

BEFORE THE OHIO POWER SITING BOARD

In the Matter of the Application of) Champaign Wind LLC, for a Certificate) to Construct a Wind-Powered Electric) Generating Facility in Champaign) County, Ohio)	Case No. 12-0160-EL-BGN
---	--------------------------------

**RESPONSES AND OBJECTIONS OF DIANE McCONNELL TO
CHAMPAIGN WIND LLC'S FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

Intervenor Diane McConnell hereby responds to the first set of interrogatories and requests for production of documents from Applicant Champaign Wind LLC.

GENERAL OBJECTIONS

1. Mrs. McConnell objects to these interrogatories and document requests ("Discovery Requests") to the extent that they do not comply with the procedural rules of the Ohio Power Siting Board, or otherwise seek to impose duties or obligations upon Mrs. McConnell that are greater than or inconsistent with those rules.

2. No objection made herein, or lack thereof, shall be deemed an admission by Mrs. McConnell as to the existence or non-existence of any documents and/or information.

3. Mrs. McConnell objects to each Discovery Request herein to the extent that it seeks to define terms and/or to characterize certain matters. To the extent Mrs. McConnell responds to Discovery Requests, such response is neither an express nor implied agreement or admission as to the meaning of a term or characterization of certain matters.

4. Mrs. McConnell objects to each Discovery Request to the extent that it seeks information protected by the attorney-client privilege, the attorney work product doctrine, or any other legally recognized privilege, protection, or immunity. No privileged materials or

information will be produced or disclosed. Inadvertent disclosure of any such protected information shall not constitute a waiver of Mrs. McConnell's right to assert the applicability of any privilege or immunity and all copies or images thereof shall be returned to counsel for Mrs. McConnell upon discovery thereof.

5. Mrs. McConnell objects to paragraph 4 of Champaign Wind LLC's definitions and instructions to the extent it purports to obligate Mrs. McConnell to supplement its answers to these Discovery Requests in situations not required by OAC § 4906-7-07.

6. Mrs. McConnell objects to any Discovery Request, definition, or instruction that seeks to require Mrs. McConnell to take extraordinary measures to perform a search for responsive information, including searching electronic information stored on back-up media, on the grounds that such request is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

7. With respect to Discovery Requests which utilize terms or words that inherently may be construed unreasonably broadly, Mrs. McConnell objects on the grounds of vagueness, overbreadth, undue burden, and that such Discovery Requests are not reasonably calculated to lead to the discovery of admissible evidence. To the extent Mrs. McConnell asserts an objection of vagueness, overbreadth, or undue burden, it asserts a further objection that the Discovery Request is not reasonably calculated to lead to the discovery of admissible evidence.

8. Mrs. McConnell objects to Champaign Wind LLC's Discovery Requests to the extent they go beyond the scope of discovery that is relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence.

9. To the extent a response is made to a Discovery Request to which there is one or more specific objection(s), said response is made notwithstanding and without waiving any of the general objections.

10. In making these objections, Mrs. McConnell does not in any way waive or intend to waive, but rather intends to preserve and is preserving, should it become appropriate:

- a. all objections to the competency, relevancy, materiality, and admissibility of any information that may be produced and disclosed in response to these Discovery Requests;

- b. all rights to object on any ground to the use of any information that may be produced or disclosed in response to these Discovery Requests, or the subject matter thereof in any subsequent proceedings, including the trial of this action;

- c. all rights to object on any ground to any request for further responses to these Discovery Requests, or any other discovery requests from Champaign Wind LLC; and

- d. all rights to supplement its responses to these Discovery Requests.

11. Mrs. McConnell has made reasonable efforts to respond to each Discovery Request as Mrs. McConnell understands and interprets the Discovery Request. If Champaign Wind LLC subsequently asserts an interpretation of a Discovery Request that differs from that of Mrs. McConnell, Mrs. McConnell reserves the right to supplement her response.

12. As formal discovery has not been completed, Mrs. McConnell reserves the right to rely upon any facts, documents or other evidence which may develop or come to her attention later.

**OBJECTIONS AND RESPONSES TO INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

INTERROGATORY NO. 1: Please identify all witnesses you intend to call at the evidentiary hearing in Case No. 12-0160-EL-BGN.

Response: Witnesses have not yet been determined.

INTERROGATORY NO. 2: Are any of the witnesses identified in response to Interrogatory No. 1 being offered as expert witnesses? If so, please identify which witnesses will be offered as expert witnesses.

Response: Witnesses have not yet been determined.

INTERROGATORY NO. 3: Please list the subject matter that each of the witnesses identified in response to Interrogatory No. 1 will be addressing in their testimony.

Response: Witnesses have not yet been determined.

INTERROGATORY NO. 4: Have any of the witnesses identified in response to Interrogatory No. 1 testified before? If so, please list the jurisdiction, the case number, and the topic each addressed in such testimony.

Response: Mrs. McConnell objects to this interrogatory because it is overbroad and burdensome, calls for narrative responses beyond the appropriate scope of interrogatories, and exceeds the scope of information that an interrogatory may seek concerning experts under the Ohio Power Siting Board Rules.

INTERROGATORY NO. 5: For each expert witness identified in response to Interrogatory No. 2, please list the published articles each has authored or co-authored.

Response: Mrs. McConnell objects to this interrogatory because it is overbroad and burdensome, calls for narrative responses beyond the appropriate scope of interrogatories, and

exceeds the scope of information that an interrogatory may seek concerning experts under the Ohio Power Siting Board Rules.

INTERROGATORY NO. 6: Please identify, by parcel number, all real property owned or leased in Champaign County by you or any company in which you hold a financial interest.

Response: Mrs. McConnell objects to the request in this interrogatory that she identify property owned by any company in which she holds a financial interest, because this information is irrelevant and not reasonably calculated to lead to the discovery of relevant evidence. Mrs. McConnell personally owns parcel J37-10-0047-00-009-00.

INTERROGATORY NO. 7: Are you or any company in which you hold a financial interest a party to an agreement related to the construction and/or operation of a wind farm?

Response: No.

INTERROGATORY NO. 8: Please list all addresses at which you have resided in 2012 and the length of time you lived at each address.

Response: 4880 E. U.S. Route 36, Urbana, Ohio. I have lived at this address for 11 years.

INTERROGATORY NO. 9: Please list all businesses located in Champaign County in which you are a minority owner, majority owner, controlling owner or shareholder holding more than 5 percent of all shares.

Response: Mrs. McConnell objects to this interrogatory because it calls for information that is irrelevant and not reasonably calculated to lead to the discovery of relevant evidence.

INTERROGATORY NO. 10: Have you or anyone acting on your behalf commissioned any studies related to the operation of wind turbines, including but not limited to, studies on blade throw, operational noise, ice throw, property value impacts and shadow flicker.

Response: Yes.

INTERROGATORY NO. 11: If the response to Interrogatory 10 is yes, please identify: a) the name of the person or firm commissioned; (b) the topic to be addressed by the study and c) any deadline by which the study is or was to be completed.

Response: My husband and I and/or UNU commissioned a study by Richard R. James, E-Coustic Solutions, P.O. Box 1129, Okemos, MI 48805 on the topic of ambient noise levels in the context of Case No. 08-666-EL-BGN.

INTERROGATORY NO. 12: For each listed interrogatory contained herein, please identify the person or persons responding to the interrogatory.

Response: Diane McConnell, with the assistance of counsel.

REQUEST FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 1: Please provide a curriculum vitae or resume for each witness that you may call to testify in Case No. 12-0160-EL-BGN.

Response: Witnesses have not yet been identified.

REQUEST NO. 2: For any expert witness identified in response to Interrogatory No. 2, please provide a copy of any testimony offered in any other jurisdiction by such witness on the same topic that the witness intends to address in Case No. 12-0160-EL-BGN.

Response: Witnesses have not yet been identified.

REQUEST NO. 3: Please provide a copy of all documents and tangible objects that you may introduce into evidence in Case No. 12-0160-EL-BGN.

Response: Mrs. McConnell objects to this document request as overbroad and unduly burdensome. Without waiving this objection, at this time Mrs. McConnell has not determined the documentary or physical evidence she intends to present at the hearing.

REQUEST NO. 4: Please provide a copy of all correspondence to or from any state elected official or administrative agency since January 1, 2010 in your possession referring to or relating to Case No. 08-666-EL-BGN, the Buckeye Wind project, the Buckeye II Wind project, or Case No. 12-160-EL-BGN.

Response: Mrs. McConnell objects to this request to the extent it calls for copies of pleadings or other documents contained in the docket of Case Nos. 08-666-EL-BGN or 12-0160-EL-BGN, all of which are available as online public records. Without waiving such objection, copies of responsive documents other than those filed in the above cases will be produced.

REQUEST NO. 5: Please provide a copy of all correspondence to or from any state elected official or administrative agency since January 1, 2010 in your possession referring to or relating to wind turbines or any issue associated with wind turbines.

Response: Mrs. McConnell objects to this request to the extent it calls for copies of pleadings or other documents contained in the docket of Case Nos. 08-666-EL-BGN or 12-0160-EL-BGN, all of which are available as online public records. Without waiving such objection, copies of responsive documents other than those filed in the above cases will be produced.

REQUEST NO. 6: Please provide copies of all documents obtained by you or your counsel through Ohio's public records act, R.C. § 149.43, or from any federal agency through the Freedom of Information Act.

Response: These documents will be produced.

REQUEST NO. 7: Please provide copies of all documents, including correspondence since January 1, 2012 between you and any other entity or person, related to turbine operational noise, shadow flicker, blade throw, property values, and health effects of wind turbines in your possession.

Response: Mrs. McConnell objects to this request as overbroad, unduly burdensome, and calling for documents that are subject to the attorney-client privilege or other applicable privileges.

Without waiving such objection, copies of non-privileged responsive documents will be produced.

REQUEST NO. 8: Please provide copies of all documents related to all studies identified in response to Interrogatory No. 11 .

Response: Responsive documents will be produced.

REQUEST NO. 9: Please provide copies of all formation documents for businesses that you are associated with as an owner, controlling owner or shareholder holding more than 5 percent of all shares.

Response: Mrs. McConnell objects to this interrogatory because it calls for information that is irrelevant and not reasonably calculated to lead to the discovery of relevant evidence.

Respectfully submitted,

s/ Jack A. Van Kley


Jack A. Van Kley (0016961)
Van Kley & Walker, LLC
132 Northwoods Blvd., Suite C-1
Columbus, Ohio 43235
Telephone: (614) 431-8900
Facsimile: (614) 431-8905
Email: jvankley@vankleywalker.com

Christopher A. Walker (0040696)
Van Kley & Walker, LLC
137 North Main Street, Suite 316
Dayton, Ohio 45402
Telephone: (937) 226-9000
Facsimile: (937) 226-9002
Email: cwalker@vankleywalker.com

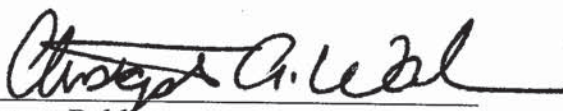
VERIFICATION

State of Ohio :
: ss
County of Champaign:

I, Diane McConnell, being first duly cautioned, declare that the foregoing Responses of Diane McConnell to the First Set of Interrogatories from Champaign Wind, LLC, are true and accurate to the best of my knowledge.


Diane McConnell

Affirmed and subscribed before me in my presence this 10th day of September, 2012


Notary Public

CHRISTOPHER A. WALKER, Attorney at Law
Notary Public, State of Ohio
My Commission has no expiration date
Section 147.03 O. R. C.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing responses were served on September 10, 2012 (without a witness signature on the interrogatory verification page) and on September 11, 2012 (with a witness signature on the interrogatory verification page) by electronic mail on M. Howard Petricoff (mhpetricoff@vorys.com), Michael J. Settineri (mjsettineri@vorys.com), Chad Endsley (cendsley@ofbf.org), Jane Napier (jnapier@champaignprosecutor.com), Stephen Reilly (Stephen.Reilly@puc.state.oh.us), and Devin Parram (Devin.Parram@puc.state.oh.us).

s/ Jack A. Van Kley
Jack A. Van Kley

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

9/11/2012 4:32:43 PM

in

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

Summary: Response to Champaign Wind's Interrogatories and Requests for Documents electronically filed by Mr. Jack A Van Kley on behalf of McConnell, Diane Ms.