

FILE

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 Electric Substation in )  
Union Township, )  
Champaign County, Ohio )

Case No. 08-666-EL-BGN

FIRST SUPPLEMENT OF INTERVENOR JULIA F. JOHNSON  
TO BUCKEYE WIND LLC'S DOCUMENT REQUEST #3

Intervenor Julia F. Johnson hereby provides this first supplement to Applicant Buckeye Wind LLC's Document Request #3.

GENERAL OBJECTIONS

1. Ms. Johnson objects to these interrogatories and requests for production of documents ("Discovery Request") to the extent that they do not comply with the procedural rules of the Commission, or otherwise seek to impose duties or obligations upon her that are greater than or inconsistent with those rules.

2. No objection made herein, or lack thereof, shall be deemed an admission by her as to the existence or non-existence of any documents and/or information.

3. Ms. Johnson objects to each Discovery Request herein to the extent that it seeks to define terms and/or to characterize certain matters. To the extent she responds to Discovery Request, such response is neither an express nor implied agreement or admission as to the meaning of a term or characterization of certain matters.

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4. Ms. Johnson objects to each Discovery Request to the extent that it seeks information protected by the attorney-client privilege, the attorney work product doctrine, or any other legally recognized privilege, protection, or immunity. No privileged materials or information will be produced or disclosed. Inadvertent disclosure of any such protected information shall not constitute a waiver of Ms. Johnson's right to assert the applicability of any privilege or immunity and all copies or images thereof shall be returned to counsel for Ms. Johnson upon discovery thereof.

5. Ms. Johnson objects to paragraph 4 of Buckeye Wind LLC's definitions and instructions to the extent it purports to obligate her to supplement her answers to these Discovery Request in situations not required by OAC § 4906-7-07.

6. Ms. Johnson objects to any Discovery Request, definition, or instruction that seeks to require her to take extraordinary measures to perform a search for responsive information, including searching electronic information stored on back-up media, on the grounds that such request is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

7. With respect to Discovery Requests which utilize terms or words that inherently may be construed unreasonably broadly, Ms. Johnson objects on the grounds of vagueness, overbreadth, undue burden, and that such Discovery Requests are not reasonably calculated to lead to the discovery of admissible evidence. To the extent Ms. Johnson asserts an objection of vagueness, overbreadth, or undue burden, it asserts a further objection that the Discovery Request is not reasonably calculated to lead to the discovery of admissible evidence.

8. Ms. Johnson objects to Buckeye Wind LLC's Discovery Request to the extent they go beyond the scope of discovery that is relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence.

9. To the extent a response is made to an Discovery Request to which there is one or more specific objection(s), said response is made notwithstanding and without waiving any of the general objections.

10. In making these objections, Ms. Johnson does not in any way waive or intend to waive, but rather intends to preserve and is preserving, should it become appropriate:

- a. all objections to the competency, relevancy, materiality, and admissibility of any information that may be produced and disclosed in response to these Discovery Requests;

- b. all rights to object on any ground to the use of any information that may be produced or disclosed in response to these Discovery Requests, or the subject matter thereof in any subsequent proceedings, including the trial of this action;

- c. all rights to object on any ground to any request for further responses to these Discovery Requests, or any other discovery requests from Buckeye Wind LLC; and

- d. all rights to supplement its responses to these Discovery Requests.

11. Ms. Johnson has made reasonable efforts to respond to each Discovery Request as she understands and interprets the Discovery Request. If Buckeye Wind LLC subsequently asserts an interpretation of an Discovery Request that differs from that of Ms. Johnson, she reserves the right to supplement its response.

12. As formal discovery has not been completed, Ms. Johnson reserves the right to rely upon any facts, documents or other evidence which may develop or come to her attention later.

**OBJECTIONS AND RESPONSES TO DOCUMENT REQUESTS**

3. Please provide a copy of all documents and tangible objects that you may introduce into evidence in Case No. 08-666-EL-BGN, to which the witnesses may refer during the hearing in Case No. 08-666-EL-BGN, or which the witnesses may review in preparation for their testimony in Case No. 08-666-EL-BGN.

Response: Ms. Johnson objects to this document request as overbroad and unduly burdensome. Without waiving this objection, at this time Ms. Johnson has not determined the documentary or physical evidence she intends to present at the hearing.

**SUPPLEMENTAL RESPONSE: See Supplement to Document Request 3 served on Applicant's counsel 10/26/09 by electronic mail.**

AS TO OBJECTIONS:



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### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing First Supplement to Buckeye Wind LLC's Document Request #3 was served by the means specified below upon the following counsel/parties of record on October 26, 2009.

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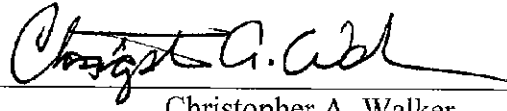
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A handwritten signature in black ink, appearing to read "Christopher A. Walker", written over a horizontal line.

Christopher A. Walker