

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
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**NOTICE OF FILING APPLICANT’S RESPONSES TO INTERVENORS UNION
NEIGHBORS UNITED’S FIRST SET OF INTERROGATORIES**

Champaign Wind LLC (the “Applicant”) hereby gives notice that on October 3, 2012, it served its Responses to Intervenor Union Neighbors United, Robert McConnell, Diane McConnell, and Julia Johnson’s First Set of Interrogatories to Applicant Champaign Wind LLC. Copies of the Applicant’s responses are attached for filing on the docket.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon the following parties of record via e-mail and upon the City of Urbana by e-mail and First Class U.S. Mail on this 4th day of October, 2012.

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**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)	

**CHAMPAIGN WIND LLC'S RESPONSES TO UNION NEIGHBORS
UNITED'S FIRST SET OF INTERROGATORIES**

Pursuant to Rule 4906-7-07(D) of the Ohio Administrative Code, Champaign Wind LLC ("Champaign Wind") provides these responses to the First Set of Interrogatories from Intervenor Union Neighbors United, Inc., Robert McConnell, Diane McConnell and Julia Johnson (collectively "UNU").

GENERAL OBJECTIONS

1. Champaign Wind objects to the Interrogatories to the extent that they do not comply with OAC 4906-7-07, or otherwise seek to impose duties or obligations upon Champaign Wind that are greater than or inconsistent with that rule.
2. No objection made herein, or lack thereof, shall be deemed an admission by Champaign Wind as to the existence or non-existence of any documents and/or information.
3. Champaign Wind objects to each Interrogatory herein to the extent that it seeks to define terms and/or to characterize certain matters. To the extent Champaign Wind responds to Interrogatories, such response is neither an express nor implied agreement or admission as to the meaning of a term or characterization of certain matters.
4. Champaign Wind objects to each Interrogatory to the extent that it seeks documents and/or information protected by the attorney-client privilege, the attorney work product privilege, 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 or production of any documents containing such protected information shall not constitute a waiver of Champaign Wind's right to assert the applicability of any privilege or immunity and all copies or images thereof shall be returned to counsel for Champaign Wind upon discovery thereof.

5. Champaign Wind objects to these Interrogatories to the extent they seek confidential business information proprietary to Champaign Wind or any affiliate and persons with whom Champaign Wind does business.

6. Champaign Wind objects to these Interrogatories to the extent that they purport to obligate Champaign Wind to provide information or documentation from persons or entities not subject to the control of Champaign Wind.

7. Champaign Wind objects to any Interrogatory, definition or instruction that seeks to require Champaign Wind to take extraordinary measures to perform a search for responsive documents, 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.

8. With respect to Interrogatories which utilize terms or words that inherently may be construed unreasonably broadly, Champaign Wind objects on the grounds of vagueness, overbreadth, undue burden, and that such Interrogatories are not reasonably calculated to lead to the discovery of admissible evidence.

9. To the extent Champaign Wind asserts an objection of vagueness, overbreadth, or undue burden, it asserts a further objection that the Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence.

10. Champaign Wind objects to these Interrogatories 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.

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

12. In making these objections, Champaign Wind 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 Interrogatories;
- b. all rights to object on any ground to the use of any information that may be produced or disclosed in response to these Interrogatories, 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 Interrogatories or any other discovery requests from UNU; and
- d. all rights to supplement its responses to these Interrogatories.

13. Champaign Wind has made reasonable efforts to respond to each and every Interrogatory as Champaign Wind understands and interprets the Interrogatory. If Intervenors subsequently assert an interpretation of an Interrogatory that differs from that of Champaign Wind, Champaign Wind reserves the right to supplement its response.

14. As formal discovery has not been completed, Champaign Wind reserves the right to rely upon any facts, documents or other evidence which may develop or come to its attention later.

INTERROGATORIES

1. Identify the date of each draft of the Application and partial Application, and for each draft or partial draft, provide the following information:

- a. Identify the persons who helped to prepare the draft or partial draft, and identify the subject matter of the Application to which they contributed information;
- b. Identify all persons who reviewed the draft or partial draft.

Response: Champaign Wind objects to Interrogatory No. 1 as overly broad and unduly burdensome, and seeking information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Further, it seeks information that is attorney-client privileged and subject to the work product doctrine. See Case No. 08-666-EL-BGN, Entry dated Oct. 30, 2009, ¶6.

2. Identify all persons who contributed to the planning or development of the Facility, and describe the nature of each such person's contributions.

Response: Champaign Wind objects to Interrogatory No. 2 as vague and ambiguous as to the phrase "planning or development," and as being overly broad and unduly burdensome. Without waiving the specific objections or general objections, the entities listed in the Application as conducting studies contributed to the development of the Buckeye II Wind project: Key EverPower personnel involved in the development of the Buckeye II Wind project are: Christopher Shears (general development); Michael Speerschneider (general development); Jason Dagger (project manager); Michael Pullins (consultant); Seth Willmore (general

development); Krishna Santhanam (wind resource development); and Dave Berthelsen (construction).

3. State whether or not Champaign Wind LLC, EverPower Wind Holdings, Inc., or any Affiliate of either company has ever constructed a wind project. If so, identify the name, location, and current owner of each such wind farm and identify the time period during which the wind project was constructed.

Response: Various subsidiaries of EverPower Wind Holdings, Inc. have constructed three (3) wind projects. Krayn Wind LLC constructed the Highland Wind Farm, Cambria County, PA which was operational in 2009. Highland North LLC constructed the Highland North Wind Farm, Cambria County, PA, which became operational in early 2012. Howard Wind LLC constructed the Howard Wind Project, Steuben County, NY, which became operational in late 2011. The respective EverPower Wind Holdings, Inc. affiliates are the current owners of the wind projects.

4. State whether or not Champaign Wind LLC, EverPower Wind Holdings, Inc., or any Affiliate of either company has ever operated a wind farm. If so, identify the name, location, and current owner of each such wind project and identify the time period during which Champaign Wind LLC, EverPower Wind Holdings, Inc., or any Affiliate of either company has operated it.

Response: Various subsidiaries of EverPower Wind Holdings, Inc. own and operate four (4) wind projects: (1) Krayn Wind LLC, Highland Wind Farm, Cambria County, PA operated since 2009; (2) Highland North LLC, Highland North Wind Farm, Cambria County, PA, operated since early 2012; (3) Howard Wind LLC, Howard Wind Project, Steuben County, NY, operated

since late 2011; and (4) Mustang Hills Holding Company LLC, Mustang Hills Wind Farm, Tehachapi, CA, operated since mid-2012.

5. Identify the name, employer, and occupation of each expert witness expected to testify at the hearing in this proceeding and state the subject matter on which the expert is expected to testify.

Response: Champaign Wind will supplement this interrogatory upon identification of its expert witnesses.

6. Identify the parcel numbers of any alternative sites that were considered as potential locations for the Facility, and explain why such alternative sites were not selected for the Facility.

Response: Champaign Wind objects to Interrogatory No. 6 as being overly broad and unduly burdensome, and irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. No alternative location for the Facility was considered, and it is sited as presented in the Application.

7. Identify the names, addresses, employers, occupations, and titles of all persons who participated in CW's decision to select the turbine sites for the Facility, and describe the role of each in the site selection decision making.

Response: Champaign Wind objects to Interrogatory No. 7 as being overly broad and unduly burdensome. Without waiving the foregoing specific objections or general objections, the following individuals had primary responsibility for selecting the turbine sites: (1) Krishna Santhanam, EverPower Director of Wind Resource, (2) Chris Shears, Senior Director of Development and (3) Jason Dagger, EverPower, Project Manager.

8. State whether the CW has selected the model of the turbines that will be utilized by the Facility. If so, identify the model that has been selected. If not, identify the models that are currently being considered in this selection.

Response: Champaign Wind has not selected a model for the turbines to be utilized at this time. The models currently being considered as representative models are the REpower MM100, the REpower MM92, the Nordex N100, the Gamesa G97, the General Electric GE100 and the General Electric GE103.

9. Describe the criteria that the CW has utilized or will utilize to identify the turbine model to be selected and explain why each such criterion is being considered.

Response: Champaign Wind objects to Interrogatory No. 9 as being overly broad and unduly burdensome, as it calls for specifics on a future decision. Without waiving the foregoing specific objections and the general objections, please see pages 12-13 of the Application.

10. Has CW applied for, or does CW intend to apply for, any government grants or other direct governmental funding with regard to the Facility? If so, describe the grants or funding for which it has applied or will apply.

Response: Champaign Wind has not applied for government grants or direct governmental funding and does not intend to apply for government grants or direct government funding at this time. Champaign Wind will continue to evaluate all aspects of general market conditions and incentive programs that may become available through state or federal programs.

11. Identify the wind projects for which the Ohio Power Siting Board has approved a noise standard limiting sound emissions to no more than five dBA above the average nighttime Leq sound level (see pages 1-2 of Exhibit O of the Application).

Response: Champaign Wind objects to Interrogatory No. 11 as to the use of the phrase “noise standard limiting sound emissions.” Without waiving the specific objection or general objections, the OPSB has previously approved operational noise related conditions both for modeling and commercial operation that reference the ambient nighttime Leq. The applicable documents are on the following dockets: Case No. 10-369-EL-BGN, Opinion, Order and Certificate at pages 31-31; Case No. 09-980-EL-BGN, Opinion, Order and Certificate at pages 30 – 31; Case No. 09-0479-EL-BGN, Opinion, Order and Certificate at pages 8 – 9; Case No. 09-0277-EL-BGN, Opinion, Order and Certificate at page 22; Case No. 10-2865-EL-BGN, Opinion, Order and Certificate at page 44; and Case No. 11-3644-EL-BGA, Order on Certificate Amendment at page 5.

12. Will the Facility’s turbines be equipped with devices to shut down the turbines and/or minimize the potential for ice shedding or ice throw? If so, describe the type of equipment that will be used for that purpose.

Response: Champaign Wind objects to Interrogatory No. 12 to the extent it requests the specific type of equipment that will be used as Champaign Wind has not yet determined which model of turbine will be used at the Facility. Without waiving the foregoing specific objections and the general objections, all turbines of the class being considered for this project are equipped with equipment and controls that will minimize the potential for ice shedding or ice throw as described on pages 81-82 of the Application.

13. Provide the parcel number and acreage for each parcel of real property within the Project Area that is under lease or lease option with Champaign Wind LLC, EverPower, EverPower Renewables Corp, or any affiliate.

Response: Champaign Wind objects to Interrogatory No. 13 as being unduly burdensome and seeking information not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the specific objection and general objections, a response will be provided when the information is available.

14. Provide a general description of, dates of, and persons who participants in, for each study, survey, or other effort undertaken, commissioned, directed, supervised, or requested to assess, identify, or confirm the presence of the Indiana Bat, other species of bats, or birds within the Project Area.

Response: Champaign Wind objects to Interrogatory No. 14 as being overly broad and unduly burdensome. Without waiving the foregoing specific objections and the general objections, please see pages 89-106 and 108-109 of the Application, as well as Exhibits I, J, and K.

15. Identify each person who participated in activities relating to the acquisition of leases or lease options from Invenergy and describe the role of each such person in the acquisition.

Response: Champaign Wind objects to Interrogatory No. 15 as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the specific

objections or the general objections, Christopher Shears, Michael Speerschneider and Jason Dagger were involved in the acquisition of certain wind development leases from Invenergy within the Project Area for the Buckeye II Wind project.

16. Explain in detail how CW calculated the 30-35% capacity factor for the Facility, as referenced at page 2 of the Application.

Response: Champaign Wind objects to Interrogatory No. 16 as calling for a narrative better suited for a deposition. Champaign Wind also objects to Interrogatory No. 16 as unduly burdensome. Without waiving the specific objections and the general objections, as stated at page two of the Application, “[t]he facility is expected to operate with an average annual capacity factor of 30-35%[.]” Wind data has been collected within the region of the Project Area over the last five years. LIDAR (Light Detection and Ranging) data has also been collected to confirm wind shear for projections of wind speed to hub height. This data was used in industry accepted models (WindPrO and WAsP) to develop the capacity factor estimate listed in the Application.

17. The Habitat Conservation Plan submitted by Buckeye Wind LLC to the U.S. Fish and Wildlife Service states, “the Buckeye Wind II Wind Project will be transferred to Buckeye Wind prior to construction.” Explain why Champaign Wind LLC has filed the application for the Buckeye Wind II Facility if the Facility is to be transferred to Buckeye Wind LLC prior to construction.

Response: The Buckeye Wind II project has been submitted to the OPSB as a stand-alone project through Champaign Wind LLC, a wholly-owned subsidiary of EverPower Wind

Holdings, Inc. If Buckeye Wind LLC successfully obtains approval of its proposed Habitat Conservation Plan and Incidental Take Permit, Champaign Wind intends to file for approval of the assignment of the certificate to Buckeye Wind LLC. That step is necessary because Buckeye Wind LLC is the sole applicant for the proposed HCP and ITP.

18. Explain why Buckeye Wind LLC, in the context of the Habitat Conservation Plan submitted to the U.S. Fish and Wildlife Service, committed to install no more than 100 turbines when Buckeye Wind LLC and Champaign Wind LLC are requesting the Ohio Power Siting Board to authorized in excess of 100 turbines for the Buckeye Wind I and II Facilities combined.

Response: Champaign Wind objects to Interrogatory No. 18 as seeking information not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the specific objections and general objections, it is expected that no more than 100 turbines will be built between Buckeye Wind I and II facilities. Which 100 turbines ultimately constructed will depend on a number of factors, including turbine performance, final engineering and project impacts. Treating the Buckeye Wind I and Buckeye Wind II facilities as separate stand-alone projects with the requisite number of turbines is a prudent step to provide flexibility for project design and implementation

19. Does CW know which of the turbines proposed for the Buckeye Wind I and II Facilities will be eliminated in order to satisfy the 100-turbine cap specified in the Habitat Conservation Plan? If so, identify each such turbine.

Response: Champaign Wind objects to Interrogatory No. 19 as being vague and ambiguous as to the term “eliminated.” Without waiving the specific objections or the general objections, no decision has been made as to the turbine sites that may be covered under the HCP and ITP.

20. Explain the basis for the statement that the Project Area has “low population density as compared to statewide estimates,” as stated at pages 3 and 17 of the Application, and identify the “statewide estimates” used to support that statement.

Response: Champaign Wind objects to Interrogatory No. 20 as page 17 of the Application makes no such statement. Without waiving the foregoing specific objections and general objections, the U.S. Census Bureau ranks Champaign County’s population density of 93.5 people per square mile is 22 percent lower than the state median population density of 120.8 people per square mile.

21. Will any turbine models other than those specifically identified in the Application be considered for the Facility? If so, identify those turbine models that may be considered, but have not been identified in the Application.

Response: Champaign Wind objects to Interrogatory No. 21 as being overly broad and unduly burdensome. Without waiving the specific objections or general objections, as stated at page 44 of the Application, the Champaign Wind has not made a final determination of the wind turbine model or manufacturer. Any turbine ultimately selected will be essentially equivalent to those referenced in the Application in terms of its dimensions, appearance, and electrical output.

22. Was it feasible to select a turbine model for the Facility before filing its Application with the Ohio Power Siting Board? If so, explain why this was not done.

Response: Champaign Wind objects to Interrogatory No. 22 as being vague and ambiguous as to the term “feasible.” Without waiving the specific objection or the general objections, Champaign Wind did not select a turbine model for the Buckeye II Wind project prior to filing the Application for the reasons listed in the Application at pages 12-13.

23. If the answer to the foregoing interrogatory is in the negative, explain why it was not feasible to do so and explain what events must occur before it is feasible to select a turbine model for the Facility.

Response: See the response to Interrogatory No. 22.

24. Referring to page 50 of the Application, why was the original 300 MW request to PJM split into two separate projects?

Response: Champaign Wind objects to Interrogatory No. 24 as seeking information not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the specific objection or general objections, the original 300 MW request was split into two separate projects to allow for separate treatment so that each project could “stand alone” in terms of the interconnect approval. The original interconnect request contemplated that both interconnections would be made simultaneously. The split was done at the request of PJM to avoid having projects with multiple points of interconnection.

25. Referring to page 50 of the Application, explain the rationale for allocation of 200 MW of generating capacity to one project, and 100 MW of generating capacity to the second project.

Response: Champaign Wind objects to Interrogatory No. 25 as seeking information not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the specific objection or general objections, the allocation was based on preliminary line capacity assessments that indicated 200 MW and 100 MW, respectively, could be accommodated by the transmission system without significant upgrade costs to the Applicant.

26. Explain the purpose and function of, and the basis for calculation of, the “arbitrary 10% Discount Rate” referenced at page 56 of the Application.

Response: Champaign Wind objects to Interrogatory No. 26 as being overly broad. Without waiving the specific objections or general objections, a number of factors are considered when determining the discount rate (i.e. cost of capital), including capital structure assumptions, project’s overall risk profile, market rates (i.e. underlying risk-free rate, risk premium, financing market environment) as well as the cost of equity and investment criterion. Market terms in the industry have used an unlevered discount rate of 8-12% for a project with good wind resource similar to the Buckeye II Wind project.

27. Does PJM Queue No. R-52A pertain to the Buckeye Wind I Facility, the Buckeye Wind II Facility, or both?

Response: Champaign Wind objects to Interrogatory No. 27 as seeking information not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the

specific objection or general objections, R-52A does not pertain to either Buckeye Wind I or Buckeye Wind II.

28. If PJM Queue No. R-52A pertains to both the Buckeye Wind I and II Facilities, explain the distinction between PJM Queue Nos. R-52 and R-52A.

Response: Champaign Wind objects to Interrogatory No. 28 as seeking information not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the specific objection or general objections, R-52A does not pertain to either Buckeye Wind I or Buckeye Wind II.

29. Does the PJM Feasibility Study attached to the Application as Exhibit D pertain to PJM Queue R-52, R-52A, or both?

Response: The PJM Feasibility Study attached to the Application as Exhibit D pertains to both PJM Queue R-52 and R-52A.

30. Does Champaign Wind LLC, Buckeye Wind LLC, EverPower, and/or Dayton Power & Light have a signed Construction Service Agreement for the Facility as referenced at page 5 of the PJM Feasibility Study (Application Exhibit D)?

Response: No.

31. Have EverPower, Champaign Wind LLC and/or Buckeye Wind LLC entered into any state or local roadway use agreements for the Buckeye Wind I and/or II Facilities? If so, identify all such agreements by date and jurisdiction.

Response: Champaign Wind objects to Interrogatory No. 31 as seeking information not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the specific objections or general objections, neither Champaign Wind nor Buckeye Wind has entered into a road use maintenance agreement with Champaign County at this time.

32. Explain how CW selected the 29 addresses for the well survey referenced at Application Appendix F, page 6.

Response: The 29 turbine sites were under lease for the Buckeye II Wind project at the time the survey was completed and are representative locations.

33. Describe the permanent jobs that the Facility will generate, and the number of employees to be hired for each such job.

Response: Champaign Wind objects to Interrogatory No. 33 as calling for speculation and as being overly broad and unduly burdensome. Without waiving the specific objections and general objections, as stated in the Camiros study, “the economic analysis is based on reasonable assumptions of future expenditure patterns for constructing and operating the proposed wind farm. Findings from the analysis should not be taken as precise projections of future performance. Rather, the values included in this report provide insight into the likely economic impact of the project” (Camiros 2012). As noted in the Application, Exhibit G, page 11, seven full-time positions directly supporting the wind farm operations will be created. Fifteen jobs are expected to be generated by the indirect purchases from vendors that provide supplies and secondary services to businesses working directly on the project. Sixteen jobs are estimated to be created through induced impacts which is a result of household spending. General types of

job fields resulting from indirect purchases include financing, accounting, manufacturing, distribution and transportation. Induced impacts would include jobs in commercial services, such as retail services and personal services.

34. How will permanent jobs created by the Facility have an “appreciable effect on housing demand within the region?” as claimed in Application Appendix G, page 7?

Response: Champaign Wind objects to Interrogatory No. 34 as mischaracterizing the text of the Application. Without waiving the specific objection and general objections, as stated at page 7 of Exhibit G, “[p]ermanent jobs created as a result of the project are far more limited in number, and will have some appreciable effect on housing demand with the region.” The phrase “some appreciable effect” is intended to convey the fact that new permanent jobs will effect housing demand. Additionally, added income for landowners and business that supply materials for the wind project create new revenue streams that will contribute to increased quality and the number of houses.

35. Explain why “the majority of the direct APE for the Buckeye II project has not been systematically surveyed for cultural resources,” as stated at page 13 of Application Exhibit L. Why was such survey not completed prior to submission of the Application?

Response: As stated at page 147 of the Application, Champaign Wind recognizes that portions of the study area have not been systematically surveyed for the presence of cultural resources, either by Champaign Wind or other entities (public or private). Although Rule 4906-17-08(D)(2) requires an applicant to only estimate the impact of the proposed facility on the preservation and continued meaningfulness of any registered landmarks of historic, religious,

archaeological, scenic, natural, or other cultural significance within five miles of the proposed facility, and to describe plans to mitigate any adverse impact, Champaign Wind intends to conduct field surveys prior to construction to document and avoid any NRHP eligible sites within the direct Area of Potential Effect (APE).

36. When will the Applicant complete the “complete report of investigations” referenced at page 13 of Application Exhibit L?

Response: Page 147 of the Application notes that the surveys would take place during the fall of 2012. Due to project timelines, the surveys would take place either during the fall of 2012 or the spring of 2013. In any case, the surveys and any respective mitigation plan will be completed prior to the beginning of construction.

37. With respect to any wind energy project presently installed by EverPower or any of its subsidiaries, how many of the wind turbines in any such project are located within ½ mile of a residence? How many are located within ¾ mile of a residence?

Response: Champaign Wind objects to Interrogatory No. 37 as being overly broad, unduly burdensome and seeking information not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the specific objection or general objections, Champaign Wind will provide information as to the number of turbines for the Buckeye II Wind project within ½ mile and ¾ mile of nonparticipating residences when that information is available.

38. Why was the GE Model 2.5-103 selected as the worst-case turbine model for purposes of shadow flicker? (See Application Exhibit P, p. 1)

Response: As indicated in Table 03-1 of the Application,, the GE Model 2.5-103 turbine has the largest rotor diameter of the turbines under consideration. The potential for shadow flicker increases as the rotor diameter increases.

39. Is CW considering, or likely to consider, any turbine model for the Facility whose characteristics would result in shadow flicker effects greater than those modeled for the Application?

Response: See the response to Interrogatory No. 22.

40. Is there any scenario under which the turbines for the Buckeye Wind I and/or II Projects would operate at a shadow flicker frequency of 3 hertz or greater?

Response: Champaign Wind objects to Interrogatory No. 40 as seeking information not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the specific objections or general objections, Champaign Wind is not aware of any scenario under which the turbine models under consideration would operate to create a frequency of 3 hertz or greater.

41. Describe all options for screening of shadow flicker effects as referenced in the Application at Exhibit P, page 8. Would CW insist on such screening as a remedy for shadow flicker effects if the affected landowner was unwilling to implement such screening?

Response: Champaign Wind objects to Interrogatory No. 41 as being overly broad and unduly burdensome, and vague and ambiguous as to the term “insist.” Without waiving the specific objections and general objections, shadow flicker minimization measures can include

screening such as vegetative planting, window treatments and/or curtailment of operation during select times. Champaign Wind would not require non-participating landowners to implement screening measures.

42. Explain the reason for CW's selection of the Nordex N100 turbine model for use in the cumulative shadow flicker analysis in Exhibit P of the Application.

Response: The analysis was run using the Nordex N100 turbine model as well as the GE 2.5-103 turbine model. The Nordex N100 turbine was used to represent the Buckeye I Wind project because that turbine was used in the Buckeye I Wind project as the worst case scenario shadow flicker turbine. The GE 2.5 103 turbine model represents the worst case scenario shadow flicker turbine for the Buckeye II Wind project.

43. Is CW considering, or likely to consider, any turbine model for the Facility whose characteristics would result in shadow flicker effects greater than the Nordex N100?

Response: As noted in the Application, the GE2.5 103 turbine was used to model worst case shadow flicker for the Buckeye II Wind project, and is under consideration for the Buckeye II Wind project.

44. Explain the purpose of, and the basis for the values assigned for, each of the following variables in the shadow flicker calculations attached to Exhibit P:

a. "Potential sun hours" [is the total amount of time between sunrise and sunset for each month, generated by WindPro.]

b. "Total worst case"

- c. "Sun reduction"
- d. "Oper. time reduction"
- e. "Wind dir. reduction"
- f. "Total reduction"
- g. "Total, real"
- h. "Sunshine probability S/SO"
- i. "Minimum sun height over horizon for influence"

Response: Champaign Wind objects to Interrogatory 44 as seeking a narrative better suited to a deposition. Champaign Wind also objects to Interrogatory 44 as being overly broad and unduly burdensome as shadow flicker modeling utilizes the WindPro software program.

Without waiving these specific objections and general objections, see the following information:

a. "Potential sun hours" is the total amount of time between sunrise and sunset for each month, generated by WindPro.

b. "Total worst case" is the intermediate value generated by WindPro and represents total minutes of flicker modeled for a given receptor before any reductions based on sunshine and wind direction.

c. "Sun reduction" is the same as "Sunshine probability S/SO", as described below.

d. "Oper. time reduction": WindPro uses this as a factor to reduce "total worst case" based on the amount of time turbines are expected to be operational. For this analysis turbines were assumed to be operating continuously, so no operational time reduction was applied.

e. "Wind dir. reduction": WindPro uses this as a factor to reduce "total worst case" based on wind direction related changes to turbine rotor alignment. WindPro calculates this value using site specific wind rose data.

f. “Total reduction” is a reduction factor is calculated by WindPro to calculate “total, real” which represents the total final minutes of flicker for a given receptor.

g. “Total, real” is the total minutes of flicker for a given receptor calculated by WindPro.

h. “Sunshine probability S/SO” is the probability of sunshine during daylight hours during each month.

i. “Minimum sun height over horizon for influence” is a factor applied in WindPro to account for diffusion of sunlight at the horizon. The WindPro default value of 3 degrees over the horizon was used in the Application studies.

45. Is turbine cut-in speed relevant to the prediction of the number of hours of shadow flicker on a given receptor? If turbine cut-in speed was considered in the shadow flicker modeling supporting the Application, specify the cut-in speed that was used and explain the basis for its selection.

Response: See response to Interrogatory 44(d).

46. Explain any options that CW, Buckeye Wind LLC, or EverPower has identified to overcome the limitations on turbine placement resulting from the presence of Weller Airfield.

Response: Champaign Wind objects to Interrogatory No. 46 as seeking information not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the specific objection or the general objections, all turbine locations for the Buckeye II Wind project have received determinations of no hazard from the Federal Aviation Administration. The Applicant has also received correspondence from the Ohio Department of Transportation, Division of Aviation stating that no permit from that office is required.

47. Has any representative of Buckeye Wind LLC, CW, or EverPower made any statement or representation to any regulatory agency or any aviation-related business (including any airfield) that Weller Airfield is inactive or no longer accepting air traffic? If so, identify:

(a) each representative of Buckeye Wind LLC, CW, or EverPower who made any such statement or representation;

(b) the party to whom the statement or representation was made; and

(c) the date on which the statement or representation was made.

Response: Champaign Wind objects to Interrogatory No. 47 as seeking information not reasonably calculated to lead to the discovery of admissible evidence, and as being overly broad as it does not designate a specific time limitation for the response. Without waiving the specific objections or general objections, to the Applicant's knowledge, no representative of EverPower has made any statement or representation to any regulatory agency or any aviation-related business that Weller Airfield is inactive or no longer accepting air traffic.

48. Identify each person who has provided information to answer any of these interrogatories, and identify the information each such person provided.

Response: Champaign Wind objects to Interrogatory No. 48 as seeking information subject to attorney-client communications, and as being overly broad and unduly burdensome. Without waiving the specific objections or general objections, Christopher Shears, Jason Dagger, Michael Speerschneider, Krishna Santhanam and Charles Vogel.

49. Identify the population density within, and within ½ mile of, the boundary of each constructed wind power facility owned or operated by CW.

Response: Champaign Wind objects to Interrogatory No. 49 as seeking information not in the immediate possession of Champaign Wind, and as being overly broad and unduly burdensome as it would require population surveys of all households within the distances specified. Interrogatory No. 49 also seeks information not reasonably calculated to lead to the discovery of admissible evidence.

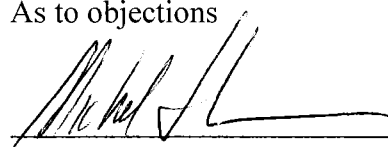
50. Has CW or any Affiliate of CW ever directly operated a wind power facility. For purposes of this interrogatory, “directly operated” does not include any facility where a turbine manufacturer is responsible for day-to-day operation and maintenance of the turbines.

Response: Yes.

51. Identify each employee, officer, or director of CW or any Affiliate, and each parent, child, spouse, or sibling of an employee, officer, or director of CW or any Affiliate, who has entered into a lease of land for the Facility or the Buckeye Wind I Facility.

Response: Champaign Wind objects to Interrogatory No. 51 as vague and ambiguous as to the term “Affiliate” and as seeking information not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the specific objections or general objections, Lawrence and Janice Dagger; Michael and Catherine Pullins; Mathew Pullins; and James Pullins.

As to objections



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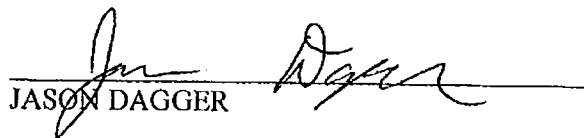
Attorneys for Champaign Wind LLC

STATE OF OHIO)
)
COUNTY OF CHAMPAIGN)

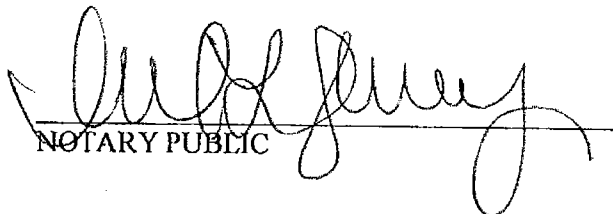
VERIFICATION

Jason Dagger, being first duly sworn according to law, deposes and states that he is an authorized representative of Champaign Wind LLC and that he has read the answers to the foregoing Interrogatories, and that the facts and statements contained herein are true and accurate to the best of his knowledge.

Further affiant sayeth naught.


JASON DAGGER

SWORN TO BEFORE ME and subscribed in my presence this 3 day of October,
2012.


NOTARY PUBLIC



APRIL L. SHOCKEY
NOTARY PUBLIC - OHIO
MY COMMISSION EXPIRES 7-20-15

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon the following parties of record via e-mail and upon the City of Urbana by e-mail and First Class U.S. Mail on this 3rd day of October 2012.

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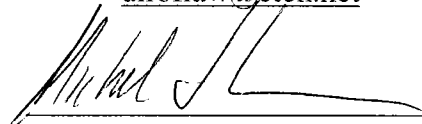
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Case No(s). 12-0160-EL-BGN

Summary: Notice of Filing Applicant's Responses to Intervenor's Union Neighbors United, Robert McConnell, Diane McConnell, and Julia Johnson's First Set of Interrogatories electronically filed by Ms. Miranda R Leppla on behalf of Champaign Wind LLC