

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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**RESPONSES OF UNION NEIGHBORS UNITED TO CHAMPAIGN
WIND'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS**

Intervenor Union Neighbors United (“Intervenor”) hereby responds to the second set of requests for production of documents from Applicant Champaign Wind LLC.

GENERAL OBJECTIONS

1. Intervenor objects to these document requests (“Discovery Requests”) to the extent that they do not comply with the procedural rules of the Ohio Power Siting Board, or otherwise seek to impose duties or obligations upon Intervenor that are greater than or inconsistent with those rules.

2. No objection made herein, or lack thereof, shall be deemed an admission by Intervenor as to the existence or non-existence of any documents and/or information.

3. Intervenor objects to each Discovery Request herein to the extent that it seeks to define terms and/or to characterize certain matters. To the extent Intervenor responds to Discovery Requests, such response is neither an express nor implied agreement or admission as to the meaning of a term or characterization of certain matters.

4. Intervenor objects to each Discovery Request to the extent that it seeks information protected by the attorney-client privilege, the attorney work product doctrine, 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 shall not

constitute a waiver of Intervenor's right to assert the applicability of any privilege or immunity and all copies or images thereof shall be returned to counsel for Intervenor upon discovery thereof.

5. Intervenor objects to Champaign Wind LLC's definitions and instructions to the extent they purport to obligate Intervenor to supplement its answers to these Discovery Requests in situations not required by OAC § 4906-7-07.

6. Intervenor objects to any Discovery Request, definition, or instruction that seeks to require Intervenor to take extraordinary measures to perform a search for responsive information, 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.

7. With respect to Discovery Requests which utilize terms or words that inherently may be construed unreasonably broadly, Intervenor objects on the grounds of vagueness, overbreadth, undue burden, and that such Discovery Requests are not reasonably calculated to lead to the discovery of admissible evidence. To the extent Intervenor asserts an objection of vagueness, overbreadth, or undue burden, it asserts a further objection that the Discovery Request is not reasonably calculated to lead to the discovery of admissible evidence.

8. Intervenor objects to Champaign Wind LLC's Discovery Requests 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.

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

10. In making these objections, Intervenor 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 Discovery Requests;

b. all rights to object on any ground to the use of any information that may be produced or disclosed in response to these Discovery Requests, 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 Discovery Requests, or any other discovery requests from Champaign Wind LLC; and

d. all rights to supplement the responses to these Discovery Requests.

11. Intervenor has made reasonable efforts to respond to each Discovery Request as Intervenor understands and interprets the Discovery Request. If Champaign Wind LLC subsequently asserts an interpretation of a Discovery Request that differs from that of Intervenor, Intervenor reserves the right to supplement her response.

12. As formal discovery has not been completed, Intervenor reserves the right to rely upon any facts, documents or other evidence which may develop or come to her attention later.

RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 11: Please provide a curriculum vitae or resume for each witness that Union Neighbors United, Inc. may call to testify in Case No. 12-0160-EL-BGN.

Response: The resume for Richard James is being produced. Julia Johnson has no resume.

REQUEST NO. 12: For any expert witness identified in response to Interrogatory No. 23, please provide a copy of any testimony offered in any other jurisdiction by such witness on a similar

topic that the witness intends to address in Case No. 12-0160-EL-BGN.

Response: Richard James does not possess copies of some of the testimony he has offered in other cases. However, the transcript of his testimony in Buckeye Wind I is available on the web site of the Ohio Power Siting Board. Additional transcripts of his testimony were produced in Buckeye Wind I. Intervenor will produce copies of the other testimonies that are in Mr. James' possession.

Respectfully submitted,

s/ Jack A. Van Kley

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CERTIFICATE OF SERVICE

I hereby certify that, on October 9, 2012, a copy of the foregoing was served by electronic mail on M. Howard Petricoff (mhpetricoff@vorys.com); Michael J. Settineri (mjsettineri@vorys.com); Miranda Leppla (mrleppla@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); Kurt P. Helfrich (Kurt.Helfrich@ThompsonHine.com); Philip B. Sineneng (Philip.Sineneng@ThompsonHine.com); Ann B. Zallocco (Ann.Zallocco@ThompsonHine.com); and G.S. Weithman (diroflaw@ctcn.net).

s/ Jack A. Van Kley _____

Jack A. Van Kley

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Summary: Response of Intervenor UNU to Champaign Wind's Second Request for Production of Documents electronically filed by Mr. Jack A Van Kley on behalf of Union Neighbors United