

BEFORE THE OHIO POWER SITING BOARD

**In the Matter of the Application
of Champaign Wind LLC for a
Certificate to Install Electricity
Generating Wind Turbines in
Champaign County**

MOTION OF INTERVENORS UNION NEIGHBORS UNITED, INC., JULIE JOHNSON, AND ROBERT AND DIANE McCONNELL FOR ISSUANCE OF A SUBPOENA DUCES TECUM TO BORJA NEGRO IN HIS CAPACITY AS CHIEF EXECUTIVE OFFICER OF GAMESA WIND US, LLC

Intervenors Union Neighbors United, Inc., Julie Johnson, and Robert and Diane McConnell hereby file the attached motion requesting a subpoena for Borja Negro in his capacity as the Chief Executive Officer of Gamesa Wind US, LLC (“Gamesa”).

MEMORANDUM IN SUPPORT

Gamesa is the manufacturer of the Gamesa G97 turbine model, one of the turbine models identified by Champaign Wind on page 10 of its application as suitable for use in the Buckeye Wind II Project.

The requested subpoena seeks documents related to any information obtained or generated by Gamesa about noise, shadow flicker, and other adverse effects of operating wind turbines. As a manufacturer of turbines, Gamesa is expected to possess information about the potential harm caused by its products. Moreover, information about this manufacturer's specifications and recommendations for setbacks, buffers, and the protection of health and safety could be used to identify suitable setbacks and other precautions for Champaign Wind's turbines. This information may be useful in identifying certificate conditions that are necessary to protect the public against the potential adverse effects of Champaign Wind's proposed turbines.

For the foregoing reasons, Intervenor Union Neighbors United, Inc., Julie Johnson, and Robert and Diane McConnell request that the Administrative Law Judge issue the attached subpoena.

Respectfully submitted,

s/ Jack A. Van Kley

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CERTIFICATE OF SERVICE

I hereby certify that, on September 24, 2012, a copy of the foregoing motion was 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), Devin Parram (Devin.Parram@puc.state.oh.us), and Kurt Helfrich (Kurt.Helfrich@ThompsonHine.com).

s/ Jack A. Van Kley

Jack A. Van Kley

BEFORE THE OHIO POWER SITING BOARD

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SUBPOENA

TO:

Borja Negro, Chief Executive Officer
Gamesa Wind US, LLC
c/o National Registered Agents, Inc.
145 Baker Street
Marion, OH 43302

Upon application of Union Neighbors United, Inc., Julie Johnson, and Robert and Diane McConnell, you are hereby required to provide deposition testimony and produce records to their counsel, Van Kley & Walker, LLC, in the following proceeding:

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

You are to appear at the offices of Van Kley & Walker, LLC, 132 Northwoods Blvd., Suite C-1, Columbus, Ohio, on October 5, 2012, at 1 p.m. You shall bring with you unredacted originals or accurate unredacted copies of the records listed below. You need not appear at the office of Van Kley & Walker, LLC in person if you deliver the requested records by mail or other means to that office by October 5, 2012.¹

1. All documents relating to any blade failure or blade damage that has occurred at any wind turbine.
2. All studies, reports, and other documents relating to the distance that turbine blades can fly when released from wind turbines.
3. All documents relating to the noise characteristics and noise estimates for the Gamesa G97 turbine model.
4. All studies, reports, and other documents relating to the amount of low frequency noise and/or its effects that are produced by wind turbines, including the Gamesa G97 turbine model.

¹ If you wish to communicate by telephone with Van Kley & Walker, LLC about this subpoena, you can contact Jack Van Klev at (614) 431-8900.

5. All studies, reports, and other documents relating to adverse effects caused or potentially caused by wind turbines on humans, wildlife, aviation, property values, or the environment through noise, shadow flicker, blade throw, blade icing, wildlife collisions with turbines, or other effects. All documents relating to any complaints that wind turbines have caused any of the foregoing effects.
6. All complaints about wind turbines that have been manufactured or sold by Gamesa.
7. All studies, recommendations, and other documents relating to precautions for wind turbines that can be taken, or equipment that can be installed, to reduce the frequency or amount of noise, shadow flicker, blade throw, blade icing, wildlife collisions with turbines, or other effects.
8. All documents relating to manufacturer's or anyone else's specifications or recommendations for designing, siting, or operating wind turbines in order to reduce the actual or potential adverse effects of wind turbines on the health, safety, comfort, or welfare of the public or neighbors (worker safety information need not be produced). All documents containing information used to develop the foregoing specifications and recommendations.
9. All documents relating to any manufacturer's specifications or recommendations for setbacks or buffers for wind turbines. All documents containing information used to develop the foregoing specifications and recommendations.
10. All documents relating to communications with Champaign Wind, LLC, Buckeye Wind, LLC, or EverPower Wind Holdings, Inc. relating to potential wind turbine projects in Champaign County, Ohio.

DEFINITIONS

The following definitions apply to the language used in the foregoing document requests:

1. "And" and "or" are both conjunctive and disjunctive and shall be interpreted to call for the most comprehensive information available.
2. "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.

3. "Gamesa" means Gamesa Wind US, LLC and its subsidiaries.
4. "Include" or "including" means including but not limited to.
5. "Relating to" means directly or indirectly mentioning, describing, referring to, pertaining to, being connected with, or reflecting upon the stated subject matter.
6. Where the context herein makes it appropriate, each singular word shall include its plural and each plural shall include its singular.
7. Each of the following words include the meaning of every other listed word: "each", "all", and "any".

Dated at Columbus, Ohio, this _____ day of September, 2012.

Administrative Law Judge

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

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in

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

Summary: Motion to Issue Subpoena to Gamesa 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.