

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)	

**FIRST REQUEST FOR PRODUCTION OF DOCUMENTS BY INTERVENORS
UNION NEIGHBORS UNITED, ROBERT McCONNELL, DIANE McCONNELL,
AND JULIA JOHNSON TO APPLICANT CHAMPAIGN WIND LLC**

Pursuant to Ohio Administrative Code § 4906-7-07(F), Intervenor Union Neighbors United, Robert McConnell, Diane McConnell, and Julia Johnson serve this First Request for Production of Documents on Applicant Champaign Wind LLC. Documents shall be produced to the attention of undersigned counsel at the offices of Van Kley & Walker, LLC, 132 Northwoods Blvd., Suite C-1, Columbus, Ohio 43235, within 20 days of service, or at some other time or location mutually agreed by counsel for the parties. All documents requested herein are to be provided if in the possession, custody, or control of Champaign Wind LLC or its parent companies, affiliates, employees, agents, consultants, counsel, or representatives.

DEFINITIONS

The following definitions apply to the terms used in these requests for documents:

1. “And” and “or” are both conjunctive and disjunctive and shall be interpreted to call for the most comprehensive information available to CW.
2. “Champaign County” means Champaign County, Ohio.

3. “CW” means Champaign Wind LLC, EverPower, and their employees, agents, consultants, counsel, and representatives.

4. “EverPower” means EverPower Wind Holdings, Inc.

5. “Application” means the “Application to the Ohio Power Siting Board for a Certificate of Environmental Compatibility & Public Need for the Buckeye Wind II Farm” submitted by CW in this proceeding, including all of its attachments and exhibits.

6. “Correspondence” includes letters, memoranda, emails, and any other form of written communication.

7. “Documents” include but is not limited to all writings, correspondence, memoranda, letters, summaries, notes, reports, studies, manuals, telephone logs, calendars, charts, analyses, papers, contracts, tables, invoices, graphs, books, lists, purchase orders, memoranda of conversations, sample analyses, sample submission forms, laboratory sheets, sketches, photographs, slides, movies, films, videotapes, audiotapes, microfiche, data sheets, chain of custody sheets, manifests, minutes of meetings, jottings, plans, drawings, blueprints, records, permit application records, cards, literature, articles, telegrams, schematics, graphs, tapes, computer printouts, pamphlets, visual aids, and any other document as defined under the Board’s rules. “Documents” is defined to the broadest extent permitted by OAC 4906-7-07 and includes, whenever applicable, the originals (absent any original, a copy) of any record of any intelligence or information (whether handwritten, typed, printed or otherwise visually or aurally reproduced) in your possession, custody or control. “Documents” include drafts and all copies which are not identical to the originals, such as those bearing marginal comments, alterations, notes or other notations not present on the original. “Documents” also

includes e-mail and any other record in electronic form, including messages deleted or otherwise stored in any database or stored by any internet service provider.

8. “Facility” has the same meaning as described on page 1 of the Application.

9. “Include” or “including” means including but not limited to.

10. “Intervenors” means Union Neighbors United, Robert McConnell, Diane McConnell, and Julia Johnson.

11. “Invenergy” includes any or all of the following companies: Invenergy LLC, Invenergy Met LLC, Invenergy Services LLC, Invenergy Wind Development LLC and/or Invenergy Wind North America LLC.

12. “Person” means any individual, corporation, proprietorship, partnership, professional corporation, association, group, governmental agent or entity, and any other entity.

13. “Project Area” has the same meaning as described on page 1 of the Application.

14. “Relating to” means directly or indirectly mentioning, describing, referring to, pertaining to, being connected with, or reflecting upon the stated subject matter.

15. 18. “Affiliate” means subsidiary, parent, any person in which CW has greater than 5% ownership interest, and any person owning greater than 5% ownership interest in CW.

16. Where the context herein makes it appropriate, each singular word shall include its plural and each plural shall include its singular.

17. Each of the following words include the meaning of every other listed word: “each”, “all”, and “any”.

REQUESTS FOR DOCUMENTS

Intervenors request that CW produce the following documents:

1. A curriculum vitae or resume for each witness that CW may call to testify in this proceeding.
2. A copy of any testimony offered in any other jurisdiction by each expert witness that CW may call to testify in this proceeding.
3. For each expert witness that CW will present or call at the evidentiary hearing in this matter, please provide the expert's resume or curriculum vitae, all published articles the expert has authored or co-authored, and copies of all affidavits or transcripts of testimony given by the expert before any court or governmental commission, board, or tribunal.
4. All documents and tangible objects that CW may introduce into evidence, to which CW's witnesses may refer during the hearing on this case, or which CW's witnesses may review in preparation for their testimony.
5. All documents containing information that CW or its witnesses, representatives, or experts have created, referred to, read, relied upon, or used in any way with respect to or for purpose of evaluating the issues in this case.
6. All documents evidencing the formation and organization of, and all financial statements for, Champaign Wind LLC and EverPower Wind Holdings Inc., including articles of organization or incorporation, balance sheets, by-laws, and minutes of meetings held by either company since its formation to the present date.
7. All correspondence to any State of Ohio elected official or administrative agency since January 1, 2010 by CW 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.
8. All correspondence between CW and any state elected official or administrative agency since January 1, 2010 referring to or relating to wind turbines or any issue associated with wind turbines.
9. All public records requests submitted by CW to the Ohio Power Siting Board, any other Ohio administrative agency or elected official, any local government entity or employee, or the federal government.
10. All documents obtained by CW or its counsel through Ohio's public records act (R.C. § 149.43), or from any federal agency through the Freedom of Information Act.

11. All documents, including correspondence between CW and any other entity or person, related to turbine operational noise, shadow flicker, blade throw, property values, and health effects of wind turbines.

12. All documents relating to any studies performed on the Project Area or in preparation for drafting the Application.

13. All documents relating to PJM's review and/or approval of the interconnection of the Facility or its wind turbines to the regional grid.

14. All documents created since January 1, 2010 relating to any meeting or correspondence between CW and any representative of the Ohio Power Siting Board (including its Staff), the Ohio Department of Natural Resources, the U.S. Fish and Wildlife Service, the Ohio Air Quality Development Authority, or the Ohio Department of Transportation.

15. All documents relating to any meeting or correspondence since January 1, 2010 between CW and any elected official or employee of Champaign County or any township or municipality in Champaign County. This request includes documents relating to any meeting or correspondence with the offices of the Champaign County Recorder, Auditor, and Health Department.

16. All documents relating to all shadow flicker modeling runs conducted with respect to either the Buckeye Wind I Facility or the Buckeye Wind II Facility, or with respect to cumulative impacts from both Projects. This request includes all documents and photographs relating to modeling "refinements" referenced at page 86 of the Application.

17. All correspondence since January 1, 2010 between Champaign Wind LLC, Buckeye Wind, LLC, or EverPower and any landowner in Champaign or Clark County.

18. All correspondence, leases, agreements for options to lease, and other agreements between Champaign Wind LLC, Buckeye Wind, LLC, or EverPower and any landowner on whose land CW plans to site a wind turbine for the Buckeye Wind II Project.

19. All documents relating to any complaint or complaint investigation concerning the operation of any wind energy facility owned or operated by EverPower.

20. All correspondence, meeting notes, and other documents relating to the Buckeye Wind I Facility provided to the Ohio Power Siting Board or its Staff since January 1, 2010. This request does not require production of any document that is part of the online docket in OPSB Cases 08-666-EL-BGN or 12-160-EL-BGN.

21. All documents relating to the wind data supporting the annual wind rose data figures in Table A1 of Exhibit P of the Application.

22. All documents relating to the wind data collected from any meteorological tower located within the Project Area of Buckeye Wind Projects I or II.
23. All documents relating to the data pertaining to maximum wind speeds expected to be encountered in the Project Area.
24. The Abraxas Energy document cited in Table 02-1 of the Application.
25. All documents relating to the noise characteristics of every turbine model that the CW may consider for the Project.
26. All documents considered by CW in evaluating the suitability of the Project Area for the Project.
27. The “international guidelines” for shadow flicker referenced at page 23 of the Application.
28. The “Wind Energy in Cold Climates” document referenced at page 81 of the Application.
29. The Garrad Hassan and Cattin studies on ice throw referenced at page 82 of the Application.
30. All documents relating to blade icing, including ice detection and automatic shutoff, for every turbine model that CW may consider for the Project.
31. All documents referenced in, or considered in the course of preparing, the Economic Impact Study attached as Exhibit G to the Application.
32. All documents relating to the effect of wind energy projects on neighboring property values.
33. All documents created since January 1, 2010 relating to Weller Airfield, including all correspondence between CW and the owners or operators of Weller Field or members of the Weller family.
34. All documents relating to statements or representations concerning Weller Airfield identified in response to Interrogatory 47.
35. All documents relating to actual, potential, or presumed aviation hazards associated with the Facility, including but not limited to documents related to the mitigation thereof.
36. All reports, publications, data, and other records relating to, cited by, or supporting, the Application.

37. All studies, reports, notes, correspondence, and other documents used in, referred to during, or relating to, the preparation of the Application.

38. All documents containing information relating to any facts discussed in the Application.

39. All documents containing information relevant to or referring to the facts, claims, or issues relevant to this case.

40. All documents relating to the discussions with landowners about the footprints of facility components on their land, as referenced on page 24 of the Application.

41. All documents which CW believes support or contradict any argument it plans to make in this case.

42. All documents containing information contradicting any statements made in the Application.

43. All drafts and preliminary versions of the Application or any of its parts.

44. All letters, memoranda, telephone memoranda, and other correspondence relating or referring to any part of the Application or any part of its drafts or preliminary versions.

45. All documents relating or referring to the site selection process or site alternatives analyses for the Facility, including the alternatives considered.

46. All documents relating to the search for, identification of, or acquisition of turbine sites for the Facility.

47. All documents relating or referring to any other sites that could have been used as the site of any wind turbine in the Facility.

48. All documents relating or referring to the environmental and socioeconomic considerations of preferred and alternate sites for the Facility.

49. All documents relating or referring to the reasons that CW selected the Project Area or any portions of the Project Area for the Buckeye Wind II Facility instead of another location.

50. All documents relating to the schedule for constructing the Facility.

51. Organizational charts, employee rosters, or other documents showing the names and titles/positions of CW's managerial and executive personnel.

52. All field notes, noise measurements, and other documentation and data relating to the noise study in Exhibit O of the Application or any other study or measurement of background, construction, or operational noise with regard to the Facility.
53. All photographs, reports, correspondence, data, and other documents relating to any background sound level survey performed in the Buckeye Wind II Project Area or in the area included in the Buckeye Wind I Facility.
54. All data and other documents relating to any modeling of noise levels from wind turbines in the Facility, or relating to the modeling of noise levels from a combination of wind turbines in the Facility and the Buckeye Wind I Facility. This request applies to all modeling runs, whether or not they were used to support any information in the Application.
55. All documents listed in the “References” on page 47 of Exhibit O of the Application.
56. All documents used or reviewed to prepare Reference No. 2 of the “References” on page 47 of Exhibit O of the Application.
57. All complaints or concerns expressed about the noise of the wind turbines described in Reference No. 2 of “References” on page 47 of Exhibit O of the Application.
58. All published papers on noise authored by David Hessler or George Hessler.
59. All documents relating to the “numerous studies show[ing] that the low frequency content in the sound spectrum of a typical wind turbine is not substantially different than that of the natural background sound level in rural areas,” as stated on page 3 of Exhibit O of the Application.
60. All data and other documents relating to the wind speed measurements from the mast top anemometers mentioned on page 4 of Exhibit O of the Application.
61. All noise guidelines for wind energy projects that CW or its consultants have reviewed, used, or possess.
62. All documents relating to complaints or concerns expressed about noise from the operation of any wind project to which Hessler Associates, Inc. provided assistance, or which Hessler Associates, Inc. evaluated for potential noise impacts, prior to its construction.
63. All pre-construction and post-construction reports prepared by Hessler Associates, Inc. about wind projects that have been the subject of noise complaints.

64. All reports, literature, and other documents relating to the noise produced by any wind turbines “during periods of high wind shear” or “during stable atmospheric conditions” as described on page 37 of Exhibit O of the Application.

65. All analyses, reports, and other documents relating to the wind turbulence that may be created by the Facility’s wind turbines and/or the effects of such wind turbulence on other wind turbines in the Buckeye Wind I or II Projects.

66. All agreements with landowners to waive setbacks or other legal or regulatory requirements pertaining to the Facility.

67. All documents relating to the purchase or acquisition of leases or options for leases from Invenergy or any other person in Champaign County.

68. All memoranda and other correspondence between employees, agents, consultants, and representatives of CW discussing the pros and/or cons of acquiring the leases or options for leases for wind turbines in Champaign County that were possessed by Invenergy or any other person.

69. All draft and final iterations and versions of the turbine layouts, site plans, and associated sound modeling analyses done for the purpose of identifying and mitigating noise impacts from the Facility.

70. All studies, reports, and other documents relating to the presence or potential presence of the Indiana Bat or the Bald Eagle within the boundaries of either the Buckeye Wind I Facility or the Buckeye Wind II Project Area.

71. All reports, studies, and literature discussing or identifying the types of injuries, effects, or harm to Indiana Bats or other bats or birds that may result from development, construction projects, manmade structures, and other human activities.

72. All documents relating to applications, reports, or other communications between (a) Champaign Wind LLC, EverPower, EverPower Renewables Corp., or any affiliate and (b) the U.S. Fish and Wildlife Service, the Ohio Department of Natural Resources, or the Staff of the Ohio Power Siting Board relating to the mitigation of impacts on the Indiana Bat or other animal or bird species within the Project Area, including the subjects of habitat conservation plans or incidental take permits.

73. All documents relating to any study, survey, or other effort undertaken, commissioned, directed, supervised, or requested by Invenergy or its consultant(s) to assess, identify, or confirm the presence of the Indiana Bat in the Project Area.

74. All documents obtained from Invenergy relating to any of the wind turbine sites in the Project Area.

75. All reports, studies, and literature discussing or identifying the types of injuries, effects, or harm to human health, human comfort, or the environment that may result from wind turbines.

76. All documents relating or referring to the effects that the Facility may have on the residents of surrounding communities.

77. All documents relating or referring to any injuries, effects, or harm to human health, human comfort, or the environment that may be caused by the Facility.

78. All documents relating to the manufacturer's health and safety specifications or recommendations (such as buffers or setback specs or recommendations) for wind turbines.

79. All documents relating to any turbine manufacturer's specifications or recommendations for setbacks or buffers for wind turbines.

80. All documents relating or referring to the CW's consideration, evaluation, or selection of potential turbine models for the Facility.

81. All documents relating or referring to any of the "federal incentive programs" to which page 17 of the Application refers.

82. All documents relating to the "renewable energy grants" for which CW is or may be eligible under the American Recovery and Reinvestment Act of 2009 to which page 17 of the Application refers.

83. All documents relating to any grants, tax abatements, tax reductions, subsidies, or other financial benefits for which CW has applied to any governmental entity.

84. All documents relating to blade throw, or the potential for blade throw, by wind turbines.

85. All documents relating to ice throw, or the potential for ice throw, by wind turbines.

86. All documents relating to potential ice throw or potential blade throw by wind turbines in the Facility, or relating to measures that will be or could be used to reduce the potential for ice throw or blade throw.

87. All leases, lease options, and extensions or amendments thereof between (a) Champaign Wind LLC, EverPower, EverPower Renewables Corp., or any affiliate and (b) any person, relating to real property within the Project Area.

88. All leases, lease options, and extensions or amendments thereof between (a) Champaign Wind LLC, EverPower, EverPower Renewables Corp., or any affiliate and (b) any person, relating to real property in Champaign County outside the Project Area.

Respectfully submitted,

s/ Jack A. Van Kley

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CERTIFICATE OF SERVICE

I hereby certify that, on September 13, 2012, a copy of the foregoing requests for documents were served 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

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in

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

Summary: Notice of Service of Document Requests on Applicant Champaign Wind electronically filed by Mr. Jack A Van Kley on behalf of Union Neighbors United and Johnson, Julia Ms. and McConnell, Robert Mr. and McConnell, Diane Ms.