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BEFORE  
THE OHIO POWER SITING BOARD

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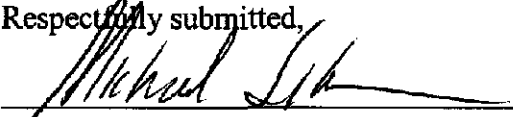
In the Matter of the Application of )  
Buckeye Wind, LLC, for a Certificate )  
to Install Numerous Electricity )  
Generating Wind Turbines in )  
Champaign County to be Collected at )  
an Electrical Substation in )  
Union Township, )  
Champaign County, Ohio )

Case No. 08-0666-EL-BGN

**NOTICE OF SERVICE OF BUCKEYE WIND, LLC'S THIRD SUPPLEMENTAL  
RESPONSE TO THE FIRST REQUEST FOR PRODUCTION OF DOCUMENTS BY  
INTERVENORS UNION NEIGHBORS UNITED, ROBERT McCONNELL, DIANE  
McCONNELL, AND JULIA JOHNSON**

Buckeye Wind, LLC hereby gives notice of the service of its Third Supplemental Response to the First Request for Production of Documents by Intervenors Union Neighbors United, Robert McConnell, Diane McConnell, and Julia Johnson (the "Third Supplemental Response"). A copy of Buckeye Wind's Third Supplemental Response is attached hereto and as indicated, provides supplemental responses to document requests 27, 45 and 68

Respectfully submitted,

  
M. Howard Petricoff (0008287), Trial Attorney  
Stephen M. Howard (0022421)  
Michael J. Settineri (0073369)  
VORYS, SATER, SEYMOUR AND PEASE LLP  
52 East Gay Street  
P.O. Box 1008  
Columbus, Ohio 43216-1008  
(614) 464-5414  
(614) 719-4904 (fax)  
[mhpetricoff@vorys.com](mailto:mhpetricoff@vorys.com)  
[smhoward@vorys.com](mailto:smhoward@vorys.com)  
[mjsettineri@vorys.com](mailto:mjsettineri@vorys.com)

Attorneys for Buckeye Wind LLC

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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served via regular U.S. mail, postage prepaid on the following parties this 20th day of October, 2009.

Jack A. VanKley  
VanKley & Walker,  
LLC  
132 Northwoods  
Blvd., Suite C-1  
Columbus, Ohio  
43235  
[jvankley@vankleywalker.com](mailto:jvankley@vankleywalker.com)

Christopher A. Walker  
VanKley & Walker,  
LLC  
137 North Main Street,  
Suite 316  
Dayton, Ohio 45402  
[cwalker@vankleywalker.com](mailto:cwalker@vankleywalker.com)

Larry Gearhardt  
Chief Legal Counsel  
Ohio Farm Bureau  
Federation  
280 N. High St., P.O.  
Box 182383  
Columbus, Ohio  
43218-2383  
[lgearhart@ofbf.org](mailto:lgearhart@ofbf.org)

Jane A. Napier  
Assistant Prosecuting  
Attorney  
Champaign County  
200 N. Main St.  
Urbana, Ohio 43078  
[jancpc@ctcn.net](mailto:jancpc@ctcn.net)

Werner Margard  
Attorney General's  
Office  
Public Utilities Section  
180 East Broad Street,  
9th Floor  
Columbus, Ohio 43215-  
3793  
[werner.margard@puc.state.oh.us](mailto:werner.margard@puc.state.oh.us)

G.S. Weithman  
Director of Law  
City of Urbana  
205 S. Main Street  
Urbana, Ohio 43078  
[diroflaw@ctcn.net](mailto:diroflaw@ctcn.net)

Thomas E. Lodge  
Carolyn S. Flahive  
Sarah Chambers  
Thompson Hine LLP  
41 South High Street, Suite  
1700  
Columbus, Ohio 43215-6101  
[Tom.Lodge@ThompsonHine.com](mailto:Tom.Lodge@ThompsonHine.com)  
[Carolyn.Flahive@ThompsonHine.com](mailto:Carolyn.Flahive@ThompsonHine.com)  
[Sarah.Chambers@ThompsonHine.com](mailto:Sarah.Chambers@ThompsonHine.com)

Gene Park  
Piqua Shawnee Elder  
Piqua Shawnee Tribe  
1803 Longview Dr.  
Springfield, Ohio 45504  
[Ewest14@woh.rr.com](mailto:Ewest14@woh.rr.com)

Daniel A. Brown  
Brown Law Office LLC  
204 S. Ludlow St., Suite 300  
Dayton, Ohio 45402  
[dbrown@brownlawdayton.com](mailto:dbrown@brownlawdayton.com)

  
Michael J. Settineri

**BEFORE  
THE OHIO POWER SITING BOARD**

<b>In the Matter of the Application of</b>	)	
<b>Buckeye Wind, LLC, for a Certificate</b>	)	
<b>to Install Numerous Electricity</b>	)	<b>Case No. 08-0666-EL-BGN</b>
<b>Generating Wind Turbines in</b>	)	
<b>Champaign County to be Collected at</b>	)	
<b>an Electrical Substation in</b>	)	
<b>Union Township,</b>	)	
<b>Champaign County, Ohio</b>	)	

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**BUCKEYE WIND, LLC'S THIRD SUPPLEMENTAL RESPONSE TO THE  
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS BY INTERVENORS  
UNION NEIGHBORS UNITED, ROBERT McCONNELL, DIANE McCONNELL,  
AND JULIA JOHNSON**

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Pursuant to Rule 4906-7-07(F) of the Ohio Administrative Code, Buckeye Wind, LLC provides additional supplemental responses to the First Request for Production of Documents by Intervenor Union Neighbors United, Robert McConnell, Diane McConnell, and Julia Johnson.

**DEFINITIONS**

The following definitions apply to the terms used in these requests for documents:

1. "And" and "or" are both conjunctive and disjunctive and shall be interpreted to call for the most comprehensive information available to Buckeye.
2. "Applicant" or "Buckeye" means Buckeye Wind LLC.
3. "Application" means the "Application to the Ohio Power Siting Board for a Certificate of Environmental Compatibility and Public Need for the Buckeye Wind Project" submitted by Buckeye in this proceeding.
4. "Documents" include but is not limited to all writings, correspondence, memoranda, letters, summaries, notes, reports, studies, manuals, telephone logs, calendars, charts, analyses, papers, contracts, tables, invoices, graphs, books, lists, purchase orders,

memoranda of conversations, sample analyses, sample submission forms, laboratory sheets, sketches, photographs, slides, movies, films, videotapes, audiotapes, microfiche, data sheets, chain of custody sheets, manifests, minutes of meetings, jottings, plans, drawings, blueprints, records, permit application records, cards, literature, articles, telegrams, schematics, graphs, tapes, computer printouts, pamphlets, visual aids, and any other document as defined under the Board's rules. "Documents" is defined to the broadest extent permitted by OAC 4906-7-07 and includes, whenever applicable, the originals (absent any original, a copy) of any record of any intelligence or information (whether handwritten, typed, printed or otherwise visually or aurally reproduced) in your possession, custody or control. "Documents" include drafts and all copies which are not identical to the originals, such as those bearing marginal comments, alterations, notes or other notations not present on the original. "Documents" also includes e-mail and any other record in electronic form, including messages deleted or otherwise stored in any database or stored by any internet service provider.

5. "Facility" has the same meaning as described on page 1 of the Application.
6. "Include" or "Including" means including but not limited to.
7. "Intervenors" means Union Neighbors United, Robert McConnell, Diane McConnell, and Julia Johnson.
8. "Person" means any individual, corporation, proprietorship, partnership, professional corporation, association, group, governmental agent or entity, and any other entity.
9. "Project Area" has the same meaning as described on page 1 of the Application.
10. Where the context herein makes it appropriate, each singular word shall include its plural and each plural shall include its singular.

11. Each of the following words include the meaning of every other listed word: "each", "all", and "any".

### **GENERAL OBJECTIONS AS SUPPLEMENTED**

1. Buckeye Wind, LLC objects to these requests to the extent they are overly broad, not reasonably calculated to lead to the discovery of admissible evidence, and burdensome.
2. Buckeye Wind, LLC objects to these requests to the extent they are not reasonably calculated to lead to the discovery of admissible evidence. The application seeks authority to construct wind power sites in six townships in Champaign County. Requests for documents relating to other parts of the state are not reasonably calculated to lead to the discovery of admissible evidence.

### **REQUESTS FOR DOCUMENTS**

Intervenors request that Buckeye produce the following documents:

1. All reports, publications, data, and other records cited by, or supporting, either the application or any of the exhibits to the application.

### **RESPONSE:**

Buckeye objects to Document Request No. 1 as overly broad and unduly burdensome, would impose a significant cost on Buckeye and is seeking documents that are publicly available. Without waiving the foregoing specific objections and General Objections, the vast majority of the citations are either to internet links or publicly available documents. The Applicant is providing those documents that are reasonably accessible to it as Response to Request No. 1.

SUPPLEMENTAL RESPONSE: Without waiving the foregoing specific objections and General Objections, please see the attached documents labeled "Supplemental Response to Request No. 1."

2. All documents used or referred to in the drafting of the application.

**RESPONSE:**

Buckeye objects to Document Request No. 2 as overly broad and unduly burdensome, vague and ambiguous and would impose a significant cost on Buckeye, seeking documents not in the possession of Buckeye and seeking information that is attorney-client privileged and subject to the work product doctrine. Without waiving the foregoing specific objections or the General Objections, see the attached Response to Request No. 1.

SUPPLEMENTAL RESPONSE: Without waiving the foregoing specific objections and General Objections, please see the attached documents labeled "Supplemental Response to Request No. 1."

3. All documents containing information relating or referring to any facts discussed in the application.

**RESPONSE:**

Buckeye objects to Document Request No. 3 as overly broad and unduly burdensome, would impose a significant cost on Buckeye, seeking documents not in the possession of Buckeye and seeking information that is attorney-client privileged and subject to the work product doctrine. Without waiving the foregoing specific objections or the General Objections, see the attached Response to Request No. 1.

SUPPLEMENTAL RESPONSE: Without waiving the foregoing specific objections and General Objections, please see the attached documents labeled "Supplemental Response to Request No. 1" and see also the documents on the discs labeled BW1 and BW2.

4. All documents containing information relevant to or referring to the facts, claims, or issues relevant to this case.

**RESPONSE:**

Buckeye objects to Document Request No. 4 as overly broad and unduly burdensome, vague and ambiguous, would impose a significant cost on Buckeye, seeking documents not in the possession of Buckeye and seeking information that is attorney-client privileged and subject to the work product doctrine. Without waiving the foregoing specific objections or the General Objections, see the attached Response to Request No. 1.

SUPPLEMENTAL RESPONSE: Without waiving the foregoing specific objections and General Objections, please see the attached documents labeled "Supplemental Response to Request No. 1."

5. All documents containing information that Buckeye or its witnesses, representatives, or experts have created, referred to, read, relied upon, or used in any way with respect to or for purpose of evaluating the issues in this case.

**RESPONSE:**

Buckeye objects to Document Request No. 5 as overly broad and unduly burdensome, vague and ambiguous, would impose a significant cost on Buckeye, seeking documents not in the possession of Buckeye and seeking information that is attorney-client privileged and subject

to the work product doctrine. Without waiving the foregoing specific objections or the General Objections, see the attached Response to Request No. 1.

SUPPLEMENTAL RESPONSE: Without waiving the foregoing specific objections and General Objections, please see the attached documents labeled "Supplemental Response to Request No. 1" and see the documents on discs labeled BW1 and BW2.

6. All documents and tangible objects that Buckeye may introduce into evidence, to which Buckeye's witnesses may refer during the hearing on this case, or which Buckeye's witnesses may review in preparation for their testimony.

**RESPONSE:**

Without waiving the General Objections, Buckeye may introduce into evidence any document which it has previously filed in this proceeding, any response to Staff data requests yet to be developed, any response to intervenors' discovery requests yet to be developed and testimony yet to be developed.

7. All documents which Buckeye believes support or contradict any argument it plans to make in this case.

**RESPONSE:**

Buckeye objects to Document Request No. 7 as vague and ambiguous, overly broad and unduly burdensome.

8. A resume or curriculum vitae for each person whom Buckeye may call as a witness at the hearing.



**RESPONSE:**

Buckeye will provide a resume or curriculum vitae for each person it may call as a witness at the hearing in this proceeding when it determines who its witnesses will be.

9. All documents containing information contradicting any statements made in the Application.

**RESPONSE:**

Buckeye objects to Document Request No. 9 as vague, ambiguous and overly broad.

10. All drafts and preliminary versions of the Application.

**RESPONSE:**

Buckeye objects to Document Request No. 10 as overly broad and unduly burdensome, would impose significant cost on Buckeye, seeking information that is not reasonably calculated to lead to the discovery of admissible evidence and is seeking information that is attorney-client privileged and subject to the work product doctrine.

11. All letters, memoranda, telephone memoranda, and other correspondence relating or referring to the Application or any of its drafts or preliminary versions.

**RESPONSE:**

Buckeye objects to Document Request No. 11 as overly broad, unduly burdensome, would impose significant cost on Buckeye, seeking information that is not reasonably calculated to lead to the discovery of admissible evidence and is seeking information that is attorney-client privileged and subject to the work product doctrine. Without waiving the foregoing specific

objections and the General Objections, see all filings in this proceeding, Case No. 08-666-EL-BGN.

12. All studies, reports, notes, correspondence, and other documents relating to or used in the preparation of the Application.

**RESPONSE:**

Buckeye objects to Document Request No. 12 as overly broad and unduly burdensome, would impose a significant cost on Buckeye, is seeking documents not in the possession of Buckeye and is seeking information that is attorney-client privileged and subject to the work product doctrine. Without waiving the foregoing specific objections or the General Objections, see the exhibits attached to the application filed in this proceeding and the attached Response to Request No. 1.

SUPPLEMENTAL RESPONSE: Without waiving the foregoing specific objections and General Objections, please see the attached documents labeled "Supplemental Response to Request No. 1" and see the documents on discs labeled BW1 and BW2.

13. All documents relating or referring to the site selection process or site alternatives analyses for the Facility, including the alternatives considered.

**RESPONSE:**

Buckeye objects to Document Request No. 13 as vague, ambiguous, overly broad and unduly burdensome, would impose a significant cost on Buckeye, is seeking documents not in the possession of Buckeye and is seeking information that is attorney-client privileged and subject to the work product doctrine. Without waiving the foregoing specific objections or the

General Objections, see the application and exhibits filed in this proceeding. A Site Alternative Analysis was not performed for this project.

14. All documents relating or referring to any other sites that could have been used as the site of the Facility.

**RESPONSE:**

Buckeye objects to Document Request No. 14 as vague and ambiguous and is seeking documents not in the possession of Buckeye. In addition, this request is not reasonably calculated to lead to the discovery of admissible evidence. The sites in the six townships in Champaign County are the sites that are before the Board in this proceeding. No other site could have been used for this facility.

15. All documents relating or referring to the environmental and socioeconomic considerations of the preferred and alternate sites for the Facility.

**RESPONSE:**

Buckeye objects to Document Request No. 15 as vague and ambiguous, overly broad and unduly burdensome, would impose a significant cost on Buckeye and is seeking information that is attorney-client privileged and subject to the work product doctrine. Without waiving the foregoing specific objections and the General Objections, there is extensive information about the environmental and socioeconomic considerations of the proposed site in the application and exhibits filed in this proceeding. No Site Alternative Analysis was performed.

16. All documents relating or referring to the reasons that Buckeye selected the Project Area or any portions of the Project Area instead of another location.

**RESPONSE:**

Buckeye objects to Document Request No. 16 as vague and ambiguous and overly broad and unduly burdensome. Without waiving the foregoing specific objections and the General Objections, see the application and exhibits filed in this proceeding and the Response to Request No. 1. A description of the macro-siting and micro-siting criteria are included in the Application filed in this proceeding.

17. All documents relating or referring to the Project Area as the location for the Facility.

**RESPONSE:**

Buckeye does not understand what documents are being sought by this request and therefore objects to Document Request No. 17 as vague and ambiguous. Without waiving the foregoing specific objections and the General Objections, a description of the macro-siting criteria, and the Project Area's attributes on the macro scale are included in the application filed in this proceeding.

18. All documents relating or referring to the schedule for constructing the Facility.

**RESPONSE:**

Buckeye objects to Document Request No. 18 as unduly burdensome, overly broad and seeking information that is attorney-client privileged. Without waiving the foregoing specific objections and the General Objections, see the project schedule provided in the Application.

19. Organizational charts, employee rosters, or other documents showing the names and titles/positions of the managerial and executive personnel of the Applicant.

**RESPONSE:**

Buckeye objects to Interrogatory No. 19 as it seeks information that is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving such specific objections and General Objections, see response to Request No. 19.

SUPPLEMENTAL RESPONSE: Buckeye objects to Document Request No. 19 as it seeks information that is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving such specific objections and General Objections, see the document attached to Buckeye's initial responses and labeled as "Response to Request No. 19."

20. All agreements with Dayton Power & Light or other persons (whether in draft or final form), all correspondence discussing any such agreement, and all correspondence, reports, studies, and other documents relating or referring to permitting, design, construction, operation, or maintenance of the collection system, cables, or collection lines that will convey power from the Facility's turbines.

**RESPONSE:**

Buckeye objects to Document Request No. 20 as not reasonably calculated to lead to the discovery of admissible evidence, as seeking information of a confidential and propriety nature as negotiations are ongoing with Dayton Power & Light, as being overly broad and seeking information that is attorney-client privileged. Without waiving the foregoing specific objections

and the General Objections, please see the letter of acknowledgement contained at Exhibit Z to the application.

**SUPPLEMENTAL RESPONSE:** Without waiving the foregoing specific objections and General Objections, please see the attached documents labeled "Supplemental Response to Request No. 20."

21. The wind data and studies from the three meteorological anemometer stations to which the first paragraph on page 26 of the Application refers, all reports and analyses based on that data, all other data from these anemometer stations, and all reports or analyses based on that data.

**RESPONSE:**

Buckeye objects to Document Request No. 21 as not reasonably calculated to lead to the discovery of admissible evidence and as seeking information of a confidential and propriety nature. Without waiving the specific objections or the General Objections, the Applicant will provide an example of a confidential and proprietary summary of wind data once a satisfactory confidential agreement has been signed.

22. All wind data and studies or reports on wind resources supporting Buckeye's selection of its preferred project site over other potential site locations in Ohio.

**RESPONSE:**

Buckeye objects to Document Request No. 22 as not reasonably calculated to lead to the discovery of admissible evidence and as seeking information of a confidential and propriety

nature. Without waiving the foregoing specific objection and General Objections, see Exhibit E to the application filed in this proceeding. No Site Alternative Analysis was performed.

**SUPPLEMENTAL RESPONSE:** Without waiving the foregoing specific objections and General Objections, please see the attached document labeled "Supplemental Response to Request No. 22."

23. All wind data and studies or reports on wind resources pertaining to other potential site locations in Ohio.

**RESPONSE:**

Buckeye objects to Document Request No. 23 as not reasonably calculated to lead to the discovery of admissible evidence and as seeking information of a confidential and propriety nature. The Application seeks authorization to construct a facility in six townships in Champaign County. A document request relating to other parts of the state are not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the foregoing specific objection and General Objections, see Exhibit E to the application filed in this proceeding.

24. The "numerous expert analyses and field studies" referenced in the first paragraph of page 25 of the Application, and all documents used or reviewed in the preparation of them.

**RESPONSE:**

Buckeye objects to Document Request No. 24 as overly broad and unduly burdensome. Without waiving the foregoing specific objections and the General Objections, see the exhibits

attached to the application filed in this proceeding. All analysis and field studies referenced in the above Document Request are attached to the application.

25. Each of the “multiple iterations and analyses designed to minimize noise impacts” to which page 25 of the Application refers.

**RESPONSE:**

Buckeye objects to Document Request No. 25 as not reasonably calculated to lead to the discovery of admissible evidence and as seeking information of a confidential and propriety nature. Without waiving the foregoing specific objection and General Objections, this Response may be supplemented.

SUPPLEMENTAL RESPONSE: Without waiving the foregoing specific objections and General Objections, please see the attached disc labeled BW1.

26. The “numerous iterations” of the facility layout to which page 27 of the Application refers, and all documents used or reviewed in the preparation of them.

**RESPONSE:**

Buckeye objects to Document Request No. 26 as not reasonably calculated to lead to the discovery of admissible evidence and as seeking information of a confidential and propriety nature. Without waiving the foregoing specific objection and General Objections, this Response may be supplemented.

SUPPLEMENTAL RESPONSE: Without waiving the foregoing specific objections and General Objections, please see the attached disc labeled BW1.



27. All analyses of the prospects for high winds in the Project Area, including the probability of occurrences and potential consequences of various wind velocities, and all plans to mitigate any likely adverse consequences.

**RESPONSE:**

Buckeye objects to Document Request No. 27 as vague and ambiguous, overly broad and unduly burdensome. Without waiving the foregoing specific objections and General Objections, this Response may be supplemented.

**SUPPLEMENTAL RESPONSE:** Without waiving the foregoing specific objections and General Objections, Buckeye Wind has no documents responsive to the request as stated.

28. The “wind resource assessment and guidance provided by expert consultants” to which page 46 of the Application refers, and all documents used or reviewed in the preparation of this assessment and guidance.

**RESPONSE:**

Buckeye objects to Document Request No. 28 as not reasonably calculated to lead to the discovery of admissible evidence, overly broad and unduly burdensome and seeking information of a confidential and propriety nature. Buckeye does not possess documents used or reviewed in the preparation of guidance provided by its expert consultants. Without waiving the foregoing specific objection and General Objections, this Response may be supplemented.

**SUPPLEMENTAL RESPONSE:** Without waiving the foregoing specific objections and General Objections, the language referenced in this request is “[a]s discussed in 4906-13-03(1), the

proposed location and spacing of the wind turbines and support facilities is based on a wind resource assessment and guidance provided by expert consultants.” General information on wind resource assessment can be found at <http://www.windpower.org/en/tour.htm> (click on “turbine siting”).

29. All analyses and reports regarding spacing of wind turbines to minimize the effect of wind turbulence on other turbines (see pages 46-47 of the Application for a discussion of the effect of wind turbulence).

**RESPONSE:**

Buckeye objects to Document Request No. 29 as not reasonably calculated to lead to the discovery of admissible evidence, overly broad and unduly burdensome, would impose a significant cost on Buckeye and is seeking documents not in the possession of Buckeye. Without waiving the foregoing specific objection and General Objections, this Response may be supplemented.

SUPPLEMENTAL RESPONSE: Without waiving the foregoing specific objections and General Objections, see the supplemental response to Document Request No. 28.

30. All agreements with landowners to waive setbacks or other legal or regulatory requirements pertaining to the Facility.

**RESPONSE:**

Buckeye objects to Document Request No. 30 as not reasonably calculated to lead to the discovery of admissible evidence and as seeking information of a confidential and propriety

nature. Without waiving this specific objection or the General Objections, the Applicant may supplement this response by providing an example of the requested waiver language.

**SUPPLEMENTAL RESPONSE:** Without waiving the specific objection or the General Objections, Buckeye will supplement this response after a confidentiality agreement is in place.

31. All “established impact assessment methodologies” to which page 49 of the Application refers, which the Applicant or its consultants relied on or considered in preparing the Visual Impact Assessment (Exhibit I of the Application).

**RESPONSE:**

Buckeye objects to Document Request No. 31 as overly broad and unduly burdensome. Without waiving the foregoing specific objections and General Objections, please note that page 26 of Exhibit I specifically identifies the established methodologies: “The Visual Impact Assessment (VIA) procedures used for this study are consistent with methodologies developed by the U.S. Department of the Interior Bureau of Land Management (1980), U.S. Department of Agriculture, National Forest Service (1974), the U.S. Department of Transportation, Federal Highway Administration (1981), and the NYS Department of Environment Conservation (not dated).”

32. The NYSDEC noise guidelines referenced on page 93 of the Application.

**RESPONSE:**

This is a public document and is cited in the Application. This Response may be supplemented.

SUPPLEMENTAL RESPONSE: The NYSDEC noise guidelines are including in the  
“Supplemental Response to Request No. 1.”

33. Besides the noise guidelines referenced in the foregoing request, all other noise guidelines for wind energy projects that the Applicant or its consultants have reviewed, used, or possess.

**RESPONSE:**

Buckeye objects to this Interrogatory as it is overly broad and unduly burdensome. Without waiving the specific objections and the General Objections, this Response may be supplemented.

SUPPLEMENTAL RESPONSE: Buckeye objects to Document Request No. 33 as it is overly broad and unduly burdensome. Without waiving the specific objections and General Objections, see the attached documents labeled “Supplemental Response to Request No. 33” and “Supplemental Response to Request No. 34.”

34. All documents supporting or contradicting the assertion on page 93 of the Application that where property line noise limits have been imposed on wind energy facilities, “an absolute noise limit of 50 dBA has typically been used.”

**RESPONSE:**

Buckeye objects to this Interrogatory as it is overly broad and unduly burdensome. Without waiving the specific objections and the General Objections, this Response may be supplemented.

SUPPLEMENTAL RESPONSE: Buckeye objects to Document Request No. 34 as it is overly broad and unduly burdensome. Without waiving the specific objections and General Objections, see the attached documents labeled "Supplemental Response to Request No. 34."

35. All user documentation for the Cadna/A v. 3.7 sound modeling program utilized by Hessler Associates, Inc. in connection with the noise study in the Application.

**RESPONSE:**

Buckeye objects to this Interrogatory as it is overly broad and unduly burdensome. Without waiving the specific objections and the General Objections, this Response may be supplemented.

SUPPLEMENTAL RESPONSE: Buckeye objects to Document Request No. 35 as it is overly broad and unduly burdensome. Without waiving the specific objections and the General Objections, see the attached documents on the disc labeled BW2.

36. All draft and final iterations and versions of the turbine layouts, site plans, and associated sound modeling analyses done for the purpose of identifying and mitigating noise impacts from the Facility. See the page 101 of the Application for a discussion of these topics.

**RESPONSE:**

Buckeye objects to Document Request No. 36 as vague and ambiguous, overly broad and unduly burdensome and would impose a significant cost on Buckeye. Without waiving the foregoing specific objections and General Objections, see responses to Document Request No. 25.

**SUPPLEMENTAL RESPONSE:** See the attached documents on the disc labeled BW1.

37. All documents relating or referring to the presence or potential presence of Indiana bats in the project area.

**RESPONSE:**

Buckeye objects to Document Request 37 as seeking attorney-client privileged information. Further, this information may be of a confidential and proprietary nature. Without waiving the foregoing specific objections and the General Objections, this Response may be supplemented.

**SUPPLEMENTAL RESPONSE:** Without waiving the foregoing specific objections and General Objections, see the attached document labeled "Supplemental Response to Document Request No. 37."

38. All documents relating or referring to any study or report on the presence or potential presence of Indiana bats in the project area.

**RESPONSE:**

Buckeye objects to Document Request 38 as seeking attorney-client privileged information. Further, this information may be of a confidential and proprietary nature. Without waiving the foregoing specific objections and the General Objections, this Response may be supplemented.

**SUPPLEMENTAL RESPONSE:** Without waiving the foregoing specific objections and General Objections, see Exhibit O of the Application and the supplemental response to Document Request No. 37.

39. All correspondence and other communications about the presence or potential presence of Indiana bats in the project area.

**RESPONSE:**

Buckeye objects to Document Request 39 as seeking attorney-client privileged information. Further, this information may be of a confidential and proprietary nature. Without waiving the foregoing specific objections and the General Objections, this Response may be supplemented.

SUPPLEMENTAL RESPONSE: Without waiving the foregoing specific objections and General Objections, see Exhibit O of the Application and the supplemental response to Document Request No. 37.

40. All documents relating or referring to the actual or potential harm or other effects on Indiana bats or other bats or birds from wind turbines or wind energy projects.

**RESPONSE:**

Buckeye objects to Document Request 37 as being overly broad, unduly burdensome, vague and ambiguous and seeking documents not in the possession of Buckeye. Without waiving the foregoing specific objection and the General Objections, this Response may be supplemented.

SUPPLEMENTAL RESPONSE: Buckeye objects to Document Request 40 as being overly broad, unduly burdensome, vague and ambiguous and seeking documents not in the possession of Buckeye. Without waiving the foregoing specific objections and General Objections, see Exhibit O of the Application and the supplemental response to Document Request No. 37.

41. All reports, studies, and literature discussing or identifying the types of injuries, effects, or harm to Indiana bats or other bats or birds that may result from development, construction projects, manmade structures, and other human activities.

**RESPONSE:**

Buckeye objects to Document Request 41 as not reasonably calculated to lead to the discovery of admissible evidence, overly broad, unduly burdensome, vague and ambiguous and seeking documents not in the possession of Buckeye. Without waiving the foregoing specific objection and the General Objections, this Response may be supplemented.

42. All reports, studies, and literature discussing or identifying the types of injuries, effects, or harm to human health, human comfort, or the environment that may result from wind turbines or wind energy projects.

**RESPONSE:**

Buckeye objects to Document Request 42 as being overly broad, unduly burdensome and vague and ambiguous.

**SUPPLEMENTAL RESPONSE:** Without waiving the foregoing specific objections and General Objections, see the documents attached and labeled “Response to Staff Discovery Request # 10,” “Response to Staff Discovery Request # 13,” “Response to Staff Discovery Request # 17,” and “Response to Staff Discovery Request # 21.”

43. All documents relating or referring to the effects that the Facility may have on the residents of surrounding communities.



**RESPONSE:**

See response to Document Request No. 42.

**SUPPLEMENTAL RESPONSE:** See the supplemental response to Document Request No. 42.

44. All documents relating or referring to any injuries, effects, or harm to human health, human comfort, or the environment that may be caused by the Facility.

**RESPONSE:**

See response to Document Request No. 42.

**SUPPLEMENTAL RESPONSE:** See the supplemental response to Document Request No. 42.

45. All documents describing the manufacturer's health and safety specifications or recommendations (such as buffers or setback specs or recommendations) for each turbine model the Applicant has considered for the Facility.

**RESPONSE:**

Buckeye objects to Document Request No. 45 as being overly broad, unduly burdensome, vague and ambiguous and seeking documents not in the possession of Buckeye. Without waiving the foregoing specific objections and the General Objections, please see Exhibit J to the application filed in this proceeding.

**SUPPLEMENTAL RESPONSE:** Without waiving the foregoing specific objections and the General Objections, please also see the attached documents labeled "Response to Staff Discovery Request # 13."

**SECOND SUPPLEMENTAL RESPONSE:** Without waiving the foregoing specific objections and the General Objections, please also see the documents previously produced

**labeled “Response to Staff Discovery Request # 13” and see the attached documents labeled “Response to Document Request No. 45.”**

46. All documents relating or referring to the Applicant’s consideration, evaluation, or selection of turbines for the Facility.

**RESPONSE:**

Buckeye objects to Document Request No. 46 as being overly broad and unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the foregoing specific objections and the General Objections, please see page 13 of the Application.

47. All documents stating the capacity factor achieved by any wind power facility in the United States.

**RESPONSE:**

Buckeye objects to Document Request No. 47 as not reasonably calculated to lead to the discovery of admissible evidence, overly broad, unduly burdensome, vague and ambiguous and seeking documents not in the possession of Buckeye, and seeks information of a confidential and proprietary nature.

48. All documents relating or referring to or used to calculate any capacity factor estimate or annual production hour estimate for the Facility.

**RESPONSE:**

Buckeye objects to Document Request No. 48 as not reasonably calculated to lead to the discovery of admissible evidence and as seeking information of a confidential and propriety nature. Without waiving the foregoing specific objections and General Objections, this Response may be supplemented.

49. All documents relating or referring to the identification of the land areas that will be affected by noise, visual impacts, or shadow flicker from the Facility or the evaluation of the effects of the noise, visual impacts, or shadow flicker from the Facility.

**RESPONSE:**

Buckeye objects to Document Request No. 49 as overly broad, unduly burdensome and vague and ambiguous. Without waiving the foregoing specific objections and General Objections, see Exhibit L to the application filed in this proceeding.

SUPPLEMENTAL RESPONSE: See also Exhibit K and Exhibit I of the Application.

50. All documents relating or referring to the additional work that must be finished in order to complete the final design of the Facility.

**RESPONSE:**

Buckeye objects to Document Request No. 50 as overly broad, unduly burdensome and vague and ambiguous. Without waiving the foregoing specific objections and General Objections, see the application and attached exhibits filed in this proceeding.

51. All documents relating or referring to any of the "federal incentive programs" to which page 17 of the Application refers.

**RESPONSE:**

Buckeye objects to Document Request No. 51 as seeking attorney-client privileged information, as being overly broad and unduly burdensome and seeking documents not in the possession of Buckeye. Without waiving the foregoing specific objections and General Objections, this Response may be supplemented.

SUPPLEMENTAL RESPONSE: Without waiving the foregoing specific objections and General Objections, see the disc labeled BW2.

52. All documents relating or referring to the "Investment Tax Credit" or the "other associated credits and grants" under the American Recovery and Reinvestment Act of 2009 to which page 17 of the Application refers.

**RESPONSE:**

Buckeye objects to Document Request No. 52 as seeking attorney-client privileged information, as being overly broad and unduly burdensome and seeking documents not in the possession of Buckeye. Without waiving the foregoing specific objections and General Objections, this Response may be supplemented.

SUPPLEMENTAL RESPONSE: Without waiving the foregoing specific objections and General Objections, see the attached disc labeled BW2.

53. All documents containing any reference to or discussion about whether the Application must comply with or does comply with the new OPSB wind power rules (OAC 4906-17).

**RESPONSE:**

Buckeye objects to Document Request No. 53 as seeking attorney-client privileged information and not reasonably calculated to lead to the discovery of admissible evidence.

54. All documents related to the calculation of the “fair investment return” for the Facility as referenced on page 21 of the Application.

**RESPONSE:**

The above cited text from the application does not refer to a calculation and therefore Buckeye objects to Document Request No. 54 as being vague and ambiguous, unduly burdensome, and not necessarily in the Applicant’s possession.

55. All documents relating or referring to the evaluation conducted to determine whether the proposed project site has an “adequate wind resource” as asserted on page 22 of the Application.

**RESPONSE:**

Buckeye objects to Document Request No. 55 as being vague and ambiguous and seeking confidential and proprietary information. Without waiving the foregoing specific objections and the General Objections, the Applicant will provide an example of a confidential and proprietary summary of wind data once a satisfactory confidential agreement has been signed.

SUPPLEMENTAL RESPONSE: Without waiving the foregoing specific objections and General Objections, see the attached documents labeled “Supplemental Response to Request No. 22.”

56. All documents relating or referring to any evaluation of the wind resources in Logan and Hardin Counties.

**RESPONSE:**

Buckeye objects to Document Request No. 56 as not reasonably calculated to lead to the discovery of admissible evidence. Buckeye also objects on the basis that this Request seeks information that may be of a confidential and proprietary nature. Without waiving the foregoing specific objection and the General Objections, see Exhibit E to the application filed in this proceeding.

57. All documents relating or referring to the topics of Interrogatory 38 of the Intervenor's First Set of Interrogatories to Applicant.

**RESPONSE:**

Buckeye objects to Document Request No. 57 as not reasonably calculated to lead to the discovery of admissible evidence. See the response to Interrogatory No. 35.

58. All documents relating or referring to the cross-sectional view and locations of test borings for the Facility, including all documents discussing the schedule for the development of this information.

**RESPONSE:**

Buckeye objects to Document Request No. 58 as being overly broad and unduly burdensome. Without waiving the foregoing specific objections and General Objections, see the application filed in this proceeding. Buckeye will supplement this response as documents become available.

59. All documents relating or referring to soil borings for the Facility.

**RESPONSE:**

There are no soil borings for the Facility. See Exhibit F to the application filed in this proceeding for a Geotechnical Report.

60. All documents relating or referring to the costs referenced in Interrogatory 40 of the Intervenor's First Set of Interrogatories to Applicant.

**RESPONSE:**

Buckeye objects to Document Request No. 60 as vague, ambiguous, confusing and not reasonably calculated to lead to the discovery of admissible evidence. There is no reference to costs in Interrogatory No. 40.

61. All documents relating or referring to the "additional field surveys" identified on page 11 of Applicant's Motion for Waiver, including all documents discussing the schedule for the development of this information.

**RESPONSE:**

Buckeye objects to Document Request No. 61 as seeking attorney-client privileged information, as being vague, ambiguous, overly broad and unduly burdensome. Without waiving the foregoing specific objections and General Objections, see the application and exhibits filed in this proceeding. This Response may be supplemented.

62. All documents relating or referring to the list of major species discussed on page 12 of Applicant's Motion for Waiver, including all documents discussing the schedule for the development of this information.

**RESPONSE:**

Buckeye objects to Document Request No. 62 as seeking attorney-client privileged information, as being vague, ambiguous, overly broad and unduly burdensome. Without waiving the foregoing specific objections and General Objections, see the application and exhibits filed in this proceeding. This Response may be supplemented.

63. All documents relating or referring to the surface water delineation activities discussed on page 13 of Applicant's Motion for Waiver, including all documents discussing the schedule for the development of this information.

**RESPONSE:**

Buckeye objects to Document Request No. 63 as seeking attorney-client privileged information, as being vague, ambiguous, overly broad and unduly burdensome. Without waiving the foregoing specific objections and General Objections, see the application and exhibits filed in this proceeding. This Response may be supplemented.

64. All documents relating or referring to the mapping of agricultural district land located within the proposed facility site boundaries, including all documents discussing whether or when this mapping would be performed.

**RESPONSE:**

Buckeye objects to Document Request No. 64 as seeking attorney-client privileged information. In addition, Buckeye objects to Document Request No. 64 as not reasonably calculated to lead to the discovery of admissible evidence and as being overly broad and unduly



burdensome. Without waiving the foregoing specific objections and General Objections, see the application and motion for waiver filed in this proceeding. This Response may be supplemented.

65. All documents relating or referring to the schedule for, or timing of, submission of the Application to the Ohio Power Siting Board for initial completeness review.

**RESPONSE:**

Buckeye objects to Document Request No. 65 as seeking attorney-client privileged information. In addition, Buckeye objects to Document Request No. 65 as not reasonably calculated to lead to the discovery of admissible evidence.

66. All documents relating or referring to the schedule for, or timing of, filing of the Application with the Ohio Power Siting Board.

**RESPONSE:**

Buckeye objects to Document Request No. 66 as seeking attorney-client privileged information. In addition, Buckeye objects to Document Request No. 66 as not reasonably calculated to lead to the discovery of admissible evidence.

67. All documents relating or referring to reasons for submitting the Application prior to completion of the cross-sectional view and locations of test borings, the list of major species, surface water delineation activities, or mapping of agricultural district land located within the proposed facility site boundaries.

**RESPONSE:**

Buckeye objects to Document Request No. 67 as seeking attorney-client privileged information. In addition, Buckeye objects to Document Request No. 67 as not reasonably calculated to lead to the discovery of admissible evidence.

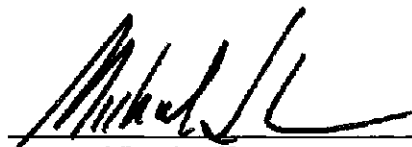
68. All field notes, noise measurements, and other documentation and data pertaining to the Noise Impact Assessment or any other study or measurement of background, construction, or operational noise with regard to the Facility.

**RESPONSE:**

Buckeye objects to Document Request No. 68 as overly broad, unduly burdensome, vague, ambiguous, and not reasonably calculated to lead to discovery of admissible evidence. Without waiving the specific objections or the General Objections, this Response may be supplemented.

**SUPPLEMENTAL RESPONSE:** Without waiving the foregoing specific objections and General Objections, please see the discs previously produced and labeled “BW1” and “BW2,” pages 87 to 102 of the Application and the Environmental Sound Survey and Noise Impact Assessment by Hessler Associates, Inc. attached as Exhibit K to the Application and the attached documents labeled “Response to Document Request No. 68.”

As to objections,



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Howard Petricoff  
Michael Settineri  
Vorys, Sater, Seymour and Pease LLP  
52 East Gay Street  
Columbus, Ohio 43215  
[mhpetricoff@vorys.com](mailto:mhpetricoff@vorys.com)  
[mjsettiner@vorys.com](mailto:mjsettiner@vorys.com)

### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Third Supplemental Response to the First Request for Production of Documents by the Intervenor Union Neighbors United, Robert and Diane McConnell and Julia Johnson was served via regular U.S. mail, postage prepaid, and electronic mail on the following parties this 20th day of October, 2009.

Jack A. VanKley  
VanKley & Walker,  
LLC  
132 Northwoods  
Blvd., Suite C-1  
Columbus, Ohio  
43235  
[jvankley@vankleywalker.com](mailto:jvankley@vankleywalker.com)

Christopher A. Walker  
VanKley & Walker,  
LLC  
137 North Main Street,  
Suite 316  
Dayton, Ohio 45402  
[cwalker@vankleywalker.com](mailto:cwalker@vankleywalker.com)

Larry Gearhardt  
Chief Legal Counsel  
Ohio Farm Bureau  
Federation  
280 N. High St., P.O.  
Box 182383  
Columbus, Ohio  
43218-2383  
[lgearhart@ofbf.org](mailto:lgearhart@ofbf.org)

Jane A. Napier  
Assistant Prosecuting  
Attorney  
Champaign County  
200 N. Main St.  
Urbana, Ohio 43078  
[janccpc@ctcn.net](mailto:janccpc@ctcn.net)

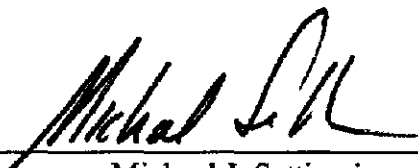
Werner Margard  
Attorney General's  
Office  
Public Utilities Section  
180 East Broad Street,  
9th Floor  
Columbus, Ohio 43215-  
3793  
[werner.margard@puc.state.oh.us](mailto:werner.margard@puc.state.oh.us)

G.S. Weithman  
Director of Law  
City of Urbana  
205 S. Main Street  
Urbana, Ohio 43078  
[diroflaw@ctcn.net](mailto:diroflaw@ctcn.net)

Thomas E. Lodge  
Carolyn S. Flahive  
Sarah Chambers  
Thompson Hine LLP  
41 South High Street, Suite  
1700  
Columbus, Ohio 43215-6101  
[Tom.Lodge@ThompsonHine.com](mailto:Tom.Lodge@ThompsonHine.com)  
[Carolyn.Flahive@ThompsonHine.com](mailto:Carolyn.Flahive@ThompsonHine.com)  
[Sarah.Chambers@ThompsonHine.com](mailto:Sarah.Chambers@ThompsonHine.com)

Gene Park  
Piqua Shawnee Elder  
Piqua Shawnee Tribe  
1803 Longview Dr.  
Springfield, Ohio 45504  
[Ewest14@woh.rr.com](mailto:Ewest14@woh.rr.com)

Daniel A. Brown  
Brown Law Office LLC  
204 S. Ludlow St., Suite 300  
Dayton, Ohio 45402  
[dbrown@brownlawdayton.com](mailto:dbrown@brownlawdayton.com)

  
Michael J. Settineri