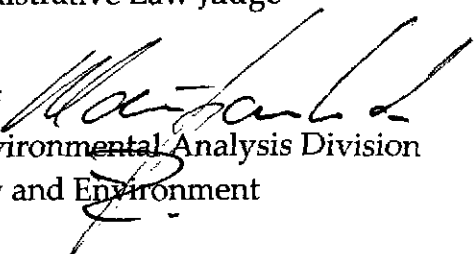


Memorandum

To: Mandy Willey, Administrative Law Judge
Legal Department

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

Date: May 18, 2012

Re: Motion for Waivers, Case No. 12-0160-EL-BGN

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On May 9, 2012, Champaign Wind LLC (Applicant) filed a motion for waivers of 4906.06(A)(6), Ohio Revised Code (ORC) and various rules in Chapter 4906-17, Ohio Administrative Code (OAC).

Staff does not object to certain of these waiver requests. To the extent that any waiver requests are granted, Staff reserves the right to require information from the Applicant in areas covered by the waiver requests if Staff later determines it to be necessary during the course of the investigation.

With the provisions stated below, Staff does not object to the following waiver requests in this proceeding:

1. Section 4906.06(A)(6), ORC, waiver of the one year notice period.
2. 4906-17-05(A)(4), OAC, waiver of certain requirements related to cross-sectional view and test borings, provided that the Staff is provided with both the cross-sectional views and test boring data for review prior to the determination of final locations for turbine foundations and other project-related features.
3. Rule 4906-17-05(B)(2)(h), OAC, waiver of certain requirements for mapping of all grade elevations modified during construction. Rather than provide a detailed map, the Applicant may provide a description of the standard grade elevations that will occur across the project when constructing all project components.

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