

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of Leipsic)
Wind, LLC for a Certificate of Public)
Convenience and Necessity to Site a Wind-) Case No. 11-3676-EL-BGN
Powered Electric Generation Facility in)
Putnam County, Ohio.)

ENTRY

The administrative law judge finds:

- (1) On July 28, 2011, Leipsic Wind, LLC (Leipsic) filed with the Ohio Power Siting Board (Board) an application for a certificate of public convenience and necessity to site a 110-megawatt, wind-powered, electric generation facility in Putnam County.
- (2) The Ohio Farm Bureau Federation (Farm Federation) was granted intervention in this proceeding.
- (3) On September 16, 2011, Leipsic filed a motion for a waiver of Rule 4906-5-05(A), Ohio Administrative Code (O.A.C.), pertaining to the period within which the Chairman of the Board is required to issue a letter indicating whether the application is complete. Leipsic requested that issuance of the letter referred to in Rule 4906-5-05(A), O.A.C., be extended by up to 120 days from September 26, 2011, until 15 days from the time Leipsic intended to file its supplemental information concerning the substation which would serve as the point of interconnection. Leipsic stated that the extension of time would give the Board's Staff (Staff) time to review the facts concerning the interconnection point that had been selected and to consider the supplemental information as part of the July 28, 2011, application.
- (4) By entry issued September 27, 2011, the administrative law judge (ALJ) granted Leipsic's motion for the waiver, extending the period within which the Chairman of the Board is required to issue a letter indicating whether the application is complete until January 24, 2012.

- (5) Thereafter, on December 22, 2011, Leipsic filed a second motion for a waiver of Rule 4906-5-05(A), O.A.C., requesting that issuance of the letter referred to in Rule 4906-5-05(A), O.A.C., be extended by up to another period of 120 days from December 29, 2011, until 15 business days from the time Leipsic will file its supplemental information concerning the substation which will serve as the point of interconnection. Leipsic states that the extension of time would permit Staff to review the facts concerning the interconnection point that has been selected and consider the supplemental information. Additionally, in its motion, Leipsic represents that the Farm Federation and Staff were contacted and did not object to the second waiver.
- (6) On January 5, 2012, Staff filed a statement in the record reflecting that it does not object to Leipsic's request to extend the completeness review period another 120 days. However, Staff states that it reserves the right to require information from Leipsic as well as to investigate and contest issues presented in the application.
- (7) Initially, the ALJ notes that the initial waiver granted on September 27, 2011, extended the period within which the Chairman of the Board is required to issue a letter indicating whether the application is complete until January 24, 2012.


As to the merits of the motion, the ALJ notes that Rule 4906-1-03, O.A.C., provides that, where good cause appears, the Board or ALJ may permit departure from Chapters 4906-01 to 4906-17, O.A.C., unless prohibited by statute. Upon consideration of Leipsic's second motion for waiver, and noting that neither the Farm Bureau nor Staff objects, the ALJ finds that the waiver is reasonable and the motion for a second waiver should be granted. Consequently, the period within which the Chairman of the Board is required to issue a letter indicating whether the application is complete is extended up to 120 days from January 24, 2012, or until May 23, 2012.

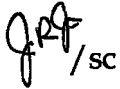
It is, therefore,

ORDERED, That, in accordance with finding (7), Leipsic's second motion for a waiver be granted. It is, further,

ORDERED, That a copy of this entry should be served upon all interested persons of record in this proceeding.

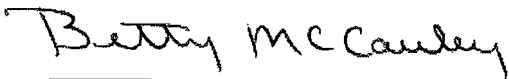
THE OHIO POWER SITING BOARD


By: Mandy L. Willey
Administrative Law Judge



Entered in the Journal

JAN 12 2012



Betty McCauley
Secretary