

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of )  
Paulding Wind Farm II, LLC for an )  
Amendment to its Certificate of )  
Environmental Compatibility and ) Case No. 10-3128-EL-BGA  
Public Need for the Wind-Powered )  
Electric Generation Facility in Paulding )  
County, Ohio. )

ORDER ON CERTIFICATE AMENDMENT

The Ohio Power Siting Board (Board), coming now to consider the above-entitled matter and having determined that a public hearing is not necessary, having reviewed the amendment application and being otherwise fully advised, hereby issues its Order on Certificate Amendment in accordance with Section 4906.10, Revised Code.

INTRODUCTION:

A. History of the Proceeding:

On November 18, 2010, the Board issued an Opinion, Order, and Certificate granting the application of Paulding Wind Farm II, LLC (Paulding Wind II or Applicant) for a certificate to construct a wind-powered electric generating facility in Paulding County, Ohio, in Case No. 10-369-EL-BGN (10-369). The Board granted Paulding Wind II's application pursuant to a joint stipulation filed by Paulding Wind II, the Ohio Farm Bureau Federation (OFBF), and the Board Staff (Staff) which included 60 specific conditions. In 10-369, the Board approved the construction of the facility implementing a Vestas V100 turbine model with a hub height of 80 meters or a Vestas V90 turbine model with a hub height of 95 meters. Additionally, the Board approved eight possible locations for up to three permanent meteorological towers.

On December 29, 2010, Paulding Wind II filed an application in this proceeding to amend the certificate issued in 10-369.<sup>1</sup> In the amendment application, Paulding Wind II proposes to add the Vestas V100, 1.8 megawatt (MW) turbine with a hub height of 95 meters as a turbine suitable for the project and to relocate a permanent meteorological tower (met tower No. 7) to allow for the elimination of three other permanent meteorological tower locations (met towers Nos. 4, 5, and 6) previously approved in 10-369. Paulding Wind II asserts that, given the characteristics of the wind at the intended

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<sup>1</sup> The Board notes that, on the same day that the instant case was filed, Paulding Wind II filed a joint application with Paulding Wind Farm III, LLC (Paulding Wind III), in 10-369, requesting authority to bifurcate the certificate and assign 37 of 98 turbines to Paulding Wind III.

locations, the V100 turbine would operate more efficiently at a hub height of 95 meters. Paulding Wind II anticipates that the proposed increase in the hub height would increase the statutory minimum property line setback from 505 feet from nonparticipating property lines to 523 feet from nonparticipating property lines. In order to comply with the increased statutory minimum property line setback, Paulding Wind II proposes removing turbines 94, 105, and 109 from the project. Further, Paulding Wind II represents that all turbine locations at the proposed increased hub height had been submitted for Federal Aviation Administration (FAA) review and were determined to be no hazard to aviation. Additionally, Paulding Wind II states that, due to the increased hub height, six receptors are expected to receive noise levels in excess of the previously conditioned ambient plus five decibels (dBA) allowance; however, the Applicant notes that only one of the six receptors is a nonparticipating residence, and this receptor is not inhabited, readily inhabitable, or for sale. Further, Paulding Wind II indicates that, with the increased hub height, no new impacts were found on microwave paths, radio/television reception, or military radar systems.

In accordance with Rule 4906-5-10(B), Ohio Administrative Code (O.A.C.), Paulding Wind II served copies of the amendment application upon local officials. Public notice of the proposed amendment was published on January 12, 2011, in *The Paulding County Progress*. Paulding Wind II filed proof of publication with the Board on January 24, 2011. Pursuant to the public notice, interested persons were given 10 days in which to respond to the proposed amendment. The Board did not receive any letters opposing the proposed amendment. On January 28, 2011, Staff filed a report evaluating the amendment application. On February 8, 2011, the Ohio Farm Bureau Federation (OFBF) moved to intervene in the matter, pursuant to Section 4906-7-04, O.A.C. OFBF asserts that it has a real and substantial interest in the matter because a significant portion of its members are also members of the Paulding County Farm Bureau and are farmers engaged in wind leasing agreements. Additionally, OFBF filed comments asserting its support for Paulding Wind II's application to amend the certificate. No memorandum contra OFBF's motion to intervene was filed. Therefore, the Board finds that the motion to intervene filed by OFBF should be granted.

B. Staff Investigation of Proposed Amendment:

In its report filed on January 28, 2011, Staff represents that it has reviewed the application and that Paulding Wind II proposes to increase the hub height of the approved Vestas V100 1.8 MW turbine model from 262.5 feet (80 meters) to 311.7 feet (95 meters). Staff explains that the V100 at the increased hub height would operate more efficiently because wind resources increase at higher altitudes. Further, Staff represents that the proposed increase in hub height will require Paulding Wind II to change the layout of the project's permanent meteorological towers. Consequently, Staff explains that the amendment seeks to add a new potential location for a permanent meteorological tower and remove three of the previously approved locations.

Staff reports that the proposed increase in hub height would increase the statutory minimum property line setback for the project and that Paulding Wind II would remove several turbines from the project in order to comply with the increased statutory minimum property line setback. Staff notes that shadow flicker effects were evaluated based on the proposed increase in hub height and that the Applicant determined that three nonparticipating receptors would be exposed to shadow flicker in excess of 30 hours per year. However, Staff reports that, when existing screening and obstructions are included within the model, only one receptor would be exposed to more than 30 hours of shadow flicker per year. Staff recommends that, for this nonparticipating receptor that would be exposed to more than 30 hours of shadow flicker per year, the Applicant be required to conduct further review after construction and that mitigation might be required, in accordance with Condition 41 of the certificate issued in 10-369.

With regard to FAA review, Staff states that all turbine locations at the proposed increased hub height have been submitted for FAA review and have received determinations of no hazard to aviation. In addition, Staff found no new impacts on microwave paths, radio/television reception, and military radar systems.

Staff concurs with the Applicant's assessment of the noise impacts resulting from the proposed increase in hub height. With regard to the one impacted receptor that is a nonparticipating (and currently uninhabited) residence, Staff reports that, if at any time during the life of the project this receptor becomes occupied, the Applicant will provide mitigation approved by Staff and the Applicant in consultation with the affected receptor.

In order to reflect the change in noise impacts, Staff recommends that Condition 39 be revised to decrease the project ambient nighttime  $LEQ$  from 41 dBA to 40 dBA. Specifically, Staff recommends that Condition 39 be amended to read:

After commencement of commercial operation, Paulding Wind II shall conduct further review of the impact and possible mitigation of all facility noise complaints. Mitigation shall be required if the facility contribution at the exterior of any nonparticipating residences within one mile of the facility boundary exceeds the greater of: (1) the project ambient nighttime  $LEQ$  (40 dBA) plus five dBA, or (2) the validly measured ambient  $LEQ$  at the location of the complaint and during the same time of day or night as that identified in the complaint plus five dBA. Mitigation, if required, shall consist of either reducing the impact so that the project contribution does not exceed the greater of: (1) the project ambient nighttime  $LEQ$  (40 dBA) plus five dBA, or (2) the validly measured ambient  $LEQ$  plus five dBA, or other means of mitigation approved by Staff and the Applicant in consultation with the affected receptor(s).

On February 7, 2011, the Applicant filed correspondence stating that the Applicant agrees with and accepts Staff's proposed amendment of Condition 39.

Therefore, Staff recommends that, in addition to the conditions approved by the Board in 10-369, Paulding Wind II be directed to comply with the revisions to Condition 39 as set forth in the Staff report for the amendment application. Thus, Staff concludes that, with Paulding Wind II's adherence to the revised condition, the construction of the project, as approved in 10-369 and amended herein, poses minimal social and environmental impacts.

C. Decision:

Upon review of the record, the Board finds that the proposed amendment to the certificate issued in 10-369 does not result in a substantial change to the certificated facility, and will not result in any significant adverse social or environmental impact. Further, the Board finds that a hearing is not necessary in this case. Accordingly, the Board concludes that Paulding Wind II's amendment application should be approved; therefore, Paulding Wind II's 10-369 certificate should be amended to add the Vestas V100 (1.8 MW) turbine with a hub height of 311.7 feet (95 meters) as a turbine suitable for the project. Further, Paulding Wind II's certificate should be amended to reflect the relocation of a permanent meteorological tower (met tower No. 7) and elimination of three other permanent meteorological tower locations (met towers Nos. 4, 5, and 6) previously approved in the certificate. The certificate conditions adopted in 10-369 are hereby amended to incorporate the amendments and revised Condition 39 as set forth in the Staff report filed in this proceeding.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

- (1) Paulding Wind II is a corporation and a person under Section 4906.01(A), Revised Code.
- (2) The Paulding Wind II wind-powered electric generation facility is a major utility facility under Section 4906.01(B)(1), Revised Code.
- (3) On December 29, 2010, Paulding Wind II filed an application in this proceeding to amend the certificate issued in 10-369, in accordance with Rule 4906-5-10, O.A.C.
- (4) The proposed amendment would increase the hub height of the approved Vestas V100, 1.8 MW, turbine model from 262.5 feet (80 meters) to 311.7 feet (95 meters), add a new location for a

permanent meteorological tower, and remove three of the previously approved locations for meteorological towers.

- (5) In accordance with Rule 4906-5-10(B), O.A.C., public notice of the proposed amendment was published in Paulding County, Ohio. On January 24, 2011, Paulding Wind II filed its proof of publication. Paulding Wind II also served copies of the amendment application upon local government officials in accordance with Rule 4906-5-10(B), O.A.C.
- (6) The Board did not receive any letters opposing the proposed amendment.
- (7) On January 28, 2011, Staff filed a report evaluating the amendment application.
- (8) OFBF filed a motion to intervene in the above-captioned case. No party opposed the motion to intervene. The Commission finds that the motion to intervene should be granted.
- (9) On February 8, 2011, OFBF filed comments asserting its support for Paulding Wind II's application to amend the certificate.
- (10) The requested changes to the certificated facility do not result in any significant adverse social or environmental impact or require significant revisions to the certificate.
- (11) Based on the record, the certificate of environmental compatibility and public need for the 10-369 generation facility should be amended to permit use of a Vestas V100 turbine with a hub height of 95 meters and to permit relocation of the meteorological tower, as described in this order and subject to the conditions set forth in 10-369, as amended in this order.

ORDER:

It is, therefore,

ORDERED, That the motion to intervene filed by OFBF be granted. It is, further,

ORDERED, That the application filed by Paulding Wind II to amend the certificate issued in 10-369 be granted, as described in this order and subject to the conditions set forth in 10-369 and this order. It is, further,

ORDERED, That a copy of this Order on Certificate Amendment be served upon all interested persons of record.

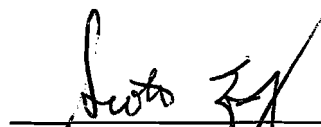
THE OHIO POWER SITING BOARD



Steven D. Lesser, Chairman  
Public Utilities Commission of Ohio



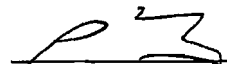
Chadwick Smith, Designee for  
Mark Kvamme, Interim Director  
Ohio Department of Development



Scott Zody, Designee for  
David Mustine, Director  
Ohio Department of Natural Resources



Martin Tremmel, Designee for  
Theodore Wymyslo, Director  
Ohio Department of Health



Scott Nally, Director  
Ohio Environmental Protection Agency

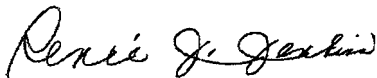


Jim Zehringer, Director  
Ohio Department of Agriculture

Ali Keyhani, Ph.D.  
Public Member

MLW/sc

Entered in the Journal **FEB 28 2011**



Renee J. Jenkins  
Secretary