

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 ) Case No. 09-1066-EL-BGN  
County, Ohio and Paulding County, Ohio )

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MOTION FOR AN EXTENSION OF TIME  
TO FILE ADDITIONAL TESTIMONY

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Heartland Wind, LLC ("Heartland Wind" or "Applicant") respectfully moves the Ohio Power Siting ("Board") or its Administrative Law Judge ("ALJ") for an extension of time in accordance with Ohio Administrative Code ("OAC") Rule 4906-7-13 in which to file additional direct expert testimony relating to Heartland's application.

The reasons for the motion are set forth below in the Memorandum in Support.

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MEMORANDUM IN SUPPORT

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By Entry dated May 6, 2010, the Administrative Law Judge ("ALJ") established a schedule whereby Heartland would file its expert testimony on July 9, 2010, and the Staff and Intervenor would file testimony on July 15, 2010. Heartland filed the Direct Testimony of Dan Litchfield on July 9, 2010 to comply with the ALJ's Entry.

Applicant requests an extension of time for the purpose of preparing and filing supplemental direct testimony if necessary.

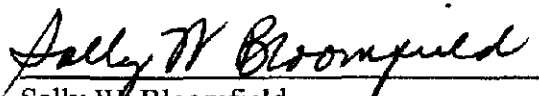
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Heartland and the Staff will commence discussion on a stipulation on July 12, 2010. If an agreement can be reached, the need for additional direct testimony may be eliminated. The Applicant requests additional time, no later than July 15, 2010, to file expert testimony. If settlement discussions prove unproductive the Applicant understands that the evidentiary hearing will need to be continued and that the Staff will require additional time to submit its pre filed testimony and agrees that Staff should be given additional time. The parties will notify the ALJ of the status of settlement negotiations no later than July 14, 2010. Counsel for the Applicant has contacted counsel for the Staff and counsel for the Ohio Farm Bureau and have agreed to this extension.

The Applicant submits that good cause exists for granting the extension. Thus, the Applicant respectfully requests that the ALJ extend the time for the filing of direct expert testimony to July 13, 2010 for the Applicant.

Respectfully submitted,

HEARTLAND WIND, LLC



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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Motion was served upon the following parties of record via regular U.S. Mail this 9<sup>th</sup> day of July 2010.

  
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