

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 REQUESTS FOR DOCUMENTS**

Champaign Wind LLC (the “Applicant”) hereby gives notice that on October 16, 2012, it served its Responses to Intervenor Union Neighbors United, Robert McConnell, Diane McConnell, and Julia Johnson’s First Set of Requests for Documents 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 16th day of October, 2012.

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**CHAMPAIGN WIND LLC’S RESPONSES TO UNION NEIGHBORS
UNITED’S FIRST REQUESTS FOR DOCUMENTS**

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

GENERAL OBJECTIONS

1. Champaign Wind objects to these document requests 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 document request herein to the extent that it seeks to define terms and/or to characterize certain matters. To the extent Champaign Wind responds to document 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. Champaign Wind objects to each document request 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 document requests to the extent they seek confidential business information proprietary to Champaign Wind and persons with whom Champaign Wind does business.

6. Champaign Wind objects to these document requests 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 document request, 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 document requests 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 document requests 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 document request is not reasonably calculated to lead to the discovery of admissible evidence.

10. Champaign Wind objects to these document 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.

11. To the extent a response is made to a document request 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 document 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 document 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 document requests or any other discovery requests from Intervenors; and
- d. all rights to supplement its responses to these document requests.

13. Champaign Wind has made reasonable efforts to respond to each and every document request as Champaign Wind understands and interprets the document request. If Intervenors subsequently assert an interpretation of a document request 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.

REQUESTS FOR DOCUMENTS

1. A curriculum vitae or resume for each witness that CW may call to testify in this proceeding.

RESPONSE: Champaign Wind will supplement this response after it identifies witnesses for this proceeding.

2. A copy of any testimony offered in any other jurisdiction by each expert witness that CW may call to testify in this proceeding.

RESPONSE: See the response to document request No. 1.

3. For each expert witness that CW will present or call at the evidentiary hearing in this matter, please provide the expert's resume or curriculum vitae, all published articles the expert has authored or co-authored, and copies of all affidavits or transcripts of testimony given by the expert before any court or governmental commission, board, or tribunal.

RESPONSE: See the response to document request No. 1.

4. All documents and tangible objects that CW may introduce into evidence, to which CW's witnesses may refer during the hearing on this case, or which CW's witnesses may review in preparation for their testimony.

RESPONSE: Champaign Wind may introduce into evidence any document produced by any party in this matter, any document which it has previously filed in this proceeding, any response to Staff data requests yet to be developed, any response to intervenors' discovery requests yet to be developed and testimony yet to be developed.

5. All documents containing information that CW or its witnesses, representatives, or experts have created, referred to, read, relied upon, or used in any way with respect to or for purpose of evaluating the issues in this case.

RESPONSE: Champaign Wind objects to Document Request No. 5 as being overly broad and unduly burdensome. Champaign Wind also objects to Document Request No. 5 as seeking attorney work product and attorney-client privileged communications. Champaign Wind will supplement this response after witnesses have been identified.

6. All documents evidencing the formation and organization of, and all financial statements for, Champaign Wind LLC and EverPower Wind Holdings Inc., including articles of organization or incorporation, balance sheets, by-laws, and minutes of meetings held by either company since its formation to the present date.

RESPONSE: Champaign Wind objects to Document Request No. 6 as being unduly burdensome, seeking information that is not reasonably calculated to lead to the discovery of admissible evidence and seeking confidential trade secret information. Without waiving the specific objections or general objections, Champaign Wind will produce articles of incorporation and formation documents for both EverPower and Champaign Wind.

7. All correspondence to any State of Ohio elected official or administrative agency since January 1, 2010 by CW referring to or relating to Case No. 08-666-EL-BGN, the Buckeye Wind project, the Buckeye II Wind project, or Case No. 12-160-EL-BGN.

RESPONSE: Champaign Wind objects to Document Request No. 7 as seeking information that is not relevant and not reasonably calculated to lead to the discovery of

admissible evidence. Champaign Wind also objects to Document Request No. 7 as being overly broad, unduly burdensome and not limited to an appropriate time period. Without waiving the specific objections and the general objections, Champaign Wind will produce documents responsive to this request.

8. All correspondence between CW and any state elected official or administrative agency since January 1, 2010 referring to or relating to wind turbines or any issue associated with wind turbines.

RESPONSE: Champaign Wind objects to Document Request No. 8 as seeking information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Champaign Wind also objects to Document Request No. 8 as being overly broad, unduly burdensome and not limited to an appropriate time period. Without waiving the specific objections and the general objections, Champaign Wind will produce documents responsive to this request.

9. All public records requests submitted by CW to the Ohio Power Siting Board, any other Ohio administrative agency or elected official, any local government entity or employee, or the federal government.

RESPONSE: Champaign Wind objects to Document Request No. 9 as being overly broad, unduly burdensome and not limited to an appropriate period. Without waiving the general objections, Champaign Wind will produce documents responsive to this request.

10. All documents obtained by CW or its counsel through Ohio's public records act (R.C. § 149.43), or from any federal agency through the Freedom of Information Act.

RESPONSE: See the response to Document Request No. 9.

11. All documents, including correspondence between CW and any other entity or person, related to turbine operational noise, shadow flicker, blade throw, property values, and health effects of wind turbines.

RESPONSE: Champaign Wind objects to Document Request No. 11 as being overly broad, unduly burdensome and not limited to an appropriate time period. Champaign Wind also objects to Document Request No. 11 as seeking attorney work product and attorney-client privileged documents. Without waiving these specific objections and the general objections, Champaign Wind will produce documents responsive to this request.

12. All documents relating to any studies performed on the Project Area or in preparation for drafting the Application.

RESPONSE: Champaign Wind objects to Document Request No. 12 as being overly broad and unduly burdensome. Champaign Wind also objects to Document Request No. 12 as seeking attorney work product and attorney-client privileged documents. Without waiving the specific objections and the general objections, Champaign Wind will produce documents responsive to this request.

13. All documents relating to PJM's review and/or approval of the interconnection of the Facility or its wind turbines to the regional grid.

RESPONSE: Champaign Wind objects to Document Request No. 13 as being overly broad and unduly burdensome. Without waiving the specific objections and the general objections, Champaign Wind will produce documents responsive to this request.

14. All documents created since January 1, 2010 relating to any meeting or correspondence between CW and any representative of the Ohio Power Siting Board (including its Staff), the Ohio Department of Natural Resources, the U.S. Fish and Wildlife Service, the Ohio Air Quality Development Authority, or the Ohio Department of Transportation.

RESPONSE: Champaign Wind objects to Document Request No. 14 as seeking information irrelevant to the Application filed in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Champaign Wind also objects to Document Request 14 as being overly broad, unduly burdensome and not limited to an appropriate time period. Without waiving the specific objections and the general objections, Champaign Wind will produce documents responsive to this request.

15. All documents relating to any meeting or correspondence since January 1, 2010 between CW and any elected official or employee of Champaign County or any township or municipality in Champaign County. This request includes documents relating to any meeting or correspondence with the offices of the Champaign County Recorder, Auditor, and Health Department.

RESPONSE: Champaign Wind objects to Document Request No. 15 as seeking information irrelevant to the Application filed in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Champaign Wind also objects to Document

Request 15 as being overly broad, unduly burdensome and not limited to an appropriate time period. Without waiving the specific objections and the general objections, Champaign Wind will produce documents responsive to this request.

16. All documents relating to all shadow flicker modeling runs conducted with respect to either the Buckeye Wind I Facility or the Buckeye Wind II Facility, or with respect to cumulative impacts from both Projects. This request includes all documents and photographs relating to modeling “refinements” referenced at page 86 of the Application.

RESPONSE: Champaign Wind objects to Document Request No. 16 as seeking information irrelevant to the Application filed in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Champaign Wind also objects to Document Request No. 16 as being overly broad and unduly burdensome. Without waiving the specific objections and the general objections, see the Application and Exhibit P to the Application which includes a shadow flicker report and Attachments C, D, E, F, and G to the report.

17. All correspondence since January 1, 2010 between Champaign Wind LLC, Buckeye Wind, LLC, or EverPower and any landowner in Champaign or Clark County.

RESPONSE: Champaign Wind objects to Document Request No. 17 as seeking information irrelevant to the Application filed in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Champaign Wind also objects to Document Request No. 17 as being overly broad and unduly burdensome.

18. All correspondence, leases, agreements for options to lease, and other agreements between Champaign Wind LLC, Buckeye Wind, LLC, or EverPower and any landowner on whose land CW plans to site a wind turbine for the Buckeye Wind II Project.

RESPONSE: Champaign Wind objects to Document Request No. 18 as seeking information irrelevant to the Application filed in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Champaign Wind also objects to Document Request No. 18 as being overly broad and as being unduly burdensome.

19. All documents relating to any complaint or complaint investigation concerning the operation of any wind energy facility owned or operated by EverPower.

RESPONSE: Champaign Wind objects to Document Request No. 19 as seeking information irrelevant to the Application filed in this proceeding, and not reasonably calculated to lead to the discovery of admissible evidence. Champaign Wind also objects to Document Request 19 as being overly broad and unduly burdensome. Without waiving the specific objections and the general objections, Champaign Wind has no responsive documents.

20. All correspondence, meeting notes, and other documents relating to the Buckeye Wind I Facility provided to the Ohio Power Siting Board or its Staff since January 1, 2010. This request does not require production of any document that is part of the online docket in OPSB Cases 08-666-EL-BGN or 12-160-EL-BGN.

RESPONSE: Champaign Wind objects to Document Request No. 20 as seeking information irrelevant to the Application filed in this proceeding, and not reasonably calculated

to lead to the discovery of admissible evidence. Champaign Wind also objects to Document Request No. 20 as being overly broad and unduly burdensome.

21. All documents relating to the wind data supporting the annual wind rose data figures in Table A1 of Exhibit P of the Application.

RESPONSE: Champaign Wind objects to Document Request No. 21 as being overly broad, unduly burdensome and seeking confidential proprietary information. Without waiving these specific objections and the general objections, Champaign Wind is willing to provide access to confidential wind data at the offices of Champaign Wind's counsel upon the execution of a mutually agreeable confidentiality agreement to protect the proprietary nature of the wind data.

22. All documents relating to the wind data collected from any meteorological tower located within the Project Area of Buckeye Wind Projects I or II.

RESPONSE: Champaign Wind objects to Document Request No. 22 as not being limited in time, being overly broad, unduly burdensome and seeking confidential proprietary information. Without waiving these specific objections and the general objections, Champaign Wind is willing to provide access to confidential wind data at the offices of Champaign Wind's counsel upon the execution of a mutually agreeable confidentiality agreement to protect the proprietary nature of the wind data.

23. All documents relating to the data pertaining to maximum wind speeds expected to be encountered in the Project Area.

RESPONSE: Champaign Wind objects to Document Request No. 23 as being overly broad, unduly burdensome and seeking confidential proprietary information. Without waiving these specific objections and the general objections, Champaign Wind is willing to provide access to confidential wind data at the offices of Champaign Wind's counsel upon the execution of a mutually agreeable confidentiality agreement to protect the proprietary nature of the wind data.

24. The Abraxas Energy document cited in Table 02-1 of the Application.

RESPONSE: Without waiving its general objections, Champaign Wind will produce documents responsive to this request.

25. All documents relating to the noise characteristics of every turbine model that the CW may consider for the Project.

RESPONSE: Champaign Wind objects to Document Request No. 25 as being overly broad and unduly burdensome given that Champaign Wind has yet to identify a specific turbine model for this project. Without waiving the specific objections or the general objections, sound power outputs have been provided in the Application for the Nordex N100 turbine model, see Exhibit O, Environmental Sound Survey and Noise Impact Assessment, page 32.

26. All documents considered by CW in evaluating the suitability of the Project Area for the Project.

RESPONSE: Champaign Wind objects to Document Request 26 as being overly broad, unduly burdensome and seeking confidential proprietary information. Without waiving these

specific objections and the general objections, see the Application, Section 4906-17-04 and Figure 04-1.

27. The “international guidelines” for shadow flicker referenced at page 23 of the Application.

RESPONSE: Without waiving its general objections, Champaign Wind will produce the documents referenced on page 23 of the Application (Parsons Brinckerhoff, 2011; Sustainable Energy Authority Victoria, 2009).

28. The “Wind Energy in Cold Climates” document referenced at page 81 of the Application.

RESPONSE: Without waiving its general objections, Champaign Wind will produce the document referenced at page 81 of the Application (Seifert et al., 2003).

29. The Garrad Hassan and Cattin studies on ice throw referenced at page 82 of the Application.

RESPONSE: Without waiving its general objections, Champaign Wind will produce the documents referenced at the top of page 82 of the Application (Garrad Hassan, 2007; Cattin et al., 2008).

30. All documents relating to blade icing, including ice detection and automatic shutoff, for every turbine model that CW may consider for the Project.

RESPONSE: Champaign Wind objects to Document Request No. 30 as being overly broad and unduly burdensome given that Champaign Wind has yet to identify a specific turbine model for this project. Without waiving the specific objections and the general objections,

Champaign Wind will produce documents responsive to this request; also see Exhibit R to the Application.

31. All documents referenced in, or considered in the course of preparing, the Economic Impact Study attached as Exhibit G to the Application.

RESPONSE: Champaign Wind objects to Document Request No. 31 as being overly broad, unduly burdensome and seeking documents not in the possession of the Applicant.

32. All documents relating to the effect of wind energy projects on neighboring property values.

RESPONSE: Champaign Wind objects to Document Request No. 32 as being overly broad and unduly burdensome. Without waiving these specific objections and the general objections, Champaign Wind will produce documents responsive to this request.

33. All documents created since January 1, 2010 relating to Weller Airfield, including all correspondence between CW and the owners or operators of Weller Field or members of the Weller family.

RESPONSE: Champaign Wind objects to Document Request No. 33 as being overly broad, unduly burdensome and not limited to an appropriate timeframe. Champaign Wind also objects to Document Request No. 33 as not seeking information reasonably calculated to lead to the discovery of admissible evidence and seeking confidential settlement negotiation documents.

34. All documents relating to statements or representations concerning Weller Airfield identified in response to Interrogatory 47.

RESPONSE: Champaign Wind objects to Document Request No. 34 as seeking information not reasonably calculated to lead to the discovery of admissible evidence.

35. All documents relating to actual, potential, or presumed aviation hazards associated with the Facility, including but not limited to documents related to the mitigation thereof.

RESPONSE: Champaign Wind objects to Document Request No. 35 as being overly broad, unduly burdensome and not seeking information reasonably calculated to lead to the discovery of admissible evidence. Without waiving these specific objections and the general objections, see the Application and the FAA Determinations of No Hazard included therein.

36. All reports, publications, data, and other records relating to, cited by, or supporting, the Application.

RESPONSE: Champaign Wind objects to Document Request No. 36 as being vague and ambiguous, overly broad and unduly burdensome. Without waiving these specific objections and the general objections, see the Application, all studies attached to the Application and documents produced that are referenced in the Application.

37. All studies, reports, notes, correspondence, and other documents used in, referred to during, or relating to, the preparation of the Application.

RESPONSE: Champaign Wind objects to Document Request No. 37 as being vague and ambiguous, overly broad and unduly burdensome. Champaign Wind also objects to Document Request No. 37 as seeking attorney work product and attorney-client privileged documents. Without waiving the specific objections and the general objections, see the

Application, the studies included in the Application and documents produced that are referenced in the Application.

38. All documents containing information relating to any facts discussed in the Application.

RESPONSE: Champaign Wind objects to Document Request No. 38 as seeking attorney work product and attorney-client privileged communications and as being vague and ambiguous, overly broad and unduly burdensome.

39. All documents containing information relevant to or referring to the facts, claims, or issues relevant to this case.

RESPONSE: Champaign Wind objects to Document Request No. 39 as seeking attorney work product and attorney-client privileged communications and as being vague and ambiguous, overly broad and unduly burdensome. Without waiving the specific objections and the general objections, see the Application filed in this proceeding.

40. All documents relating to the discussions with landowners about the footprints of facility components on their land, as referenced on page 24 of the Application.

RESPONSE: Champaign Wind objects to Document Request No. 40 as not seeking information that is not reasonably calculated to lead to the discovery of admissible evidence. Champaign Wind also objects to Document Request No. 40 as being overly broad and unduly burdensome.

41. All documents which CW believes support or contradict any argument it plans to make in this case.

RESPONSE: Champaign Wind objects to Document Request No. 41 as overly broad and unduly burdensome. Without waiving the specific objections and the general objections, see the Application filed in this proceeding.

42. All documents containing information contradicting any statements made in the Application.

RESPONSE: Champaign Wind objects to Document Request No. 42 as being overly broad and unduly burdensome.

43. All drafts and preliminary versions of the Application or any of its parts.

RESPONSE: Champaign Wind objects to Document Request No. 43 as seeking information not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Champaign Wind also objects to Document Request No. 43 as seeking attorney-client privileged information and attorney work product. Document Request No. 43 is also overly broad and unduly burdensome.

44. All letters, memoranda, telephone memoranda, and other correspondence relating or referring to any part of the Application or any part of its drafts or preliminary versions.

RESPONSE: Champaign Wind objects to Document Request No. 44 as seeking information not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Champaign Wind also objects to Document Request No. 44 as seeking attorney-client

privileged information and attorney work product. Document Request No. 44 is also overly broad and unduly burdensome.

45. All documents relating or referring to the site selection process or site alternatives analyses for the Facility, including the alternatives considered.

RESPONSE: Champaign Wind objects to Document Request No. 45 as seeking information that is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Champaign Wind also objects that Document Request No. 45 is overly broad and unduly burdensome. Without waiving the specific objections and the general objections, see the Application filed in this proceeding.

46. All documents relating to the search for, identification of, or acquisition of turbine sites for the Facility.

RESPONSE: Champaign Wind objects to Document Request No. 46 as seeking information not reasonably calculated to lead to the discovery of admissible evidence. Champaign Wind also objects to Document Request No. 46 as overly broad and unduly burdensome. Without waiving the specific objections and the general objections, see the Application filed in this proceeding.

47. All documents relating or referring to any other sites that could have been used as the site of any wind turbine in the Facility.

RESPONSE: Champaign Wind objects to Document Request No. 47 as seeking information not reasonably calculated to lead to the discovery of admissible evidence.

Champaign Wind also objects to Document Request No. 47 as overly broad and unduly burdensome.

48. All documents relating or referring to the environmental and socioeconomic considerations of preferred and alternate sites for the Facility.

RESPONSE: Champaign Wind objects to Document Request No. 48 as seeking information not reasonably calculated to lead to the discovery of admissible evidence.

Champaign Wind also objects to Document Request No. 48 as overly broad and unduly burdensome. Without waiving the specific objections and the general objections, see the Application filed in this proceeding which discusses the environmental and socioeconomic considerations for the designated sites for the Facility.

49. All documents relating or referring to the reasons that CW selected the Project Area or any portions of the Project Area for the Buckeye Wind II Facility instead of another location.

RESPONSE: Champaign Wind objects to Document Request No. 49 as seeking information not reasonably calculated to lead to the discovery of admissible evidence.

Champaign Wind also objects to Document Request No. 49 as overly broad and unduly burdensome. Without waiving the specific objections and the general objections, see the Application filed in this proceeding.

50. All documents relating to the schedule for constructing the Facility.

RESPONSE: Champaign Wind objects to Document Request No. 50 as being overly broad and unduly burdensome. Without waiving the specific objections and the general objections, see page 18 of the Application filed in this proceeding.

51. Organizational charts, employee rosters, or other documents showing the names and titles/positions of CW's managerial and executive personnel.

RESPONSE: Champaign Wind objects to Document Request No. 51 as seeking information not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the specific objections and the general objections, Champaign Wind will produce documents responsive to this request.

52. All field notes, noise measurements, and other documentation and data relating to the noise study in Exhibit O of the Application or any other study or measurement of background, construction, or operational noise with regard to the Facility.

RESPONSE: Champaign Wind objects to Document Request No. 52 as being overly broad and unduly burdensome, and seeking documents not in the possession of Champaign Wind. Without waiving the specific objections and the general objections, see Exhibit O to the Application and documents produced in response to this request.

53. All photographs, reports, correspondence, data, and other documents relating to any background sound level survey performed in the Buckeye Wind II Project Area or in the area included in the Buckeye Wind I Facility.

RESPONSE: Champaign Wind objects to Document Request No. 53 as seeking information not reasonably calculated to lead to the discovery of admissible evidence, and as being overly broad and unduly burdensome. Without waiving the specific objections and the general objections, see Exhibit O to the Application and documents produced in response to this request.

54. All data and other documents relating to any modeling of noise levels from wind turbines in the Facility, or relating to the modeling of noise levels from a combination of wind turbines in the Facility and the Buckeye Wind I Facility. This request applies to all modeling runs, whether or not they were used to support any information in the Application.

RESPONSE: Champaign Wind objects to Document Request No. 54 as seeking information not reasonably calculated to lead to the discovery of admissible evidence. Champaign Wind also objects to Document Request No. 54 as seeking documents not in the possession of Champaign Wind and as being overly broad and unduly burdensome. Without waiving the specific objections and the general objections, see Exhibit O to the Application filed in this proceeding.

55. All documents listed in the “References” on page 47 of Exhibit O of the Application.

RESPONSE: Without waiving its general objections, Champaign Wind will produce documents responsive to this request.

56. All documents used or reviewed to prepare Reference No. 2 of the “References” on page 47 of Exhibit O of the Application.

RESPONSE: Without waiving its general objections, Champaign Wind will produce documents responsive to this request.

57. All complaints or concerns expressed about the noise of the wind turbines described in Reference No. 2 of “References” on page 47 of Exhibit O of the Application.

RESPONSE: Without waiving its general objections, Champaign Wind will produce documents responsive to this request.

58. All published papers on noise authored by David Hessler or George Hessler.

RESPONSE: Champaign Wind objects to Document Request No. 58 as being overly broad, unduly burdensome and seeking information not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the specific objections or general objections, Champaign Wind will produce documents responsive to this request.

59. All documents relating to the “numerous studies show[ing] that the low frequency content in the sound spectrum of a typical wind turbine is not substantially different than that of the natural background sound level in rural areas,” as stated on page 3 of Exhibit O of the Application.

RESPONSE: Champaign Wind objects to Document Request No. 59 as being overly broad and unduly burdensome. Without waiving the specific objections or general objections, Champaign Wind will produce documents responsive to this request.

60. All data and other documents relating to the wind speed measurements from the mast top anemometers mentioned on page 4 of Exhibit O of the Application.

RESPONSE: Champaign Wind objects to Document Request No. 60 as seeking information that is confidential and as being overly broad and unduly burdensome. Without waiving these specific objections and the general objections, Champaign Wind is willing to provide access to confidential wind data at the offices of Champaign Wind's counsel upon the execution of a mutually agreeable confidentiality agreement to protect the proprietary nature of the wind data.

61. All noise guidelines for wind energy projects that CW or its consultants have reviewed, used, or possess.

RESPONSE: Champaign Wind objects to Document Request No. 61 as being vague and ambiguous as to "noise guidelines," and overly broad, unduly burdensome and seeking information that is not in the possession of Champaign Wind. Without waiving its general objections, Champaign Wind will produce documents responsive to this request.

62. All documents relating to complaints or concerns expressed about noise from the operation of any wind project to which Hessler Associates, Inc. provided assistance, or which Hessler Associates, Inc. evaluated for potential noise impacts, prior to its construction.

RESPONSE: Champaign Wind objects to Document Request No. 62 as being unduly burdensome, overly broad and seeking information that is not in the possession of Champaign Wind.

63. All pre-construction and post-construction reports prepared by Hessler Associates, Inc. about wind projects that have been the subject of noise complaints.

RESPONSE: Champaign Wind objects to Document Request No. 63 as being overly broad, unduly burdensome and seeking information that is not in the possession of Champaign Wind.

64. All reports, literature, and other documents relating to the noise produced by any wind turbines “during periods of high wind shear” or “during stable atmospheric conditions” as described on page 37 of Exhibit O of the Application.

RESPONSE: Champaign Wind objects to Document Request No. 64 as being overly broad and unduly burdensome. Without waiving the specific objections and the general objections, Champaign Wind will produce documents responsive to this request.

65. All analyses, reports, and other documents relating to the wind turbulence that may be created by the Facility’s wind turbines and/or the effects of such wind turbulence on other wind turbines in the Buckeye Wind I or II Projects.

RESPONSE: Champaign Wind objects to Document Request No. 65 as seeking information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Champaign Wind also objects to Document Request No. 65 as being overly broad and unduly burdensome, and seeking confidential proprietary information. Without waiving these specific objections and the general objections, Champaign Wind does not possess any documents responsive to this request.

66. All agreements with landowners to waive setbacks or other legal or regulatory requirements pertaining to the Facility.

RESPONSE: Champaign Wind objects to Document Request No. 66 as seeking information that is not reasonably calculated to lead to the discovery of admissible evidence, overly broad and unduly burdensome. Champaign Wind also objects to Document Request No. 66 as seeking documents that are confidential and that are subject to confidentiality provisions.

67. All documents relating to the purchase or acquisition of leases or options for leases from Invenergy or any other person in Champaign County.

RESPONSE: Champaign Wind objects to Document Request No. 67 as being overly broad and unduly burdensome, and as seeking information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Champaign Wind also objects to Document Request No. 67 as seeking confidential trade secret information and attorney-client information.

68. All memoranda and other correspondence between employees, agents, consultants, and representatives of CW discussing the pros and/or cons of acquiring the leases or options for leases for wind turbines in Champaign County that were possessed by Invenergy or any other person.

RESPONSE: Champaign Wind objects to Document Request No. 68 as seeking information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Champaign Wind also objects to Document Request No. 68 as seeking attorney-client communications and as being overly broad and unduly burdensome.

69. All draft and final iterations and versions of the turbine layouts, site plans, and associated sound modeling analyses done for the purpose of identifying and mitigating noise impacts from the Facility.

RESPONSE: Champaign Wind objects to Document Request 69 as seeking information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the specific objections and the general objections, see the Application filed in this proceeding.

70. All studies, reports, and other documents relating to the presence or potential presence of the Indiana Bat or the Bald Eagle within the boundaries of either the Buckeye Wind I Facility or the Buckeye Wind II Project Area.

RESPONSE: Champaign Wind objects to Document Request No. 70 as seeking information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Champaign Wind also objects to Document Request No. 70 as being overly broad and unduly burdensome. Without waiving the specific objections and the general objections, see the Application filed in this proceeding and documents produced that are responsive to this request.

71. All reports, studies, and literature discussing or identifying the types of injuries, effects, or harm to Indiana Bats or other bats or birds that may result from development, construction projects, manmade structures, and other human activities.

RESPONSE: Champaign Wind objects to Document Request No. 71 as vague and ambiguous, overly broad and unduly burdensome. Champaign Wind objects to Document Request No. 71 as irrelevant. Without waiving these specific objections and the general

objections, see the Application filed in this proceeding and documents produced that are responsive to this request.

72. All documents relating to applications, reports, or other communications between (a) Champaign Wind LLC, EverPower, EverPower Renewables Corp., or any affiliate and (b) the U.S. Fish and Wildlife Service, the Ohio Department of Natural Resources, or the Staff of the Ohio Power Siting Board relating to the mitigation of impacts on the Indiana Bat or other animal or bird species within the Project Area, including the subjects of habitat conservation plans or incidental take permits.

RESPONSE: Champaign Wind objects to Document Request No. 72 as overly broad and unduly burdensome. Champaign Wind objects to Document Request No. 72 as irrelevant. Without waiving the specific objections and the general objections, Champaign Wind will produce documents responsive to this request.

73. All documents relating to any study, survey, or other effort undertaken, commissioned, directed, supervised, or requested by Invenergy or its consultant(s) to assess, identify, or confirm the presence of the Indiana Bat in the Project Area.

RESPONSE: Champaign Wind objects to Document Request No. 73 as seeking documents not in the possession of Champaign Wind and seeking information not reasonably calculated to lead to the discovery of admissible evidence. Champaign Wind also objects to Document Request No. 73 as being overly broad and unduly burdensome. Without waiving these specific objections and the general objections, Champaign Wind will produce documents responsive to this request.

74. All documents obtained from Invenenergy relating to any of the wind turbine sites in the Project Area.

RESPONSE: Champaign Wind objects to Document Request No. 74 as seeking information that is confidential and seeking information that is not reasonably calculated to lead to the discovery of admissible evidence. Document Request No. 74 is also overly broad and unduly burdensome. Without waiving these specific objections and the general objections, Champaign Wind will produce documents responsive to this requests.

75. All reports, studies, and literature discussing or identifying the types of injuries, effects, or harm to human health, human comfort, or the environment that may result from wind turbines.

RESPONSE: Champaign Wind objects to Document Request No. 75 as vague and ambiguous, overly broad and unduly burdensome. Without waiving these specific objections and the general objections, see the Application filed in this proceeding.

76. All documents relating or referring to the effects that the Facility may have on the residents of surrounding communities.

RESPONSE: Champaign Wind objects to Document Request No. 76 as being vague and ambiguous as to the term “effects,” and as being overly broad and unduly burdensome. Without waiving the specific objections and the general objections, see the Application filed in this proceeding.

77. All documents relating or referring to any injuries, effects, or harm to human health, human comfort, or the environment that may be caused by the Facility.

RESPONSE: Champaign Wind objects to Document Request No. 77 as vague and ambiguous, overly broad and unduly burdensome. Without waiving the specific objections and the general objections, see the Application filed in this proceeding.

78. All documents relating to the manufacturer's health and safety specifications or recommendations (such as buffers or setback specs or recommendations) for wind turbines.

RESPONSE: Champaign Wind objects to Document Request No. 78 as being overly broad and unduly burdensome, and seeking documents not in Champaign Wind's possession. Without waiving these specific objections and the general objections, see Exhibits M and R to the Application.

79. All documents relating to any turbine manufacturer's specifications or recommendations for setbacks or buffers for wind turbines.

RESPONSE: Champaign Wind objects to Document Request No. 79 as being overly broad and unduly burdensome and seeking information not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these specific objections and the general objections, see Exhibits M and R to the Application.

80. All documents relating or referring to the CW's consideration, evaluation, or selection of potential turbine models for the Facility.

RESPONSE: Champaign Wind objects to Document Request No. 80 as being overly broad, unduly burdensome and seeking information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these specific

objections and the general objections, see Exhibit M and page 44 of the Application filed in this proceeding.

81. All documents relating or referring to any of the “federal incentive programs” to which page 17 of the Application refers.

RESPONSE: Champaign Wind objects to Document Request No. 83 as being overly broad and unduly burdensome. Subject to these specific objections and the general objections, Champaign Wind will produce documents responsive to this request.

82. All documents relating to the “renewable energy grants” for which CW is or may be eligible under the American Recovery and Reinvestment Act of 2009 to which page 17 of the Application refers.

RESPONSE: Without waiving the general objections, Champaign Wind has no responsive documents.

83. All documents relating to any grants, tax abatements, tax reductions, subsidies, or other financial benefits for which CW has applied to any governmental entity.

RESPONSE: Champaign Wind objects to Document Request No. 83 as being vague and ambiguous, overly broad and unduly burdensome. Without waiving these specific objections and the general objections, Champaign Wind has no responsive documents.

84. All documents relating to blade throw, or the potential for blade throw, by wind turbines.

RESPONSE: Champaign Wind objects to Document Request No. 84 as being overly broad and unduly burdensome. Without waiving these specific objections and the general objections, see the Application, including Exhibit R.

85. All documents relating to ice throw, or the potential for ice throw, by wind turbines.

RESPONSE: Champaign Wind objects to Document Request No. 85 as being overly broad and unduly burdensome. Without waiving these specific objections and the general objections, Champaign Wind will produce documents responsive to this request; also see the Application, including Exhibit R.

86. All documents relating to potential ice throw or potential blade throw by wind turbines in the Facility, or relating to measures that will be or could be used to reduce the potential for ice throw or blade throw.

RESPONSE: Champaign Wind objects to Document Request No. 86 as being vague and ambiguous as to the term “potential,” and as being overly broad and unduly burdensome. Without waiving these specific objections and the general objections, Champaign Wind will produce documents responsive to this request; also see the Application, including Exhibit R.

87. All leases, lease options, and extensions or amendments thereof between (a) Champaign Wind LLC, EverPower, EverPower Renewables Corp., or any affiliate and (b) any person, relating to real property within the Project Area.

RESPONSE: Champaign Wind objects to Document Request No. 87 as being unduly burdensome and seeking information that is irrelevant and not reasonably calculated to lead to

the discovery of admissible evidence in this proceeding. In addition Document Request No. 87 seeks confidential trade secret information.

88. All leases, lease options, and extensions or amendments thereof between (a) Champaign Wind LLC, EverPower, EverPower Renewables Corp., or any affiliate and (b) any person, relating to real property in Champaign County outside the Project Area.

RESPONSE: Champaign Wind objects to Document Request No. 88 as being unduly burdensome and seeking information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. In addition Document Request No. 88 seeks confidential trade secret information.

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 16th day of October 2012.

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Summary: Notice of Filing Applicant's Responses to Intervenor's Union Neighbors United's First Set of Requests for Documents electronically filed by Ms. Miranda R Leppla on behalf of Champaign Wind LLC