

BEFORE

OHIO POWER SITING BOARD

In the Matter of the Application of Buckeye )  
Wind, LLC for a Certificate to Construct ) Case No. 08-666-EL-BGN  
Wind-powered Electric Generation Facilities )  
in Champaign County, Ohio. )

ENTRY ON REHEARING

The Administrative Law Judge finds:

- (1) On April 24, 2009, Buckeye Wind LLC (Buckeye) filed with the Ohio Power Siting Board (Board) an application pursuant to the provisions of Chapter 4906-13, Ohio Administrative Code (O.A.C.), for a certificate of environmental compatibility to construct a wind-powered electric generation facility. As proposed, the project consists of 70 wind turbine generators, other associated facilities, and access roads to be located on approximately 9,000 acres of land in Goshen, Rush, Salem, Union, Urbana, and Wayne Townships, Champaign County, Ohio.
- (2) By opinion, order, and certificate issued March 22, 2010, the Board granted Buckeye's application for authority to construct 53 of the proposed 70 wind turbines and associated facilities, subject to 70 conditions.
- (3) Union Neighbors United, Inc., Robert and Diane McConnell and Julia F. Johnson (jointly UNU) filed an application for rehearing on April 20, 2010. On April 21, 2010, the Board of Commissioners of Champaign County, Ohio, along with the Boards of Trustees of the Townships of Goshen, Salem, Urbana, and Wayne (jointly County)<sup>1</sup> and Buckeye filed applications for rehearing.
- (4) Memoranda contra the applications for rehearing were timely filed by UNU, Buckeye, the County, and the city of Urbana.
- (5) Section 4906.12, Revised Code, states, in relevant part, that Sections 4903.02 to 4903.16 and 4903.20 to 4903.23, Revised

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<sup>1</sup> The township of Rush was granted intervention in this proceeding and was represented by the Champaign County Prosecutor, along with the other named townships. Rush Township has decided not to be a party to the County's application for rehearing or motion for an extension.

Code, apply to a proceeding or order of the Board as if the Board were the Public Utilities Commission of Ohio (Commission).

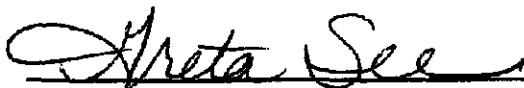
- (6) Rule 4906-7-17(D), Ohio Administrative Code (O.A.C.), states, in relevant part, that any party or affected person may file an application for rehearing, within 30 days after the issuance of a Board order in the manner and form and circumstances set forth in Section 4903.10, Revised Code.
- (7) Section 4903.10, Revised Code, states that any party who has entered an appearance in a Commission proceeding may apply for rehearing with respect to any matters determined by the Commission within 30 days after the entry of the order upon the journal of the Commission.
- (8) Rule 4906-7-17(I), O.A.C., provides that the Administrative Law Judge may issue an order granting rehearing for the limited purpose of affording the Board more time to consider the issues raised in an application for rehearing.
- (9) Pursuant to Rule 4906-7-17(I), O.A.C., the Administrative Law Judge hereby grants UNU's, the County's, and Buckeye's applications for rehearing for the purpose of affording the Board additional time to consider the issues raised therein.

It is, therefore,

ORDERED, That UNU's, the County's, and Buckeye's applications for rehearing are granted for the purpose of affording the Board additional time to consider the issues raised therein. It is, further,

ORDERED, That a copy of this entry on rehearing be served upon all parties and all interested persons of record in this proceeding.

THE OHIO POWER SITING BOARD



By: Greta See  
Administrative Law Judge

grg  
/vrm

Entered in the Journal

**MAY 19 2010**



Renee J. Jenkins  
Secretary