

**BEFORE  
THE OHIO POWER SITING BOARD**

In the Matter of the Application of **LEIPSIC** )  
**WIND, LLC** for a Certificate to Site a Wind- ) Case No. 11-3676-EL-BGN  
Powered Electric Generation Facility in Putnam )  
County, Ohio )

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**LEIPSIC WIND LLC'S MOTION FOR A WAIVER OF  
OHIO ADMINISTRATIVE CODE RULE 4906-5-05**

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Leipsic Wind, LLC ("Leipsic Wind" or "Applicant"), respectfully moves the Ohio Power Siting Board ("Board") or its Administrative Law Judge ("ALJ") for a waiver of Ohio Administrative Code ("OAC") Rule 4906-5-05 (A) pertaining to the 60 day period within which the Chairman of the Board is required to issue a letter indicating whether the application is complete. For the reasons given below, this motion requests that the issuance of the letter referred to in OAC Rule 4906-5-05 (A) be extended by up to 120 days from September 26, 2011 until 15 business days from the time Leipsic Wind files its supplemental information concerning the AEP substation which will serve as the point of interconnection. The 15 business days after the filing of the new information will permit the Board Staff to review the facts concerning the interconnection point that has now been selected and consider the supplemental information as part of the Leipsic Wind application filed on July 29, 2011 ("Application").

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**MEMORANDUM IN SUPPORT**

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Leipsic Wind filed its Application in the above referenced matter on July 29, 2011. In its Application it noted that though it had proposed one point for interconnection, AEP had subsequently suggested alternatives within the Project area as explained in a memorandum found

in Appendix Q (Application at 5-52). Since filing the Application representatives of Leipsic Wind and AEP have been in discussions about the best point of interconnection at an AEP substation and are engaged in the process of finalizing a solution. Leipsic Wind has agreed to perform engineering studies concerning the North Leipsic substation which will require from 90 to 120 days to complete. Thus, Leipsic Wind proposes to file the updated information concerning the interconnection site as soon as the engineering work has been completed and requests that the completeness review be tolled until the supplemental data on the selected interconnection site can be filed and the Board Staff has had an opportunity to review it.

OAC Rule 4906-5-05 (A) sets a 60 day time period for the Board Chairman to issue a letter determining whether an application is complete. Ohio Revised Code Chapter 4906, governing the jurisdiction of the Board, is silent on the length of time the Board may take in the processing of an application. The Board's rules, rather than statutes, establish a 60 day period for the issuance of a letter informing an applicant about whether its application is complete.

The Board's rules specifically permit the Board or the ALJ to grant waivers from the Board's rules. OAC Rule 4906-1-03 permits the Board to waive "any requirement, standard, or rule set forth in Chapters 4906-1 to 4906-17 of the Administrative Code, except where precluded by statute." As noted, the 60 day period is not set forth in the statute; indeed, the completeness letter itself is not set forth as a requirement in Ohio Revised Code Chapter 4906. Thus, the Board or the ALJ<sup>1</sup> has complete authority to waive the time period for the issuance of the completeness letter.

The Board's rules anticipate a fairly speedy process for the processing of applications. The time frames set forth by the rules are beneficial to applicants who typically have significant financial commitments at stake and thus require timely regulatory decisions. Since the 60 day

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<sup>1</sup> The ALJ, pursuant to OAC Rule 4906-7-12 has authority to rule on motions.

period grants applicants a date certain by which applicants are given notice whether an application is complete, the Applicant is the only party who will be disadvantaged if the process of review is extended. There is no party, other than the Applicant, who will be affected adversely by the extension of the time for the completeness review. The Ohio Farm Bureau Federation which has moved to intervene in this case does not object. The Board Staff has represented that it has no objections to the waiver. Thus, it is reasonable and just for the Board to grant this waiver.

WHEREFORE, Leipsic Wind, LLC requests the Board or its Administrative Law Judge grant an extension of time for the issuance of the letter contemplated by OAC Rule 4906-5-05 (A) for a period of up to 120 days in which to file the supplemental information plus 15 business days for the Board Staff to review it.

Respectfully submitted on behalf of  
LEIPSIC WIND, LLC



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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion for an Extension of Time was served upon the following parties of record via regular U.S. Mail this 16<sup>th</sup> day of September 2011.

  
Sally W. Bloomfield

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Summary: Motion for a Waiver electronically filed by Teresa Orahod on behalf of Leipsic Wind, LLC