

BEFORE THE OHIO POWER SITING BOARD

In the Matter of the Application of)	
Hardin Wind LLC for a Certificate)	
of Environmental Compatibility and)	Case No. 13-1767-EL-BSB
Public Need for a Substation Project)	
in Hardin County)	
)	
In the Matter of the Application of)	
Hardin Wind LLC for a Certificate)	
of Environmental Compatibility and)	Case No. 13-1768-EL-BTX
Public Need for a 345kV Transmission)	
Line in Hardin County)	

MOTION FOR WAIVER

Pursuant to Section 4906.06(A)(6), Revised Code and Rule 4906-1-03 of the Ohio Administrative Code, Hardin Wind LLC (“Hardin Wind” or “the Applicant”) moves the Ohio Power Siting Board (the “Board”) to grant a waiver, in part, from Rule 4906-15-04(B)(2)(a)(i) of the Ohio Administrative Code. Hardin Wind will be filing applications for the Scioto Ridge Transmission Line project, an approximately 5 mile generator lead line, and the Scioto Ridge POI Substation project, a POI switchyard, in the above-styled dockets.¹ Although the applications are being filed in accordance with Chapter 4906-15 of the Ohio Administrative Code, Hardin Wind seeks a waiver from the requirement under Rule 4906-15-04(B)(2)(a)(i) to identify grade elevations where modified during construction on a map of the proposed facility layout. The waiver is necessary as grade elevations modified during construction will not be

¹ The two cases were consolidated, along with OPSB Case No. 13-1177-EL-BGN, for purposes of all public hearings, evidentiary hearings, and public notices. *In re Application of Hardin Wind LLC*, Case No(s). 13-1177-EL-BGN, 13-1767-EL-BSB, 13-1768-EL-BTX, Entry, Sept. 17, 2013.

identified until after final engineering is complete for both projects. Moreover, the requested waiver will not impact the Board's review and analysis of the proposed generation facility.²

WHEREFORE, Hardin Wind respectfully requests that the Board grant a waiver from Rule 4906-15-04(B)(2)(a)(i) of the Ohio Administrative Code for both the proposed POI substation (Case No. 13-1767-EL-BSB) and the proposed 345 kV transmission line (Case No. 13-1768-EL-BTX).

Respectfully submitted,

/s/ Michael J. Settineri

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² The Applicant previously requested a waiver from the requirement to provide fully developed information on the Alternate Transmission Route and the Alternate POI Substation Location. The waiver was granted in Case No. 13-1767-EL-BSB and Case No. 13-1768-EL-BTX by Entry dated September 17, 2013.

MEMORANDUM IN SUPPORT

Hardin Wind LLC, a wholly owned subsidiary of EverPower Wind Holdings, Inc., is proposing to construct a 345 kV transmission line (Scioto Ridge Transmission Line) and a point of interconnect (POI) substation to be located adjacent to the existing AEP East Lima – Marysville circuit (Scioto Ridge POI Substation) in Hardin County (collectively referred to as the “Facility”). The anticipated function of the Facility is to facilitate the supply of renewable energy to the interstate grid from the Scioto Ridge Wind Farm project, the application for which was filed in Case No. 13-1177-EL-BGN.

Through this motion, Hardin Wind is seeking a waiver from the requirement to identify proposed changes in grade elevations resulting from construction pursuant to Rule 4906-15-04(B)(2)(a)(i) of the OAC. Rule 4906-15-04(B)(2)(a) requires an applicant to supply a map of the proposed layout for associated facilities. Subpart (i) of that rule requires the applicant to identify proposed “[f]inal grades after construction, including the site and access roads” on the map. Proposed modifications of grade elevations, however, will not be known until after final engineering for the project is complete and after a certificate is issued for the applications.

The Board has granted similar waivers in other proceedings. *See e.g. In re Paulding Wind Farm II LLC*, Case No. 10-369-EL-BGN, Entry dated June 21, 2010 (granting waivers of location of test borings and grade elevations where modified during construction); *In re Champaign Wind LLC*, Case No 12-160-EL-BGN, Entry dated Aug. 2, 2012 (granting waivers of location of test borings and grade elevations where modified during construction). The waiver will also not affect the Board and Staff’s review of the applications, as the map required by Rule 4906-15-04(B)(2)(a) will include all other features of the proposed associated facilities. In lieu of the rule requirement, Hardin Wind will generate proposed contours/grade modifications

during preparation of the facility construction drawings, which can be provided to the Board's Staff for review prior to construction of the facilities.

As good cause exists for granting the waiver, Hardin Wind respectfully requests that the Board grant a waiver from Rule 4906-15-04(B)(2)(a)(i) for both the proposed POI substation (Case No. 13-1767-EL-BSB) and the proposed 345 kV transmission line (Case No. 13-1768-EL-BTX).

Respectfully submitted,

/s/ Michael J. Settineri

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document was served by electronic mail upon the following this 30th day of September, 2013:

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/s/ Miranda R. Leppla

Miranda R. Leppla

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Case No(s). 13-1767-EL-BSB, 13-1768-EL-BTX

Summary: Motion for Waiver electronically filed by Ms. Miranda R Leppla on behalf of Hardin Wind LLC