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Via Hand Delivery

September 23, 2009

Renee Jenkins
The Ohio Power Siting Board
180 E. Broad Street, 13th Floor
Columbus, Ohio 43215

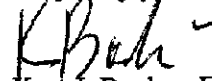
**Re: BP-Husky Refining, LLC Toledo Refinery 138/69-kV Substation Project
Case No. 09-750-EL-BSB**

Dear Ms. Jenkins:

Please find enclosed 30 copies of BP HUSKY REFINING, LLC'S APPLICATION FOR A CERTIFICATION OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED to be filed in the above referenced. I also enclose an original and twelve (12) copies of the BP HUSKY REFINING, LLC's MOTION FOR A WAIVER OF OHIO POWER SITING BOARD RULES to be filed in the above-referenced matter.

Within box 1, there is a copy of the Application with a sticky note labeled for Jim O'Dell. This copy has all the digital information which Mr. O'Dell requested.

Very truly yours,



Kurt J. Boehm, Esq.

BOEHM, KURTZ & LOWRY

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Enclosure

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.

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**BEFORE
THE POWER SITING BOARD
STATE OF OHIO**

In the matter of The Application to the Ohio Power Siting Board for a Certification of Environmental Compability and Public Need	: : : :	Case No. 09-750-EL-BSB
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**BP HUSKY REFINING, LLC's MOTION FOR A WAIVER OF
OHIO POWER SITING BOARD RULES**

I. MOTION FOR WAIVER

BP Husky Refining, LLC ("BP-Husky") moves the Power Siting Board pursuant to Rule 4906-1-03, O.A.C., for a waiver of the following provisions of the Board's statutes and regulations:

1. The requirements of Section 4906.06(A) that an application for certificate for construction of transmission facilities be filed not less than one year prior to the planned date of commencement of construction.
2. The requirements of Section 4906-15-07(E) that a review of the existing vegetation must occur for the alternative sites.
3. The requirements of Section 4906-15-06 (F) that a review of the impacts on cultural resources must occur for the alternate sites.

II. MEMORANDUM IN SUPPORT

1. Waiver of the Pre-construction Notice Period

Section 4906.06(A) permits waiver of the one-year notice requirement for new transmission facilities for unforeseen emergencies. The Applicant requests waiver of this requirement in order to permit construction of the substation project to commence immediately following issuance of a certificate of environmental compatibility and public need in this proceeding. This construction schedule is necessary in order to ensure that the project is in service to meet the needs of the more efficient Reformer 3.

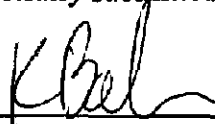
2. Waiver of the Wetlands review of the Alternate Site

The Preferred and Alternate sites are very close in proximity. Desktop surveys and visits to the site have indicated that there are no wetlands present at the Alternate Site. Therefore no individual wetland survey was completed for the Alternate Site.

3. Waiver of the Cultural review for the Alternate Site

The Preferred and Alternate sites are very close in proximity. Desktop reviews cover the required area for both sites. An on-site review was not conducted for the Alternate Site due to the Desktop review indicating no presence of historic sites.

Respectfully submitted,



Kurt J. Boehm, Esq. (Ohio Reg. #0076047)

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