

BEFORE THE OHIO POWER SITING BOARD

In the Matter of the Application of)	
Buckeye Wind LLC to Amend the)	
Certificate of Environmental)	Case No. 17-2516-EL-BGA
Compatibility and Public Need Issued)	
In Case No. 08-0666-EL-BGN)	

In the Matter of the Application of)	
Champaign Wind LLC to Amend the)	
Certificate of Environmental)	Case No. 17-2517-EL-BGA
Compatibility and Public Need Issued)	
In Case No. 12-0160-EL-BGN)	

NOTICE

Please take notice that on April 30, 2018, Buckeye Wind LLC and Champaign Wind LLC submitted to the Ohio Power Siting Board Staff their responses to Staff's first set of data requests, which are attached hereto.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The Ohio Power Siting Board's e-filing system will electronically serve notice of the filing of this document on the parties referenced in the service list of the docket card who have electronically subscribed to this case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served upon the persons below via electronic mail this 30th day of April 2018.

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RESPONSES TO MARCH 30, 2018 FIRST SET OF STAFF DATA REQUESTS
CASE NO. 17-2516-EL-BGA
Case No. 17-2517-EL-BGA

Note: In its questions, Staff uses the term "Amended Facility" consistent with the following usage from Page 2 of the application:

With the changes proposed in this Petition, the Buckeye I Facility and Buckeye II Facility will hereafter be referred to collectively as the "Amended Facility," since both facilities would be constructed in tandem and operated simultaneously."

- (1) For the Champaign Wind project, subject of Case No. 12-0160-EL-BGN, condition No. 29 requires a road use agreement (RUA) with the county engineer(s) or other appropriate public authority.
(a) What is the current status of the required RUA?

Response: *The status of the RUA is pending but the Applicant intends to have an RUA in place to address use of county and township roadways.*

- (b) Will the RUA be exclusive to Champaign Wind, or will it also include the components of the Buckeye Wind project (Case 08-0666-EL-BGN)?

Response: *It is anticipated that the RUA will cover the Amended Facility (Buckeye Wind I and Buckeye Wind II).*

- (2) Will turbine components (i.e., blades, towers, nacelles, etc.) be delivered initially to the proposed construction staging area, and then subsequently transported to the proposed turbine locations? Or would the turbine components be delivered directly to the proposed turbine locations?

Response: *The final transportation plan for turbine delivery routes has not been established however at this time the Applicant anticipates that the turbine components will be delivered directly to the proposed turbine locations. Buckeye Wind and Champaign Wind will submit a final equipment delivery route and transportation routing plan prior to turbine construction in accordance with condition #8 in Buckeye Wind's certificate, and condition #28 in Champaign Wind's certificate.*

- (3) Landowners who were hosting project components (i.e., turbines, electric collection system, access roads, etc.) under the original certificates were considered participating landowners. If those landowners no longer host project components under the layout revisions for the Amended Facility:

- (a) Are those landowners now treated as participating or non-participating?

Response: *Landowners with terminated or expired agreements are no longer considered participating landowners.*

- (b) For purposes of the updated noise and shadow flicker assessments in these BGA cases, were they treated as participating or non-participating receptors?

Response: *Receptors were considered participating if the parcels they were located on had an agreement in place with Buckeye Wind or Champaign Wind at the time of the amendment application submittal, with the exception of the 3 landowners who were considered participating in the updated noise assessment under the assumption that new agreements would be executed.*

- (4) Various media sources have reported that the Amended Facility may be sold. If these reports are accurate:

(a) Describe the status of this potential sale.

Response: *The sale transaction in which innogy SE will acquire shares of EverPower's wind-energy development business (which includes Champaign Wind LLC and Buckeye Wind LLC) is currently pending and is expected to close by the end of the second quarter.*

- (b) What impact, if any, would this sale have on the entities responsible for constructing and operating the Facility?

Response: *The sale would have no impact on the entities responsible for constructing and operating the Amended Facility (Buckeye Wind LLC and Champaign Wind LLC) and would not require any transfer of the certificates.*

- (c) What impact, if any, would this sale have on any certificates issued in these cases?

Response: *The sale would not require the transfer of any of the certificates as the holder of the certificates would remain Buckeye Wind LLC and Champaign Wind LLC respectively.*

- (5) Provide a map of the crane paths associated with the revised layout of the Amended Facility.

Response: *Crane paths, if any are required, would be detailed in final engineering drawings for turbine construction.*

- (6) Describe the status of any discussions with the County regarding the payment in lieu of taxes (PILOT).

Response: *The Applicants will provide an update on the PILOT to Staff upon finalization of a PILOT for the projects.*

- (7) Is all of the electric collection system for the Amended Facility proposed to be installed underground? If not, provide details on all above-ground sections.

Response: *All of the collection system for the Amended Facility is proposed to be underground. A 69 kV generator lead line which will route from the collection substation to the Point-of-Interconnect Substation will be above-ground.*

- (8) Exhibit F, Updated Shadow Flicker Analysis, indicates that the Applicant is committed to operating the Amended Facility such that no non-participating receptors are modeled to receive more than 30 hours of shadow flicker per year. Exhibit F further indicates that operational measures and other mitigation measure may be used to meet this objective. Describe what other mitigation measures are being evaluated.

Response: *Currently, only operational measures are contemplated but other mitigation measures could include screening with trees.*

- (9) What is the current status of the Indiana bat (*Myotis sodalis*) Incidental Take Permit (ITP) and Habitat Conservation Plan (HCP) for the Buckeye and Champaign Wind projects?

Response: *The USFWS, in cooperation with the Applicant, is preparing a Supplemental Environmental Impact Statement per the Remand Order dated February 28, 2017. The ITP remains in place during the remand period.*

- (10) Page 54 of the application indicates that impacts to the federally-threatened eastern massasauga rattlesnake are unlikely. Is that conclusion based on particular measures outlined in the HCP, specifically as relates to the area adjacent to wetland 3a? If yes, please provide details.

Response: *As described in the HCP, only one 20 acre wetland was deemed suitable eastern massasauga habitat by USFWS and OH state experts in 2012. The closest facility structure to this wetland is WTG #036, and it is approximately 467 ft. away. Because the wetland is not within the limit of disturbance around this WTG, and based on minimization measures discussed in the HCP, it is not expected that this wetland, and thus the eastern massasauga rattlesnake, will be impacted.*

- (11) Page 7 of the application indicates that only one of the construction staging areas – the 10 acre eastern staging area along US Route 36 – will be retained while the other two staging areas will be eliminated. What, if any, approaches to traffic management will be employed at the one remaining staging area during component delivery and project construction?

Response: *It is anticipated that the laydown yard will be the first phase of construction for the projects. Impacts during this time may include increased traffic as trucks deliver equipment and gravel to the site, as detailed in the Route Evaluation Study for the Buckeye Wind Project Laydown Yard, completed by Hull in April 2018.*

A transportation study has not yet been finalized for the remaining portions of the facility, however, the Applicant anticipates that turbine components will be delivered directly to the proposed turbine locations. The Applicant will provide to Staff an updated transportation study for the remaining facility / turbine delivery routes when that study is finalized.

- (12) It is characterized in the modification application that land use within five miles of the facility remains as originally depicted in the original Buckeye I and II filings. Please provide more detail regarding new development adjacent to the facility; including any changes of use and/or new construction, as known, since the filing of data and information in Buckeye I and II.

Response: *Land use adjacent to the property remains largely agricultural in nature. New residences that were constructed since the original certificate applications and that are within 1 mi of the approved turbine locations were accounted for in the updated noise and shadow flicker studies.*

- (13) Attached to Exhibit H is a Programmatic Agreement (PA) for cultural resources signed in 2013, detailing specific mitigation items and terms of agreement. Please provide an update on any communication with the OHPO and/or USFWS regarding this PA; including status of the PA, any anticipated alterations to the PA as a result of this modification request, and any efforts to date to fulfill the requirements of the PA.

Response: *The status of the PA is that it remains in full force and effect. No additional communication has occurred or is required with OHPO or the USFWS in respect to the PA. No alterations are currently anticipated as a result of the amendment applications. At this time, no requirements of the PA need to be satisfied.*

- (14) For each of the certificate conditions associated with Case Nos. 08-0666-EL-BGN, 12-0160-EL-BGN, and 13-0360-EL-BGA, indicate if efforts to satisfy the condition: (1) have not yet started/not yet applicable, (2) are in-progress, or (3) have been completed.

Response: *A condition update list will be submitted separately to Staff.*

- (15) Provide a table in an excel spreadsheet that compares modeled shadow flicker of the turbine model approved in Buckeye I that was modeled for shadow flicker and the turbine model approved in Buckeye II that was modeled for shadow flicker with the shadow flicker of the four proposed turbines. Only include shadow flicker from the 55 turbine locations in the current case. Provide columns for annual hours of shadow flicker from each turbine to each of the 768 receptors and a column indicating the participation status of the receptor.

Response: *No modeling has been done on the original turbine models using only the 55 turbine locations. Modeling for the worst case turbine proposed in the amendment applications was presented in the amendment applications.*

- (16) Quantify the change in the number of residences in the study area since the last ambient sound study was completed.

Response: *No quantification of the changes in the number of residences in the project area has been completed since ambient sound studies were completed for the projects. As noted above, new residences that were constructed since the original certificate applications and that are within 1 mi of the approved turbine locations were accounted for in the updated noise and shadow flicker studies. .*

- (17) Quantify the change in the number of commercial and industrial buildings in the study area since the last ambient sound study was completed.

Response: *The applicants are not aware of any changes in the number of commercial and industrial building within the project area.*

- (18) A footnote 3 on page 3 of the sound study states, "The three residences that appear just within the 44 dBA contour are located on land parcels where participation agreements are pending. It is assumed for the purposes of this analysis that these residences will likely become participants." What is the participation status of these 3 residences?

Response: *The applicants continue to treat these residences as participating although it is possible that the residences will be non-participating if no agreements are executed. If so, the certificate conditions will apply to these properties including conditions on operational noise, shadow flicker and setbacks.*

- (19) On page 2-3 of the sound study, it is stated “The turbine sound power level during 6 m/s wind conditions, per Siemens Wind Power, and subsequently used in the modeling analysis is 105.5 dBA re 1 pW2 . The octave band spectrum associated with this operating condition, tabulated below, has been adapted from the maximum 8 m/s manufacturer values less 1.5 dB.”
- (a) Did Siemens not have sound power level spectrum for 6 m/s wind conditions? If Siemens only had only sound power level spectrum for 8 m/s wind conditions what is the A-weighted sound power level for the octave band center frequencies listed in table 3.3.2 for the 8 m/s wind conditions? Also, please explain why the 1.5 dB was subtracted from the 8 m/s levels to get the 6 m/s levels.

Response: *At the time the model update was performed, Siemens only published the octave band frequency content for the maximum sound power level, which is associated with an 8 m/s wind speed. Since the frequency spectrum for operation during critical 6 m/s wind conditions was not provided by Siemens, it was estimated by scaling each octave band value down by 1.5 dB to account for the known overall change from 107 dBA (8 m/s) to 105.5 dBA re 1 pW (6 m/s). This adjustment is largely academic because such a small difference in sound power output leads to a sound level that is imperceptible and insignificant.*

- (b) Provide a table in an excel spreadsheet that compares modeled noise of the turbine model approved in Buckeye I that was modeled for noise and the turbine model approved in Buckeye II that was modeled for noise with the noise of the four proposed turbines. Only include noise from the 55 turbine locations in the current case. Provide columns for operational Leq from each turbine to each of the receptors and a column indicating the participation status of the receptor.

Response: *No modeling has been done on the original turbine models using only the 55 turbine locations. Modeling for the worst case turbine proposed in the amendment applications was presented in the amendment applications.*

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Case No(s). 17-2516-EL-BGA, 17-2517-EL-BGA

Summary: Notice of Filing Responses to Staff's First Set of Data Requests electronically filed by Mr. Michael J. Settineri on behalf of Buckeye Wind LLC and Champaign Wind LLC