

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)	Case No. 12-0160-EL-BGN
Generating Facility in Champaign)	
County, Ohio)	

NOTICE OF FILING APPLICANT'S SEPTEMBER 26, 2012
RESPONSES TO STAFF'S DATA REQUESTS

Champaign Wind LLC ("Champaign Wind" or "the Applicant") hereby gives notice that on September 26, 2012, Champaign Wind submitted responses to Staff's September 12, 2012 data requests. Copies of the Applicant's September 26, 2012 responses to Staff are attached hereto for filing on the docket.

Respectfully submitted,

/s/ Miranda Leppla
M. Howard Petricoff (0008287)
Michael J. Settineri (0073369)
Miranda R. Leppla (0086351)

VORYS, SATER, SEYMOUR AND PEASE LLP
52 East Gay Street
P.O. Box 1008
Columbus, Ohio 43216-1008
(614) 464-5462
(614) 719-5146 (fax)
mhpetricoff@vorys.com
mjsettineri@vorys.com
mrleppla@vorys.com

Attorneys for Champaign Wind LLC

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document was served by electronic mail upon the following persons this 27th day of September, 2012.

Jack A. Van Kley
Van Kley & Walker, LLC
132 Northwood Blvd., Suite C-1
Columbus, Ohio 43235
jvankley@vankleywalker.com

Christopher A. Walker
Van Kley & Walker, LLC
137 North Main Street, Suite 316
Dayton, Ohio 45402
cwalker@vankleywalker.com

Chad A. Endsley
Chief Legal Counsel
Ohio Farm Bureau Federation
280 North High Street, P.O. Box
182383
Columbus, OH 43218-2383
cendsley@ofbf.org

Jane A. Napier
Assistant Prosecuting Attorney
Champaign County Prosecuting
Attorney's Office
200 N. Main Street
Urbana, Ohio 43078
jnapier@champaignprosecutor.com

Stephen Reilly
Devin Parram
Assistant Attorneys General
Public Utilities Section
180 East Broad Street, 6th Floor
Columbus, Ohio 43215-3793
Stephen.Reilly@puc.state.oh.us
Devin.Parram@puc.state.oh.us

Kurt P. Helfrich
Philip B. Sineneng
Ann B. Zallocco
Thompson Hine LLP
41 South High Street, Suite 1700
Columbus, OH 43215-6101
Tel: (614) 469-3200
Fax: (614) 469-3361
Kurt.Helfrich@ThompsonHine.com
Philip.Sineneng@ThompsonHine.com
Ann.Zallocco@ThompsonHine.com
*Attorneys for Pioneer Rural Electric
Cooperative, Inc.*

/s/ Miranda R. Leppla

Miranda R. Leppla

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

52 East Gay St.
PO Box 1008
Columbus, Ohio 43216-1008

614.464.6400 | www.vorys.com

Founded 1909

Michael J. Settineri
Direct Dial (614) 464-5462
Direct Fax (614) 719-5146
Email mjsettineri@vorys.com

September 26, 2012

VIA COURIER

Don Rostofer
Ohio Power Siting Board
180 East Broad Street
Columbus OH 43215-3793

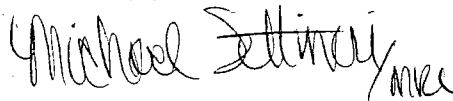
Re: Case No. 12-0160-EL-BGN

Dear Mr. Rostofer:

Please find enclosed Champaign Wind LLC's responses to Staff's September 12, 2012 data requests.

Please call me if you have any questions.

Very truly yours,



Michael J. Settineri

MJS/drd
Enclosures
cc: Stephen Reilly (w/ encl.)
Devin Parram (w/ encl.)

Buckeye II Wind Farm (Case No. 12-0160-EL-BGN)

Champaign Wind LLC's Responses to Staff's September 12, 2012 Data Requests

1. The application states that 38 stream segments were delineated within 100 feet of the facility. Is the number of proposed **stream crossings** 38?

RESPONSE: No. The Application identifies 38 stream segments within 100 feet of the facility. There are 31 proposed stream crossings. Seven of 38 stream segments are not being crossed at all. Ten of the 31 stream segments being crossed will not have any impacts due to avoidance methods employed for crossing. Twenty-one of the 31 stream segments being crossed may be temporarily impacted by open trenching for buried interconnects, installation of temporary culverts for crane path crossing, or installation of permanent access road crossings.

2. Regarding Table 8-11 in the Application, staff noticed that streams with ephemeral and intermittent flow regimes are listed as either exceptional warmwater habitat (EWH) or coldwater habitat (CWH). Typically, streams with these flow regimes would not meet (EWH) or (CWH) aquatic life use designation criteria, as outlined in the Ohio EPA water quality standards. Could you please explain the rationale used that led to such designations? Are all the streams listed in the application consistent with the way they are designated and protected (no in-water work) in the USFWS' Draft Habitat Conservation Plan (HCP) and Draft EIS?

RESPONSE: The Applicant's stream and wetland consultant, Hull & Associates, Inc., assigned the aquatic life use designations (ALUDs) exceptional warmwater habitat (EWH) and coldwater habitat (CWH) to the main stem of named streams as indicated in Ohio's Water Quality Standards. According to Ohio EPA Division of Surface Water (DSW) policy (Bob Heitzman and Chris Skalski, Ohio EPA, personal communication), promulgated ALUDs apply to the entire length of the main stem of the stream, regardless of whether the stream becomes intermittent or ephemeral in the upper part of its watershed. In order to trace each main stem of streams with Ohio designated aquatic life uses to their upstream origin, Hull & Associates examined the River Mile Index (RMI) maps available as PDF downloads from the Ohio EPA/DSW website. The RMI maps are the official record of, among other data, the main stem trace of every stream in Ohio. The Applicant believes the streams listed in the Application and their designations and protections are consistent with the Draft HCP and Draft EIS.

3. The application states that horizontal directional drilling (HDD) will be utilized for all buried interconnection line crossings of perennial streams, but that ephemeral and intermittent streams could be impacted. However, some intermittent and ephemeral streams in the project area are designated as EWH and CWH. On page 167 of the *Draft HCP*, it states that HDD will be used to avoid impacts to any Ohio EPA designated EWH and CWH streams. Is it to be understood that the Applicant is proposing HDD for stream crossings at all EWH and CWH streams regardless of flow regime? Additionally, on page 153 of the *Draft HCP*, it states that there will be no in-water work for any of the proposed stream crossings. What does the Applicant mean by no in-water work? Should OPSB Staff use the USACE's definition of in-stream work?

RESPONSE: It is an accurate statement that the Applicant is proposing horizontal directional drilling or similar avoidance technique for stream crossings designated as all EWH or CWH streams for

buried interconnection lines. The Applicant intended the term "no in-water" work to mean that no construction disturbance or fill will occur within the delineated boundary of the stream at any EWH or CWH stream (below the ordinary high water mark). Jurisdictionally, this means that no EWH or CWH stream impacts will occur from the viewpoint of USACE or Ohio EPA. The USACE's definition of in-stream work means work below the ordinary high water mark. Consequently, this definition is the same as what is meant in the Draft HCP by the term in-water work.

4. OPSB Staff would request an update on the methods that are proposed for each stream crossing for interconnection lines, access roads, and crane paths.

RESPONSE: At this time there is no update on the stream crossing methods described in the Application. General mitigation methods are described in the Application for stream crossings and the applicable contractor will develop the specific methods for each stream crossing.

5. The proposed layout shows an interconnection line running to Turbine 84 that would impact more of the adjacent woodlot than necessary. During a site visit, the Applicant indicated that this placement was going to change. If this is meant to change, Staff requests the updated GIS data. If not, can the Applicant provide staff with justification for this impact?

RESPONSE: Crossing the woodlot cannot be avoided, and the current design calls for approximately 500 feet of travel distance through the woodlot for the buried interconnection line. Subject to discussions with the participating landowner, the Applicant is willing to consider making a minor shift in the location of the interconnection so that the line will travel further west on the north side of the woodlot before crossing the woodlot. This minor shift will reduce the crossing to approximately 250 feet of travel distance through the woodlot.

6. What is the rationale for the interconnection layout impacting stream O? Did the Applicant consider tying into the overhead interconnection?

RESPONSE: The buried interconnection impact to stream O is required to convey electricity to the substation. The Applicant did consider tying into the overhead interconnection, however it was determined that the buried interconnection was the preferred option based on land control.

7. The proposed layout shows an access road being built within stream TT for approximately 100 feet. If this is the proposed location, what is the rationale for this placement? Would the Applicant consider adjusting the angle of the crossing so it would be more a perpendicular crossing of stream TT?

RESPONSE: The Applicant has reviewed the location of the access road in question with respect to stream TT and has determined that the access road is improperly depicted in the GIS layer as being in the stream for 100 feet. The Applicant will adjust the access road stream crossing to minimize impacts to stream TT.

8. The proposed layout shows an access road coming off of SR 161 and paralleling Jumping Run. This access road is very close to Jumping Run and the associated riparian vegetation. Does the Applicant propose any tree clearing for this access road? Would the Applicant consider adjusting the road to eliminate/minimize vegetation clearing?

RESPONSE: The Applicant does not anticipate any tree clearing for the access road, will consider adjusting the road to eliminate/minimize the vegetation clearing.

9. Is the content of the *Draft* HCP subject to change based on the federal commenting period? Could the *Draft* HCP change based on the federal comment period for the *Draft* EIS? If so, how would changes to either document effect statements made by the Applicant in the OPSB application?

RESPONSE: The Applicant does not expect any changes to the Draft HCP and/or Draft EIS from the federal comment period to have a material impact on the design of Project facilities.

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

9/27/2012 3:13:17 PM

in

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

Summary: Notice of Filing Applicant's September 26, 2012 Responses to Staff's Data Requests electronically filed by Ms. Miranda R Leppla on behalf of Champaign Wind LLC