

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)

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MOTION OF INTERVENORS UNION NEIGHBORS UNITED, INC., JULIE JOHNSON, AND ROBERT AND DIANE McCONNELL FOR ISSUANCE OF A SUBPOENA DUCES TECUM TO THE GENERAL ELECTRIC COMPANY

Intervenors Union Neighbors United, Inc., Julie Johnson, and Robert and Diane McConnell hereby file the attached motion requesting a subpoena to The General Electric Company, LLC ("GE").

MEMORANDUM IN SUPPORT

GE and/or its subsidiaries are the manufacturers of the GE 100 and GE103 turbine models, two 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 GE about noise, shadow flicker, and other adverse effects of operating wind turbines. As a manufacturer of turbines, GE 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, Intervenors Union Neighbors United, Inc., Julie Johnson, and Robert and Diane McConnell request that the Administrative Law Judge issue the attached subpoena.

This is to certify that the foregoing is a true and accurate and complete reproduction of a document delivered in the regular course of business.
Technician Am Date Processed SEP 28 2012

Respectfully submitted,

s/ Jack A. Van Kley

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CERTIFICATE OF SERVICE

I hereby certify that, on September 28, 2012, a copy of the foregoing motion and the signed subpoena 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

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SUBPOENA

TO:

The General Electric Company
c/o CT Corporation, Statutory Agent
1300 East 9th Street
Cleveland, OH 44114

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 18, 2012, at 2 p.m. You shall bring with you unredacted originals or accurate unredacted copies of the records listed below that are in the possession, custody, or control of The General Electric Company or its subsidiaries, parent companies, or sister companies. 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 17, 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 GE 100 and GE103 wind turbine models.
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 GE 100 and GE103 wind turbine models.

¹ If you wish to communicate by telephone with Van Kley & Walker, LLC about this subpoena, you may contact Jack Van Kley 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 GE.
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

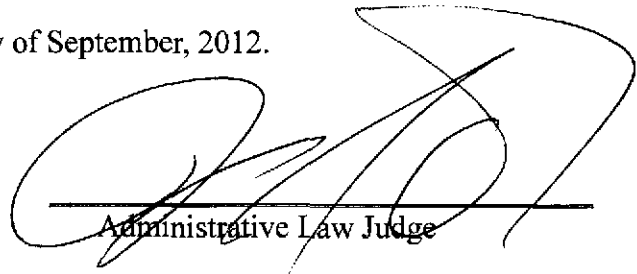
The following definitions apply to the language used in the foregoing document requests:

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. "GE" means The General Electric Company and its subsidiaries, parent companies, and sister companies.
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 26 day of September, 2012.



Administrative Law Judge