

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)	

**RESPONSES OF ROBERT McCONNELL TO CHAMPAIGN
WIND'S SECOND SET OF INTERROGATORIES**

Intervenor Robert McConnell ("Intervenor") hereby responds to the second set of interrogatories from Applicant Champaign Wind LLC.

GENERAL OBJECTIONS

1. Intervenor objects to these interrogatories ("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, he 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.

ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 13: Please identify all witnesses you intend to call at the evidentiary hearing in Case No. 12-0160-EL-BGN.

Response: At this time, Intervenor has arranged for the following witnesses to testify at the hearing:

Witness name: Richard James
Employer: E-Coustic Solutions

Business address: P.O. Box 1129
Okemus, MI 48805

Witness name: Julia Johnson
Self-employed
Address: 4891 E. U.S. Route 36
Urbana, Ohio

Intervenor is in the process of searching for other witnesses to testify at the hearing.

INTERROGATORY NO. 14: Are any of the witnesses identified in response to Interrogatory No. 13 being offered as expert witnesses? If so, please identify which witnesses will be offered as expert witnesses.

Response: Yes. Richard James.

INTERROGATORY NO. 15: Please list the subject matter that each of the witnesses identified in response to Interrogatory No. 13 will be addressing in their testimony.

Response: Richard James will address infrasound and noise of all frequencies. The contents of Julia Johnson's testimony are unknown at this time.

INTERROGATORY NO. 16: Have any of the witnesses identified in response to Interrogatory No. 13 testified before? If so, please list the jurisdiction, the case number, and the topic each addressed in such testimony.

Response: As to first subpart of this interrogatory, the answer is yes. Intervenor objects to the second subpart of this interrogatory on the grounds that it is overbroad and unduly burdensome. Mr. James has decades of experience as an acoustic engineer, and he has not kept detailed records about all of the cases in which he has testified. Therefore, he may not recall some of the cases in which he has testified. Without waiving these objections, Intervenor is producing the enclosed document entitled "Summary of Court and Administrative Agency Cases for Richard James," which Mr. James believes to be a complete list of his trial and hearing testimonies in

cases involving wind turbines. In Mr. James' written testimony in Buckeye Wind I and in his enclosed resume, Mr. James also described additional testimony in cases not involving wind turbines. The only trial or adjudicative hearing testimony on wind turbine issues previously offered by Julia Johnson was her testimony in the hearing for Buckeye Wind I.

INTERROGATORY NO. 17: For each expert witness identified in response to Interrogatory No. 14, please list the published articles each has authored or co-authored.

Response: Richard James' recently published articles are listed in the enclosed "List of Recent Publications." Mr. James' resume lists all other published articles that Mr. James has authored or co-authored.

INTERROGATORY NO. 18: Have you or anyone acting on your behalf commissioned any studies related to the operation of wind turbines, including but not limited to, studies on blade throw, operational noise, ice throw, property value impacts and shadow flicker since your September 10, 2012 responses to Champaign Wind LLC's First Set of Interrogatories and Requests for Production of Documents?

Response: Intervenor objects to the use of "studies" in this interrogatory on the grounds that it is ambiguous. Intervenor also objects to the extent that this interrogatory is intended to request information that is protected as attorney work product. Without waiving these objections, Intervenor states Richard James has been asked to evaluate the noise study included in the application for Buckeye Wind II for the purpose of discussing it in his direct testimony due to be filed on November 5, 2012.

INTERROGATORY NO. 19: If the response to Interrogatory 18 is yes, please identify: a) the name of the person or firm commissioned; (b) the topic to be addressed by the study and c) any deadline by which the study is or was to be completed.

Respectfully submitted,

s/ Jack A. Van Kley

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CERTIFICATE OF SERVICE

I hereby certify that, on October 15, 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: Notice of Answers to Champaign Wind's Second Set of Interrogatories electronically filed by Mr. Jack A Van Kley on behalf of McConnell, Robert Mr.