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FILE

June 17, 2011

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PUCO

Ms. Betty McCauly  
Administration/Docketing  
Ohio Power Siting Board  
180 East Broad Street, 11<sup>th</sup> Floor  
Columbus, Ohio 43215-3793

Re: **Blue Creek Wind Farm, LLC**  
**Case No. 11-3644-BGA**

Dear Ms. McCauly:

Enclosed, please find an original and the requisite copies of the Application for a **Second** Amendment to its Certificate of Environmental Compatibility and Public Need under Ohio Administrative Code ("OAC") Chapter 4906-17 of the ("OAC") filed by Blue Creek Wind Farm, LLC. Pursuant to OAC 4906-5-03(A)(3), the Applicant makes the following declarations:

<b>Name of Applicant:</b>	Blue Creek Wind Farm, LLC whose sole member and manager is Iberdrola Renewables, Inc. 110 N Brockway Street, Suite 340, Palatine, IL 60067
<b>Name/Location of Proposed Facility:</b>	Blue Creek Wind Farm Hoaglin, Tully and Union Townships and Benton, Blue Creek and Latty Townships Van Wert and Paulding Counties, Ohio
<b>Authorized Representative Technical:</b>	Dan Litchfield Iberdrola Renewables, Inc. 110 N Brockway Street, Suite 340, Palatine, IL 60067 Telephone: (847) 241-1364 Facsimile: (847) 241-1367 E:mail: <u><a href="mailto:dlitchfield@iberdrolaren.com">dlitchfield@iberdrolaren.com</a></u>

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Ms. Betty McCauly  
June 17, 2011  
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Legal:**

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**Notarized Statement:**

See Attached Affidavit of Rany Raviv,  
Iberdrola Renewables, Inc. on behalf of  
Blue Creek Wind Farm, LLC

Sincerely on behalf of  
Blue Creek Wind Farm, LLC



Sally W. Bloomfield

Enclosure

**BEFORE  
THE OHIO POWER SITING BOARD**

In the Matter of the Application of **BLUE CREEK**                     )  
**WIND FARM, LLC** for a **Second** Amendment to its                     )  
Certificate to Install a Wind-Powered Electric                     ) Case No. 11-3644-EL-BGA  
Generation Facility in the Counties of Van Wert and                     )  
Paulding, Ohio                     )

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**SECOND AMENDMENT AND REQUEST FOR WAIVER OF OAC RULE 4906-5-10 (B)**

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Applicant Blue Creek Wind Farm, LLC ("Blue Creek") seeks a second amendment ("Second Amendment") to its Certificate of Environmental Compatibility and Public Need ("Certificate") approved by the Ohio Power Siting Board ("Board" or "OPSB") on August 23, 2010 and any approval<sup>1</sup> that would be granted in its first Amendment to the Certificate filed April 12, 2011 ("First Amendment").

Blue Creek requests a waiver from Ohio Administrative Code ("OAC") Rule 4906-5-10 (B) that requires that an amendment be submitted in the same manner as an application<sup>2</sup>. This waiver request is supported by the fact that there is no additional information presented in this Second Amendment that is different or new from either the Application or the First Amendment, nor is any additional information required by the Board's rules. In this Second Amendment, Applicant merely seeks to address the maximum noise level permitted to be caused by its

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<sup>1</sup> At the time of this filing, the decision on the first amendment which is the subject of Case No. 11-1995-EL-BGA has not been issued.

<sup>2</sup> Blue Creek submitted the First Amendment in accordance with OAC Rule 4906-5-10 (B) and because no additional information can be provided for this Second Amendment, formatting the Second Amendment in accordance with the rule would be a unwarranted waste of paper for a voluminous document that would contain the same sentence to the effect that there are no changes under each heading and sub-heading.

turbines at nonparticipating residences within the project boundary and within one mile of the entire project boundary (the "Project Area").

Conditions 42 and 43, which govern the requirements for ambient noise levels in the Project Area, currently state:

- (42) Any turbine forecasted prior to construction to exceed the ambient noise levels (LEQ) by greater than five dBA under any operating conditions at the exterior of any nonparticipating residence within one mile of the project area shall be subject to further study of potential impact and possible mitigation prior to construction. If required, the applicant shall propose mitigation consisting of either reducing the impact so that the ambient LEQ is not exceeded by greater than five dBA, or other measures acceptable to staff in consultation with the affected receptor(s).
- (43) After construction, any turbine validly measured to exceed the ambient LEQ by greater than five dBA under any operating conditions at the exterior of any nonparticipating residence within one mile of the project area shall be subject to further review of the impact and possible mitigation. If required, the applicant shall propose mitigation consisting of either reducing the impact so that the ambient LEQ is not exceeded by greater than five dBA, or other measures acceptable to staff in consultation with the affected receptor(s).

Blue Creek acknowledges that it has an obligation, both as a matter of law and as a matter of good corporate policy, to make its wind farm a desirable member of the communities in which it is located, and of the state of Ohio. Blue Creek further recognizes that the issue of noise emissions is a sensitive one for landowners in the vicinity of the Project Area and Blue Creek seeks to work with the Board to ensure that issue is addressed. To that end, Blue Creek proposes to amend Condition 42 to provide a specific definition of the ambient noise level governing the project and, as a result, Blue Creek's obligations of compliance.

Given that Blue Creek agrees that low noise levels make the project a good neighbor to the Project Area residents, Blue Creek proposes that Conditions 42 and 43 be amended to state:

- (42) Any turbine forecasted prior to construction to exceed the ambient noise levels (LEQ), which for the purposes of this Project, shall be deemed to be

45 dBA, by greater than five dBA under any operating conditions at the exterior of any nonparticipating residence within one mile of the project area, shall be subject to further study of potential impact and possible mitigation prior to construction. If required, the applicant shall propose mitigation consisting of either reducing the impact so that the ambient LEQ is not exceeded by greater than five dBA, or other measures acceptable to staff in consultation with the affected receptor(s).

- (43) After construction, any turbine validly measured to exceed the ambient LEQ, which for the purposes of this Project, shall be deemed to be 45 dBA, by greater than five dBA under any operating conditions at the exterior of any nonparticipating residence within one mile of the project area, shall be subject to further review of the impact and possible mitigation. If required, the applicant shall propose mitigation consisting of either reducing the impact so that the ambient LEQ is not exceeded by greater than five dBA, or other measures acceptable to staff in consultation with the affected receptor(s).

Blue Creek fully intends to comply with the notice and service requirements set forth below, but Blue Creek also believes that this amendment is supported by materials previously presented as part of the modeling presented by Blue Creek in its original Application, and subsequent modifications, most recently dated April 12, 2011. As a result, Blue Creek respectfully requests that this Second Amendment be granted to clarify the definition of Blue Creek's obligations with regard to noise in the Project Area. Blue Creek has undertaken significant efforts, both pursuant to its work with the Board and voluntarily outside of its regulatory obligations to create a positive community facility. Blue Creek believes that this Second Amendment is consistent with that goal.

Blue Creek requests that this Second Amendment be processed in an expedited manner. Blue Creek will comply with all the other filing, service and notice provisions in Ohio Revised Chapter 4906 and the Board rules. This amendment has been accompanied by a cover letter in accordance with Ohio Revised Code Section ("ORC") 4906.06 (E) and OAC Rule 4906-5-03(A)(3) and a notarized statement in accordance with OAC Rule 4906-5-03 (A)(2)(e). This

Second Amendment has also complied with OAC Rule 4906-5-10 (A)(1) in that it has identified the portions of the Certificate and First Amendment which it seeks to amend.

Blue Creek will also immediately comply with the applicable statutes and rules by taking the following actions with respect to service:

An amendment shall be served upon officials:

In the area where any portion of the facility is to be located:

- o Chief executive officer of each municipality and county
- o Head of each public agency charge with protecting the environment or planning land use
- o Parties in the original application proceedings

ORC 4906.06 (B)

OAC Rule 4906-5-10 (B)(2)

OAC Rule 4906-5-06

OAC Rule 4906-5-10 (A)(2); (B)(2)(a) (i)

Placement of copies of the amendment or notice of its availability in all relevant libraries

OAC Rule 4906-5-10 (A)(3)

The service will have been made on the same date as this Second Amendment is filed and proof of service will be filed with the Board as soon as Blue Creek can confirm service, expected to be only several days after the service copies are sent by Federal Express.

In addition, as required by R.C. 4906.06 (C), within 15 days of the date the filing of Second Amendment, Blue Creek will cause publication to be made in the three newspapers *Lima News*, *Paulding County Progress* and *VanWert Times Bulletin*, that are of general circulation serving Paulding and Van Wert counties. Shortly thereafter Blue Creek will promptly file proofs of publication.

Because the conditions of OAC Rule 4906-5-10 (A)(4), are not applicable, the Board Staff will be in a position to promptly issue a very abbreviated Staff Report. Blue Creek believes that all the amendment requirements can be met comfortably by the next OPSB meeting in July and requests approval at that time.

WHEREFORE, the Applicant urges the Board to accept and expeditiously approve this  
Second Amendment.

Respectfully submitted on behalf of  
BLUE CREEK WIND FARM, LLC

  
Sally W. Bloomfield

Matthew W. Warnock  
BRICKER & ECKLER LLP  
100 South Third Street  
Columbus, OH 43215-4291  
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[mwarnock@bricker.com](mailto:mwarnock@bricker.com)

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Proof of Service was served upon the following parties  
of record via either by hand delivery or by regular U.S. Mail this June day of 17th 2011.

  
Sally W. Bloomfield

Larry Gearhardt  
Chief Legal Counsel  
Ohio Farm Bureau Federation  
280 North High Street  
P.O. Box 182383  
Columbus, OH 43218-2383

**BEFORE  
THE OHIO POWER SITING BOARD**

In the Matter of the Application of **BLUE CREEK** )  
**WIND FARM, LLC** for a **Second Amendment** to its )  
Certificate to Install a Wind-Powered Electric ) Case No. 11- 3644 -EL-BGA  
Generation Facility in the Counties of Van Wert and )  
Paulding, Ohio )

**AFFIDAVIT OF DAVID SHADLE, IBERDROLA RENEWABLES, INC.  
ON BEHALF OF BLUE CREEK WIND, LLC**

COMMONWEALTH OF PENNSYLVANIA :  
 : ss.  
COUNTY OF DELAWARE :

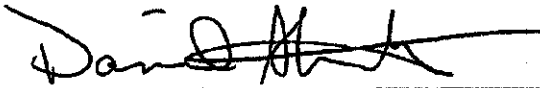
I, David Shadle, being duly sworn and cautioned, state that I am over 18 years of age and competent to testify to the matters stated in this affidavit and further state the following based upon my personal knowledge:

1. I am executing this affidavit on behalf of Blue Creek Wind Farm, LLC as I am so authorized by Iberdrola Renewables, Inc, the sole member and manager of Blue Creek Wind Farm, LLC.

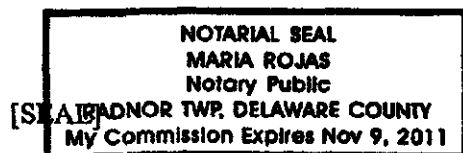
2. I have reviewed Blue Creek Wind Farm, LLC's Second Amendment to its Certificate of Environmental Compatibility and Public Need for the Blue Creek Wind Farm project.


3. To the best of my knowledge, information and belief, the information and materials contained in the above-referenced Second Amendment are true and accurate.

4. To the best of my knowledge, information and belief, the above-referenced Second Amendment is complete.

  
\_\_\_\_\_  
David Shadle

Sworn to before and signed in my presence this 17 day of June 2011.



  
\_\_\_\_\_  
Notary Public