

BEFORE
THE OHIO POWER SITING BOARD

In the Matter of the Application of)	
Champaign Wind, LLC, for a)	
Certificate to Install Electricity)	Case No. 12-0160-EL-BGN
Generating Wind Turbines in)	
Champaign County)	

**AMENDED PETITION FOR LEAVE TO INTERVENE OF
UNION NEIGHBORS UNITED, INC., ROBERT McCONNELL,
DIANE McCONNELL, AND JULIA F. JOHNSON**

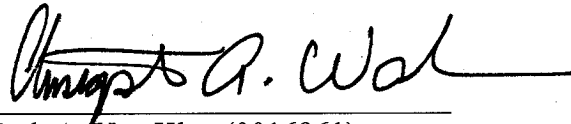
Pursuant to Ohio Administrative Code § 4906-7-04(A)(2), Diane McConnell, Robert McConnell, Julia F. Johnson, and Union Neighbors United, Inc. (UNU), an Ohio nonprofit corporation (collectively, "Petitioners"), submit this amended petition the Ohio Power Siting Board for leave to intervene in the above captioned proceeding. Petitioners initially filed a Petition for Leave to Intervene in this matter on March 5, 2012. Thereafter, the Applicant filed its application for the Champaign Wind project on May 15, 2012. Petitioners submit this Amended Petition in order to incorporate relevant information from the application that was not available at the time of the initial Petition.

As more fully set forth in the attached Memorandum in Support, Petitioners have good cause to intervene in this matter pursuant to O.A.C. § 4906-7-04. According to the application, Champaign Wind, LLC proposes to construct and operate an electric generation wind facility consisting of up to 56 industrial-scale wind turbines, along with access roads, underground electric collection cables, a substation, up to three laydown yards for construction staging, and operations and maintenance facility, and up to four meteorological towers, all on 13,500 acres of land in six townships of Champaign County. Application at 2, 4. Robert and Diane McConnell,

Julia Johnson, and other members of UNU live within the boundaries of the proposed wind project. Consequently, they all have a direct and substantial interest in these proceedings due to the potential visual, aesthetic, safety and nuisance impacts of the wind project on their residences, real property, and community.

Therefore, Petitioners UNU, Diane McConnell, Robert McConnell, and Julia Johnson request the Board to grant this Amended Petition for Leave to Intervene.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jack A. Van Kley", written over a horizontal line.

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**MEMORANDUM IN SUPPORT OF
AMENDED PETITION FOR LEAVE TO INTERVENE**

Ohio Administrative Code § 4906-7-04(B) provides that the Board or administrative law judge may consider the following when considering petitions to intervene:

- (a) The nature and extent of the person's interest;
- (b) The extent to which the person's interest is represented by existing parties;
- (c) The person's potential contribution to a just and expeditious resolution of the issues involved in the proceeding; and
- (d) Whether granting the requested intervention would unduly delay the proceeding or unjustly prejudice an existing party.

For the following reasons, Petitioners submit that there is good cause to grant them intervenor status in these proceedings and that their intervention is warranted under the above criteria.

Nature and extent of interest: UNU is an Ohio nonprofit corporation formed specifically for the purpose of addressing issues related to the placement of wind turbines in Champaign County, Ohio. UNU has engaged in efforts to educate the public about wind turbine impacts and has communicated its concerns about wind turbines to public officials to promote the safety and betterment of the community. Consistent with this purpose, UNU has been extensively involved with the issue of potential development of wind energy facilities in Champaign County. For example, in 2007-2008, UNU representatives Julia Johnson and Diane McConnell participated as members of the Champaign County Wind Turbine Study Group, which formulated a report to educate decision-makers on issues pertaining to the siting and operation of wind farms. Ms. Johnson also represented UNU as a participant in a state-level policy forum known as the Ohio Wind Working Group. UNU has advocated wind farm zoning legislation before the Zoning Commission of Union Township, Champaign County, and placed a referendum on the 2008

general election ballot for repeal of alternative wind farm legislation approved by Union Township. UNU submitted detailed written initial comments and reply comments to the Ohio Power Siting Board (“OPSB”) concerning the Board’s rule package for electrical generation wind facilities. UNU members have testified before the Ohio General Assembly on legislation related to wind power development.

OPSB previously found that the Petitioners had a sufficient stake warranting intervention in the Board’s certification proceedings for the Buckeye Wind facility (Case No. 08-666-EL-BGN). Champaign Wind, LLC proposes to place its turbines in the same area as its sister company, including many turbines that it wants to place between and among Buckeye Wind’s turbines. The footprints for the two wind projects cover mostly the same area, where the Petitioners will be impacted. While Champaign Wind’s turbines alone will substantially impair the Petitioners’ properties and quality of life, the combined impacts of the noise, spoliation of views, and other impacts from Champaign Wind’s and Buckeye Wind’s turbines will have cumulative adverse effects on the Petitioners. Therefore, just as Petitioners had good grounds to participate in the Buckeye Wind proceeding, they have similarly valid reasons to intervene into the Champaign Wind proceeding.

UNU’s trustees and officers include Julia Johnson, Mildred Peace, Glenda Rodriguez, James and Anita Bartlett, Larry and Linda Gordon, and Robert and Diane McConnell. Each of these individuals resides within the footprint of the wind project. The Petitioners have a direct and substantial interest in these proceedings because the proposed project is likely to adversely affect the health, safety, well-being, and property interests of UNU members and the individual Petitioners. Champaign Wind, LLC proposes to construct and operate an electric generation wind facility with as many as 56 industrial-scale wind turbines. Application at 2. Given the

large number and imposing height of these turbines, the wind project will have a substantial adverse impact on the scenic rural landscape in the Petitioners' community. Moreover, experience with commercial wind farms in the United States and Europe indicates that the wind project has the potential to harm neighboring homes and land through various means including noise, shadow flicker, blade throw, thrown ice, tower collapse, and property devaluation. The proposed project is likely to result in the following negative impacts on UNU members and the individual Petitioners:

1. Noise: According to testimony during the Buckeye Wind hearing, wind turbine noise can cause significant annoyance, sleep disturbance, and health problems for nearby residents. *See* Case No. 08-666-EL-BGN, Brief of Union Neighbors United at 46-48. Even the Champaign Wind application concedes that noise from the proposed facility will be audible from "quite some distance, one mile or more." Application, Exhibit O at p. 37. To avoid adverse impacts from wind turbine noise, expert witness Richard James testified based on research and personal observation that wind turbines should be located at least 1.25 miles from the nearest residential property line. *Id.* at 47.

All of the UNU members and individual petitioners live or own property within 1.25 miles of a proposed Champaign Wind turbine site. The residences of UNU members Glenda Rodriguez and James and Anita Bartlett are approximately ½ mile from proposed turbine 109. Linda and Larry Gordon live within ½ mile of proposed turbines 90 and 131. Julia Johnson owns property within 2,000 feet of proposed turbine 119. Not only does this proximity present the likelihood of unacceptable noise impacts to these individuals, but the Application itself indicates

that several Petitioners will experience noise from the Champaign Wind project, or from the project and Buckeye Wind combined, in excess of 40 dBA. Modeling by EverPower's noise expert David Hessler predicts that Linda and Larry Gordon and Julia Johnson will experience noise impacts from the Champaign Wind project in excess of 40 dBA. Application Exhibit O, Plot 5. EverPower's noise model further predicts that Mr. and Mrs. McConnell will experience noise from both projects combined in excess of 40 dBA. *Id.*

2. Shadow flicker: The Champaign Wind project will also cause annoying shadows to flicker across the properties and residences of some members of UNU. The application states that shadow flicker may be detected within 1,023 meters (3,356 feet) from a turbine. Application Exhibit P at 2. As discussed above, the properties of eight UNU members are sufficiently close to a proposed turbine site to experience shadow flicker from the Champaign Wind facility.
3. Visual impacts: The proposed facility will profoundly alter the scenic rural landscape of eastern Champaign County. If the Buckeye Wind and Champaign Wind facilities are constructed, every UNU member will be able to see 82 to 108 turbines from their properties. Application Exhibit Q, Figure 7.¹ This is a staggering imposition on the landscape, particularly since each 492-foot turbine is far larger than any existing structures in the project area. Petitioners have a substantial interest in the proposed industrialization of their community's landscape.
4. Property values: UNU members and the individual Petitioners also have an interest in the loss of value of their properties as a result of the construction of the proposed

¹ This figure includes turbines from both the Champaign Wind facility and the previously-certificated Buckeye Wind facility. The application provides no basis to determine how many turbines from the proposed Champaign Wind facility alone will be visible from a given location.

facility. Each of the UNU members and individual Petitioners own residential property in the project area. During the Buckeye Wind hearing, property value expert Tom Sherick testified that wind power development in eastern Champaign County would diminish residential values by at least ten percent. Case No. 08-666-EL-BGN, Brief of Union Neighbors United at 78. In addition, Julia Johnson owns undeveloped agricultural property with development potential. Mr. Sherick testified that wind power development may diminish properties with development potential by as much as fifty percent. *Id.* at 78.

For all of the above reasons, UNU and the individual Petitioners have a direct and substantial interest in these proceedings due to the potential aesthetic, safety, health, nuisance, and economic impacts of the wind project on their residences, land, and community.

Extent to which interests are represented by existing parties: At the time of this filing, pursuant to the Board's online docketing information, the only current party formally admitted to these proceedings is the Applicant. At present, no other party can represent Petitioners' interests in these proceedings.

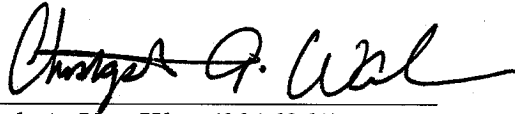
Potential contribution to just and expeditious resolution of these proceedings: As a result of their activities in Champaign County and at the state level as described above, Petitioners have substantial knowledge of the environmental and community impacts of commercial-scale wind projects. Petitioners' intervention, supplemented by expert testimony where appropriate, will provide important information that will contribute to a balanced assessment of the applicant's project and to a just and expeditious resolution of this proceeding.

Potential for undue delay or unjust prejudice: Granting intervenor status to the Petitioners will not unduly delay the proceedings or cause unjust prejudice to the Applicant. In

the interest of efficiency, Petitioners will consolidate their discovery, examination of witnesses, and presentation of testimony to the extent such consolidation does not prejudice their individual interests. Petitioners will be jointly represented in these proceedings by counsel experienced in practice before the Ohio Power Siting Board.

For the foregoing reasons, Petitioners Union Neighbors United, Diane McConnell, Robert McConnell, and Julia Johnson request the Board to grant this Amended Petition for Leave to Intervene.

Respectfully submitted,

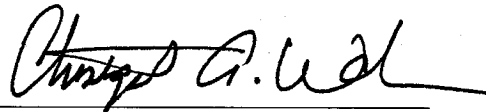


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CERTIFICATE OF SERVICE

I hereby certify that, on June 8, 2012, a copy of the foregoing Amended Petition for Leave to Intervene and Memorandum in Support was served by electronic mail on M. Howard Petricoff (mhpetricoff@vorys.com), Michael J. Settineri (mjsettineri@vorys.com), and Miranda R. Leppla (mrleppla@vorys.com), Vorys, Sater, Seymour and Pease LLP, 52 East Gay Street, Columbus, Ohio 43215.

A handwritten signature in black ink, appearing to read "Christopher A. Walker", written over a horizontal line.

Christopher A. Walker

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 12-0160-EL-BGN

Summary: Petition Amended Petition for Leave to Intervene of Union Neighbors United, Robert and Diane McConnell, and Julia F. Johnson electronically filed by Mr. Christopher A Walker on behalf of Champaign Wind LLC