

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of)
Heartland Wind, LLC for a Certificate to)
Site a Wind-Powered Electric Generation) Case No. 09-1066-EL-BGN
Facility in Van Wert and Paulding Counties)
Ohio.)

ENTRY

The administrative law judge finds:

- (1) On November 6, 2009, Heartland Wind, LLC (Heartland or Applicant) filed, with the Ohio Power Siting Board (OPSB), a pre-application notification letter for a certificate to site a 350 megawatt (MW) wind-powered electric generation facility in Van Wert and Paulding counties, Ohio, pursuant to Chapter 4906-17, Ohio Administrative Code (O.A.C.).
- (2) On November 6, 2009, as clarified by the Applicant on November 24, 2009, Heartland filed a motion requesting waivers of the notice period required by Section 4906.06(A)(6), Revised Code, as well as various provisions of Chapter 4906-17, O.A.C. Heartland's waiver requests, as amended, are as follows:
 - (a) Heartland requests a waiver of the one-year notice period required by Section 4906.06(A)(6), Revised Code, stating that it plans to file an application in late December 2009 and desires to begin construction-related activities prior to the commencement of the one-year milestone date contemplated by the statute.
 - (b) Heartland seeks a waiver from the extensive site selection study requirements outlined in Rule 4906-17-04(A), O.A.C., as each specific criterion set forth in that rule may not apply even though the site is otherwise an appropriate site for a wind energy project. The Applicant will provide a description of the project boundary, the rationale for selecting the site, a map of the general project area, a list and description of qualitative siting criteria (i.e.,

constraints such as setbacks, noise, etc.), and a constraint map.

- (c) Heartland seeks a waiver from providing the detailed vegetative cover map set forth in Rule 4906-17(05)(A)(3), O.A.C., and instead provide a general narrative description of the vegetative cover within the project area and an estimation of the quantity of specific vegetation that may be disturbed or removed during construction.
 - (d) Heartland seeks a waiver from the requirement to provide certain cross-sectional views and locations of borings pursuant to Rule 4906-17-05(A)(4), O.A.C., to the extent necessary, committing that it will provide the results for 18 locations that the Applicant believes to be representative of the type of areas where turbines, access roads, and ancillary wind facilities will be located. However, Heartland plans to perform geological tests at each of the final turbine locations sites later in the process. As part of the final engineering design process, the Applicant states that the results of those geological tests and cross sections will be provided to the OPSB Staff at a reasonable time prior to construction.
- (3) On November 27, 2009, the OPSB Staff filed a memorandum indicating that it did not oppose the requested waivers. However, Staff noted that it reserved the right to require additional information from the Applicant, if necessary, during the course of Staff's investigation. The Applicant did not file a response to Staff's recommendation.
 - (4) The administrative law judge finds that the Applicant's motion for waivers should be granted.

It is, therefore,

ORDERED, That the motion for waivers, as amended, filed by the Applicant 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: Jeffrey R. Jones
Jeffrey R. Jones
Administrative Law Judge

/ct ^{PJD}

Entered in the Journal

DEC 11 2009

Renee J. Jenkins

Renee J. Jenkins
Secretary