alternatives might not be available. Accordingly, OFBF suggests that these rules be modified to accommodate this consideration.

4906-17-02 (C) Map Preparation and Submission: OFBF understands that a variety of information sources encompass proprietary data that could be only obtained directly by the developer via their own research, as well as through licensing agreements. We ask the Board consider this issue.

4906-17-03 (A) (1) Project Description in Detail: Given its comments as detailed in 4906-17-02 (A) (3) (4) above, OFBF suggests that the wording, "for each alternative" in 4906-17-03 (A) (1) be deleted.

4906-17-04 (A) Project Area Site Alternatives Analyses: Given its comments as detailed in 4906-17-02 (A) (3) (4) above, OFBF suggests that the wording, "Site

Alternatives” in the title of this section, as well as “all practicable project area sites” in 4906-17-04 (A) be deleted.

4906-17-05 (A) Technical Data: Given its comments as detailed in 4906-17-02 (A) (3) (4) above, OFBF suggests that the wording, “and any proposed alternative sites(s)” in 4906-17-05 (A) be deleted.

4906-17-05 (B) (1) (F) Layout and Construction: OFBF recommends reference be made to the most current edition of the *Ohio Federation of Soil and Water Conservation Districts – Pipeline and Utility Construction Repair and Remediation Standards* as a basis for post construction reclamation standards.

4906-17-05 (B) (2) Layout: OFBF recommends that this section be revised to reflect concerns detailed in 4906-17-02 (A) (3) (4) referenced above.

4906-17-05 (D) (1) Regional Electric Power System: OFBF supports inclusion of these requirements. Work at this level will help decrease the “speculative” nature of establishing wind projects in Ohio and reduce the Board’s time and effort to considering those projects that are more thoroughly planned and detailed.

4906-17-07 (B) Environmental Data – Air: With the exception of the need to monitor air quality standards for particulate matter and dust control during the construction process, and given that wind generation will be using available air currents as a “fuel” that has no combustible emissions, modification of these rules should be considered.

4906-17-07 (C) Environmental Data – Water: With the exception of the need to monitor water quality and erosion control standards during and after construction, and given that wind generation will be using available air currents as a “fuel” that does not need to be stored on site or is susceptible to infiltration into groundwater, modification of these rules should be considered.

4906-17-08 (A) (1) Social and Ecological Data, Health and Safety – Demographics: OFBF suggests modification of the proposed rule to encompass communities within the viewscape of the project, up to the draft’s proposed maximum of five miles.

4906-17-08 (B) (A) (1) Social and Ecological Data, Ecological Impact – Facility

Boundary: To avoid confusion with individual “wind turbine structure” placement guidelines in 4906-17-08 (C) (1) (c) (I – II), OFBF suggests that the Board consider revising this point to include an explanation that the “facility” is the entire wind farm, and not each individual turbine or structure contained within.

4906-17-08 (C) (2) Economics, Land Use and Community Development –

Economics: OFBF suggests that the Board consider the addition of (F) “Explain, if available, the scope of any long-term payment in lieu of taxes (PILOT) development programs in which the company will be making commitments as service to the community.”

4906-17-08 (D) (1) Cultural Impact: OFBF suggests modification of the proposed rule similar to those brought forward in 4906-17-08 (A) (1) above. These rules should encompass registered landmarks within the viewscape of the project, up to the draft’s proposed maximum of five miles.

General Provisions

4906-1-01 (U) Definitions: OFBF agrees with the definition of “Wind Farm” as it reflects statute language established in HB 562. With regard to its comments in 4906-17-01 (B) referenced above, OFBF suggests that more detail be given throughout the draft to better explain what facilities will be considered under the “wind farm” application and what facilities will encompass a “transmission line” application.

Certificate Applications

4906-5-01 Preapplication Conference: The size and nature of traditional coal, nuclear and natural gas fired electric generation facilities – all facilities in one, relatively compact location with little, if any need to harness wind currents – lend themselves to development in a relatively compact area. Given the nature of new wind technology and the need to pinpoint turbines in key locations to maximize harnessing available wind resources, a wind

farm will incorporate and/or impact larger areas of land, many encompassing several municipal, county and/or township jurisdictional boundaries. OFBF suggests that these rules be modified to accommodate this consideration. Moreover, a preapplication conference including all federal, state and local government entities and agencies impacted by the project should be a mandatory requirement as part of this process.

4906-5-04 Alternatives in Certificate Applications: With regard to its comments in 4906-17-02 (A) (3) (4) referenced above, The size and nature of traditional coal, nuclear and natural gas fired electric generation facilities – all facilities in one, relatively compact location with little, if any need to harness wind currents – lend themselves to considering several site options in a given area. Given the nature of new wind technology and the need to pinpoint turbines in key locations to maximize harnessing available wind resources, major site location alternatives might not be available. Accordingly, OFBF suggests that these rules be modified to accommodate this consideration.

However, while some of these projects could be developed directly adjoining to available transmission infrastructure, it is safe to assume some could be developed several miles distance for a transmission interconnection point. With this factor in mind and based on previous experience in rural areas, OFBF supports current rules detailing the need to create and evaluate a minimum of two alternative routes for the “transmission line” certification and approval process.

Decision by the Board

4906-7-17 (A) (1) (b): OFBF suggests that “persons and municipal corporations” be expanded to include all government jurisdictions – counties and townships – in which the facility is approved and will be developed.

With this provision in mind, OFBF suggests that as the Board send any and all correspondence concerning wind farm siting cases to all government jurisdictions referenced above.

Conclusion

OFBF looks forward to working with the OPSB and Staff, as well as the Ohio Townships Association, the County Commissioners Association of Ohio and other interested parties as the rule making process continues on provisions as addressed in HB 562 and Case Number 08-1024-EL-ORD.

Once again, thank you for your time and consideration.

Respectfully Submitted,

A handwritten signature in black ink that reads "Dale R. Arnold" with a horizontal line at the end.

Dale R. Arnold
Director, Energy Services
Ohio Farm Bureau Federation
280 North High Street
P.O. Box 182383
Columbus, OH 43218-2383
Phone: 614.246.8294
Fax: 614.246.8694
E-Mail darnold@ofbf.org