

FILE

BEFORE
THE OHO 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. 08-666-EL-BGN

MEMORANDUM OF INTERVENORS
UNION NEIGHBORS UNITED, INC., ROBERT AND DIANE McCONNELL,
AND JULIA F. JOHNSON IN OPPOSITION TO APPLICANT BUCKEYE WIND,
LLC'S APPLICATION FOR REHEARING

INTRODUCTION

The City of Urbana, herein submits their motion in opposition to the application filed by the Buckeye Wind, LLC, for rehearing.

Movant Buckeye wind has put forth the argument that the construction of wind turbines numbers 46, 48, 50, 57, 58, 60, 61, 62, and 63, as set forth by the Board herein, and their findings should be set aside to allow Buckeye to receive a lesser standard for the construction of said enumerated turbines.

By order of the Ohio Power Siting Board, on March 22, 2010, there was a finding that allowed Buckeye's Application For Authority To Construct 53 of 70 wind turbines.

The turbines as mentioned above were disallowed and specifically found to be hazards and specific language was provided:

The Board is not convinced that the installation of localizer at Grimes Field and the privatization of Weller Airport would be sufficient to mitigate the FAA's finding

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that there would be a potential hazard to aviation.

The Power Siting Board has disallowed the construction of turbines with the specific numbers enumerated in the finding.

The Board has not and does not distinguish between the airfield known as Grimes Field and the airfield known as Weller Field.

The City specifically states that during the hearing, testimony was presented which the Board had used to make its findings that the specific turbines enumerated by the movant herein, Buckeye Wind, LLC, the Board has in no way distinguished as to Weller Field turbines and Grimes Field turbines, therefore the Board's finding apply not only to Weller field but also equally important to Grimes Field located in the City of Urbana.

Specific testimony placed into the hearing record and considered by the Board is ignored completely in the argument put forward by Buckeye Wind, LLC.

Specifically, testimony was placed before the Board that the same turbines 46, 48, 50, 57 thru 63, herein serves the Grimes Field Airport as a necessity to Grimes Field.

Specific testimony showed that the FAA confirmed that the area containing these enumerated turbines to sites 46, 48, 50, 57 thru 63, were located in an area used and is necessary for a missed approach by pilots using Grimes Field.

There was no distinction given by the Siting Board findings or the FAA, or the Ohio Office of Aviation, for the enumerated turbine sites which the Board found against.

The applicant, Buckeye Wind, LLC, has produced no evidence or any written document at anytime that distinguishes findings of Ohio Office of Aviation or the FAA as to these specific sites.

The applicant, Buckeye Wind, LLC, is attempting herein to change the findings of the

Board to provide for speculation , concerning the future of ownership or use of Weller Field.

However, there has been nothing mentioned as to what effect construction of these turbines, if any allowed, would have upon the missed approaches to Grimes Field.

It would be incorrect for a determination of rehearing to bring in factors which were never brought to light originally or are now based on mere speculation as to future uses of Weller Field while at the same time ignoring the potential affect of Grimes Field.

There is no foreseeable change in the near future that would bring any findings other than what have already been put before the Board.

If any such changes did occur as speculated by Buckeye Wind, LLC, could apply for a certificate modification or a new certificate which would then call for new determinations by FAA and the Ohio Office of Aviation and would allow the full facts to come to light about the use of this same area for these speculative sites as to Grimes Field and effect of allowing construction of turbines on sights 46, 48, 50, 57 through 63.

For these reasons, the City of Urbana moves that the application for rehearing filed by Buckeye Wind, LLC, be denied.

Respectfully Submitted,



G. S. WEITHMAN
Law Director
City of Urbana

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion In Opposition was served upon the following parties of record via regular U.S. Mail this 5th day of May, 2010.

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