

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

**RESPONSES AND OBJECTIONS OF UNION NEIGHBORS UNITED, INC., TO
BUCKEYE WIND LLC’S THIRD REQUEST FOR PRODUCTION OF DOCUMENTS**

Intervenor Union Neighbors United, Inc. hereby responds to the third request for production of documents from Applicant Champaign Wind LLC.

GENERAL OBJECTIONS

1. Union Neighbors United, Inc. 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 Union Neighbors United, Inc. that are greater than or inconsistent with those rules.

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

3. Union Neighbors United, Inc. objects to each Discovery Request herein to the extent that it seeks to define terms and/or to characterize certain matters. To the extent Union Neighbors United, Inc. 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. Union Neighbors United, Inc. 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 Union Neighbors United, Inc.'s right to assert the applicability of any privilege or immunity and all copies or images thereof shall be returned to counsel for Union Neighbors United, Inc. upon discovery thereof.

5. Union Neighbors United, Inc. objects to paragraph 4 of Champaign Wind LLC's definitions and instructions to the extent it purports to obligate Union Neighbors United, Inc. to supplement its answers to these Discovery Requests in situations not required by OAC § 4906-7-07.

6. Union Neighbors United, Inc. objects to any Discovery Request, definition, or instruction that seeks to require Union Neighbors United, Inc. 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, Union Neighbors United, Inc. 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 Union Neighbors United, Inc. 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. Union Neighbors United, Inc. 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, Union Neighbors United, Inc. 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 its responses to these Discovery Requests.

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

**OBJECTIONS AND RESPONSES TO THIRD REQUEST FOR
PRODUCTION OF DOCUMENTS**

REQUEST NO. 13: Please provide copies of all documents from UNU's website, www.safesetbacks.com, and any other website run by UNU.

Response: Non-privileged responsive documents will be produced.

REQUEST NO. 14: Please provide copies of all correspondence to and from UNU's website, www.safesetbacks.com, and any other website run by UNU.

Response: Non-privileged responsive documents will be produced.

REQUEST NO. 15: Please provide the full name of each person who is a member of UNU.

Response: UNU objects to this request as calling for information other than documents. Without waiving such objection, the information will be produced.

s/Christopher A. Walker
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CERTIFICATE OF SERVICE

I hereby certify that, on November 5, 2012, a copy of the foregoing Objections and Responses to Champaign Wind's Third Requests for Documents 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/Christopher A. Walker
Christopher A. Walker

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

11/5/2012 6:41:01 PM

in

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

Summary: Notice of Filing Responses to Applicant's Third Document Request electronically filed by Mr. Christopher A Walker on behalf of Union Neighbors United and McConnell, Robert Mr. and McConnell, Diane Mrs. and Johnson, Julia F. Ms.