

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Power Siting Board's)	
Review of Rule 4906-4-08 of the)	Case No. 16-1109-GR-BRO
Ohio Administrative Code)	

**PETITION FOR LEAVE TO INTERVENE OF
UNION NEIGHBORS UNITED, INC., ROBERT McCONNELL,
DIANE McCONNELL, AND JULIA F. JOHNSON**

Pursuant to Ohio Administrative Code § 4906-2-12, Diane McConnell, Robert McConnell, Julia F. Johnson, and Union Neighbors United, Inc. (UNU), an Ohio nonprofit corporation (collectively, "Petitioners"), submit this petition the Ohio Power Siting Board for leave to intervene in the above captioned proceeding.

As more fully set forth in the attached Memorandum in Support, Petitioners have good cause to intervene in this matter pursuant to O.A.C. § 4906-2-12. On September 22, 2016, the Board proposed rules governing (a) health and safety, land-use, and ecological information (O.A.C. § 4906-4-08) and (b) regulations associated with utility-scale wind energy facilities (O.A.C. § 4906-4-09). Buckeye Wind, LLC and Champaign Wind, LLC, each have obtained certificates to construct and operate utility-scale wind energy facilities in six townships of Champaign County. Robert and Diane McConnell, Julia Johnson, and other members of UNU live in Champaign County within the boundaries of two proposed and certificated utility-scale wind generation facilities. Each of the petitioners has a direct and substantial interest in these proceedings due to the potential effect that the proposed rules may have on wind turbine noise, safety, shadow flicker, and other impacts of new or amended facilities that may be considered by

the Board, and which may be governed by the proposed rules that are the subject of this proceeding.

Therefore, Petitioners UNU, Diane McConnell, Robert McConnell, and Julia Johnson request the Board to grant this Petition for Leave to Intervene.

Respectfully submitted,

/s/ Christopher A. Walker
Christopher A. Walker (0040696)
Van Kley & Walker, LLC
137 North Main Street, Suite 316
Dayton, Ohio 45402
(937) 226-9000 (telephone)
(937) 226-9002 (facsimile)
Email: cwalker@vankleywalker.com

**MEMORANDUM IN SUPPORT OF
PETITION FOR LEAVE TO INTERVENE**

Ohio Administrative Code § 4906-2-12(B) provides that the Board or administrative law judge may consider the following when considering petitions to intervene:

- (a) The nature and extent of the person's interest;
- (b) The extent to which the person's interest is represented by existing parties;
- (c) The person's potential contribution to a just and expeditious resolution of the issues involved in the proceeding; and
- (d) Whether granting the requested intervention would unduly delay the proceeding or unjustly prejudice an existing party.

For the following reasons, Petitioners submit that there is good cause to grant them intervenor status in these proceedings and that their intervention is warranted under the above criteria.

Nature and extent of interest: UNU is an Ohio nonprofit corporation formed specifically for the purpose of addressing issues related to the placement of wind turbines in Champaign County, Ohio. UNU has engaged in efforts to educate the public about wind turbine impacts and has communicated its concerns about wind turbines to public officials to promote the safety and betterment of the community. Consistent with this purpose, UNU has been extensively involved with the issue of potential development of wind energy facilities in Champaign County. Ms. Johnson represented UNU as a stakeholder in a state-level policy forum known as the Ohio Wind Working Group. UNU has advocated wind farm zoning legislation before the Zoning Commission of Union Township, Champaign County, and placed a referendum on the 2008 general election ballot for repeal of alternative wind farm legislation approved by Union Township. UNU submitted detailed written initial comments and reply comments to the Ohio

Power Siting Board (“OPSB”) concerning the Board’s initial rule package for wind energy facilities. UNU, Robert McConnell, Diane McConnell, and Julia Johnson also were granted permission to intervene into and participate in the certification and extension proceedings relating to Buckeye Wind, LLC (Case Nos. 08-666-EL-BGN and 13-360-EL-BGA) and the certification proceedings for Champaign Wind, LLC (Case No. 12-0160-EL-BGN). UNU, Ms. Johnson, and Mr. and Mrs. McConnell have submitted written comments on the subject rules in the current proceedings and in Case No. 12-1981-GE-ORD, and have participated in two stakeholder workshops on the subject rules held by the Board on January 29 and June 9, 2016.

Buckeye Wind, LLC and Champaign Wind, LLC propose to construct and operate two utility-scale wind energy facilities in eastern Champaign County. Experience with commercial wind farms in the United States and Europe indicates that such facilities have the potential to harm neighboring homes and land through various means including noise, shadow flicker, blade throw, thrown ice, tower collapse, and property devaluation. The proposed rules that are the subject of this proceeding should contain conditions that would mitigate these and other effects of utility-scale wind energy projects on host communities. While the rules may not affect existing OPSB certificates, they would certainly be relevant to new facilities proposed in Champaign County, as well as to amendments of existing certificates.

OPSB previously found that the Petitioners had a stake that warranted intervention in the Buckeye Wind and Champaign Wind certificate proceedings. For the same reasons, the Petitioners have a direct and substantial interest in these proceedings because the rules in question have the potential to affect the health, safety, well-being, and property interests of UNU members and the individual Petitioners.

Extent to which interests are represented by existing parties: At the time of this filing, pursuant to the Board's online docketing information, no other party has been granted intervenor status in this case. At present, no other party can represent Petitioners' interests in these proceedings.

Potential contribution to just and expeditious resolution of these proceedings: As a result of their activities in Champaign County and at the state level as described above, Petitioners have substantial knowledge of the environmental and community impacts of commercial-scale wind projects. Petitioners' intervention, supplemented by expert testimony where appropriate, will provide important information that will contribute to a balanced assessment of the applicant's project and to a just and expeditious resolution of this proceeding.

Potential for undue delay or unjust prejudice: Granting intervenor status to the Petitioners will not unduly delay the proceedings or cause unjust prejudice to the Applicant. Petitioners will be jointly represented in these proceedings by counsel experienced in practice before the Ohio Power Siting Board.

For the foregoing reasons, Petitioners Union Neighbors United, Diane McConnell, Robert McConnell, and Julia Johnson request the Board to grant this Petition for Leave to Intervene.

Respectfully submitted,

/s/ Christopher A. Walker
Christopher A. Walker (0040696)
Van Kley & Walker, LLC
137 North Main Street, Suite 316
Dayton, Ohio 45402
(937) 226-9000 (telephone)
(937) 226-9002 (facsimile)
Email: cwalker@vankleywalker.com

CERTIFICATE OF SERVICE

I hereby certify that, on February 21 2017, a copy of the foregoing comments was filed with the docketing division's e-filing system, which will electronically serve notice of the filing of this document on the following parties:

Matt Butler
Public Utilities Commission of Ohio
180 E. Broad St.
Columbus OH 43215

Teresa Orahood
Bricker & Eckler LLP
100 South Third Street
Columbus OH 43215-4291
Attorney for 6011 Greenwich Windpark, LLC

Amy M. Milam
Ohio Farm Bureau Federation
280 N. High Street, P.O. Box 182383
Columbus OH 43218-2383

Sandra Coffey
Public Utilities Commission of Ohio
180 E. Broad St.
Columbus OH 43215

Donielle Hunter
PUCO
180 East Broad Street 11th Floor
Columbus OH 43215

Samuel C. Randazzo
McNees Wallace & Nurick LLC
21 E. State Street, 17th Floor
Columbus OH 43215
Attorney for Greenwich Neighbors United

Terrence O'Donnell
Dickenson Wright PLLC
150 E. Gay St.
Columbus, OH 43215

Miranda Leppla
The Ohio Environmental Council
1145 Chesapeake Ave., Suite 1
Columbus, OH 43212

Amy Milam
Ohio Farm Bureau Federation
280 N. High St.
Columbus, OH 43218

Donielle Hunter
PUCO
180 E. Broad St., 11th Fl.
Columbus, OH 43215

Hon. Michael J. Skindell
State Senate, 23rd Dist.
Senate Bldg. 1
Capitol Square
Columbus, Ohio 43215

/s/ Christopher A. Walker
Christopher A. Walker

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

2/21/2017 10:06:19 AM

in

Case No(s). 16-1109-GE-BRO

Summary: Petition for Leave to Intervene electronically filed by Mr. Christopher A Walker on behalf of Union Neighbors United and McConnell, Robert Mr. and McConnell, Diane Mrs. and Johnson, Julia F. Ms.