

BEFORE

THE OHIO POWER SITING BOARD

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

In the Matter of the Application of Buckeye )  
Wind, LLC to Amend its Certificate Issued ) Case No. 13-360-EL-BGA  
in Case No. 08-666-EL-BGN. )

ENTRY ON REHEARING

The administrative law judge finds:

- (1) On March 22, 2010, the Board issued its Opinion, Order, and Certificate granting the application of Buckeye Wind, LLC (Buckeye) for a certificate to construct a wind-powered electric generation facility in Champaign County, Ohio. *In re Buckeye Wind, LLC*, Case No. 08-666-EL-BGN (*Buckeye I*). The Order in *Buckeye I* provided that the certificate shall become invalid if Buckeye has not commenced a continuous course of construction of the proposed facility within five years of the date of journalization of the certificate. *Buckeye I*, Order (Mar. 22, 2010) at 92. Accordingly, the Board required Buckeye to commence a continuous course of construction by March 22, 2015. The Board affirmed its Order by Entry on Rehearing issued July 15, 2010. On March 6, 2012, the Ohio Supreme Court affirmed the Board's Order.
- (2) On March 19, 2013, Buckeye filed an application to amend the *Buckeye I* certificate. *In re Buckeye Wind, LLC*, Case No. 13-360-EL-BGA (*Buckeye I Amendment*). In the amendment application, Buckeye requested authority to revise the design of the facility to adjust the construction staging areas; shift the project substation by 1,000 feet; add a new access road; modify four previously approved access roads; and move the electric collection line system underground. By Order on Certificate Amendment issued February 18, 2014, the Board approved Buckeye's application to amend its certificate, which was affirmed by the Board's Entry on Rehearing issued May 19, 2014.

- (3) By Entry issued August 25, 2014, in the *Buckeye I* and *Buckeye Amendment I* cases, the Board granted Buckeye's motion to extend the term of the certificate from March 22, 2015, to May 28, 2018.
- (4) R.C. 4906.12 states, in relevant part, that R.C. 4903.02 to 4903.16 and R.C. 4903.20 to 4903.23 apply to a proceeding or order of the Board as if the Board were the Public Utilities Commission of Ohio (Commission).
- (5) R.C. 4903.10 provides 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.
- (6) Ohio Adm.Code 4906-7-17(D) 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 R.C. 4903.10.
- (7) Ohio Adm.Code 4906-7-17(I) provides that the administrative law judge (ALJ) 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.
- (8) On September 24, 2014, Union Neighbors United, Julia Johnson, and Robert and Diane McConnell (collectively, UNU) filed an application for rehearing of the Board's August 25, 2014 Entry. In the application for rehearing, UNU argues that the Entry is unlawful and unreasonable because it does not comply with the legally-mandated procedure for certificate amendments, the Board lacks the legal authority to waive legally-mandated procedures, Buckeye has not shown good cause to extend the certificate, and the Board's rules by which the Entry was issued are invalid.
- (9) Pursuant to Ohio Adm.Code 4906-7-17(I), the ALJ hereby grants the application for rehearing filed by UNU solely for the purpose of affording the Board additional time to consider the issues raised therein. This limited grant of the application for rehearing does not constitute a finding regarding the merits of any arguments raised in the application for rehearing or a finding whether there are any grounds for rehearing, or

whether the filings satisfy the legal requirements set forth in R.C. 4903.10 for filing an application for rehearing.

It is, therefore,

ORDERED, That the application for rehearing filed by Union Neighbors United, Julia Johnson, and Robert and Diane McConnell is 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

s/Scott E. Farkas

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By: Scott E. Farkas  
Administrative Law Judge

JRJ/dah

**This foregoing document was electronically filed with the Public Utilities**

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**in**

**Case No(s). 08-0666-EL-BGN, 13-0360-EL-BGA**

Summary: Administrative Law Judge Entry that the application for rehearing filed by Union Neighbors United, Julia Johnson, and Robert and Diane McConnell is granted for the purpose of affording the Board additional time to consider the issues raised therein; electronically filed by Debra Hight on behalf of Scott E. Farkas, Administrative Law Judge.