

FILE

11-2400-EL-BGN

May 25, 2011

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To: Christine Pirik, Administrative Law Judge

PUCO

Ms. Pirik,

On April 14, 2011, Ashtabula Wind Energy LLC (Applicant) filed a motion in Case No. 11-2400-EL-BGN for waiver of the one year notice provision under 4906.06(A)(6), Ohio Revised Code. Regarding the Applicant's waiver request, OPSB Staff offers the following observations:

- (1) OPSB Staff does not object to this waiver request. However, to the extent that such waiver is granted, it should not limit in any way OPSB Staff's ability to seek the information that it requires during the course of its investigation.
- (2) The Applicant also notes its intention to begin construction of the facility in May of 2012. If the waiver request is granted, it should not be perceived as any predetermination on the Applicant's stated intentions to commence construction in May 2012.
- (3) The Applicant also indicates in its Memorandum of Support that granting the requested waiver is appropriate in that the proposed facility will assist in fulfilling the state's renewable energy goals. Staff notes that such project may assist in satisfying the statutory obligations, but only to the extent that any renewable energy credits associated with the facility's operation are in fact transferred to an entity with a compliance obligation under 4928.64, Ohio Revised Code.

Respectfully,



Klaus Lambeck, Chief
Facilities, Siting, and Environmental Analysis Division
Department of Energy and Environment

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Technician Jim Date Processed MAY 26 2011