

FILE

BEFORE
THE OHIO POWER SITING BOARD

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In the Matter of the Application of HEARTLAND)
WIND, LLC for a Certificate to Site a Wind-)
Powered Electric Generation Facility in Van Wert)
County, Ohio and Paulding County, Ohio)

PUCO
Case No. 09-1066-EL-BGN

JOINT MOTION FOR AN EXTENSION OF TIME
OR CONTINUANCE OF HEARING DATES
PURSUANT TO OHIO ADMINISTRATIVE CODE RULE 4906-7-13

Heartland Wind, LLC ("Heartland Wind" or "Applicant") and the Staff of the Ohio Power Siting Board ("Staff") respectfully move the Ohio Power Siting ("Board") or its Administrative Law Judge ("ALJ") for a *second* extension of time or continuance in accordance with Ohio Administrative Code ("OAC") Rule 4906-7-13 (A) so that the local public hearing currently scheduled for June 8, 2010 at 5:00 p.m., at the Crestview School, 531 East Tully Street, Convoy, Ohio 45832 and the adjudicatory hearing scheduled on June 17, 2010, at 10:00 a.m., at the offices of the Public Utilities Commission of Ohio can be *rescheduled* to *July 8, 2010* and *July 15, 2010* and for other procedural events in order to allow the Board an adequate opportunity to fully consider Heartland Wind's application.

MEMORANDUM IN SUPPORT

Heartland Wind filed its application in the above referenced matter on December 21, 2009. Since filing, the noise requirements for wind farms have become more defined. These requirements currently affect the locations of many of the turbines as proposed in the Heartland

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Wind application. Heartland Wind has modified its turbine site locations in consideration of current noise requirements approved by the Board in other cases. In accordance with an agreement with the Staff, Heartland filed a formal Application Supplement on March 31, 2010 which also contained maps of the modified turbine locations. The modifications in the new site plan added more distance among the proposed turbine locations in order to mitigate noise. However, the project area boundaries were not changed.

Heartland Wind has committed to provide the Staff an updated noise study, a shadow flicker study based on 1,000 meter distances, and on April 27, 2010 it submitted a Draft NPDES Application and a draft application for a federal permit (404) including Ohio Rapid Assessment Method and wetland delineation documentation for the project layout filed on March 31, 2010. The Staff has indicated that additional time to investigate and consider the noise study, shadow flicker study, and wetland information will be required. Therefore, Applicant and Staff request a rescheduling of the hearing dates previously scheduled in this case to permit the Board Staff the requisite time needed to conduct its review.

In addition, Applicant and Staff propose the following new procedural schedule:

- Applicant will submit by May 3, 2010 a noise study that includes the criteria Staff provided on April 21, 2010;
- Applicant will submit a shadow flicker study based on 1,000 meter distances by May 14, 2010;
- Staff will issue its Staff Report by June 23, 2010;
- Applicant and Intervenor(s) will file lists of issues for cross examination by July 6, 2010;
- The local public hearing will be held on July 8, 2010 at 5:00 p.m. at the Lincolnview School, 15945 Middle Point Road, Van Wert, Ohio 45891;
- Applicant's testimony due on July 9, 2010;
- Staff and Intervenor(s) testimony due on July 13, 2010;

- The adjudicatory hearing will be held on July 15, 2010 at 10:00 a.m., at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Room 11 D, Columbus, Ohio 43215;

If this motion is granted, Heartland Wind will undertake to (1) republish new hearing dates; and (2) re-issue a letter to property owners and adjacent property owners that would provide the new hearing dates.

No party will be prejudiced by granting this motion. The only intervenor, the Ohio Farm Bureau Federation, has agreed to the continuance. Under these circumstances and pursuant to OAC Rule 4906-7-13 (A), it is reasonable and just for the Board or its Administrative Law Judge to grant this continuance and re-schedule the local public hearing in this matter for July 8, 2010 and the adjudicatory hearing for July 15, 2010 and to issue a new procedural schedule as agreed upon herein.

WHEREFORE, Heartland Wind, LLC and the Staff jointly request the Board or its Administrative Law Judge to grant a continuance of the scheduled hearings until July 8, and July 15, 2010, respectively and to approve the procedural schedule set forth in this Motion.

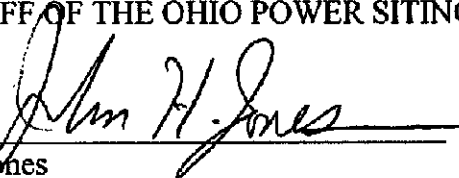
Respectfully submitted,

HEARTLAND WIND, LLC



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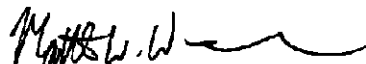
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion for a Continuance was served upon the following parties of record via regular U.S. Mail this 30th day of April 2010.



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