

BEFORE  
THE OHIO POWER SITING BOARD

In the Matter of the Application of     )  
Buckeye Wind, LLC, to Amend its     )  
Certificate Issued in                     )     Case No. 13-360-EL-BGA  
Case No. 08-666-EL-BGN                 )

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**PETITION FOR LEAVE TO INTERVENE OF ROBERT  
McCONNELL, DIANE McCONNELL, AND JULIA F. JOHNSON**

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Pursuant to Ohio Administrative Code § 4906-7-04(A)(2), Diane McConnell, Robert McConnell, and Julia F. Johnson (collectively, “Petitioners”) submit this petition to the Ohio Power Siting Board (OPSB) requesting leave to intervene in the above captioned proceeding.<sup>1</sup>

Respectfully submitted,

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<sup>1</sup> Union Neighbors United (UNU), an organization in which the Petitioners are officers, also intends to move for intervention into this proceeding as soon as it is able to pass a corporate resolution to formally authorize its participation.

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**MEMORANDUM IN SUPPORT OF  
PETITION FOR LEAVE TO INTERVENE**

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Ohio Administrative Code § 4906-7-04(B) provides that the Board or administrative law judge may consider the following when considering petitions to intervene:

- (a) The nature and extent of the person's interest;
- (b) The extent to which the person's interest is represented by existing parties;
- (c) The person's potential contribution to a just and expeditious resolution of the issues involved in the proceeding; and
- (d) Whether granting the requested intervention would unduly delay the proceeding or unjustly prejudice an existing party.

For the following reasons, there is good cause to grant intervenor status to the Petitioners in these proceedings pursuant to the foregoing criteria.

Nature and extent of interest:

Robert McConnell, Diane McConnell, and Julia Johnson live within the boundaries of the Buckeye Wind I wind project for which Buckeye Wind LLC ("Buckeye Wind" or "Applicant") seeks the certificate amendment in this proceeding. Consequently, they have a direct and substantial interest in these proceedings due to the potential impacts of the wind project on their residences, land, roads, and community.

For years, the Petitioners have been engaged in efforts to educate the public about wind turbine impacts and have communicated their concerns about wind turbines to public officials to promote the safety and betterment of the community. Consistent with this purpose, Petitioners have been extensively involved with the issue of potential development of wind energy facilities in Champaign County. For example, in 2007-2008, Julia Johnson and Diane McConnell

participated as members of the Champaign County Wind Turbine Study Group, which formulated a report to educate decision-makers on issues pertaining to the siting and operation of wind farms. Julia Johnson also represented UNU as a participant in a state-level policy forum known as the Ohio Wind Working Group. Petitioners, as officers of UNU, have advocated wind farm zoning legislation before the Zoning Commission of Union Township, Champaign County, and placed a referendum on the 2008 general election ballot for repeal of alternative wind farm legislation approved by Union Township. On behalf of UNU, Petitioners submitted detailed written initial comments and reply comments to the OPSB concerning the Board's rule package for electrical generation wind facilities. Some Petitioners have testified before the Ohio General Assembly on legislation related to wind power development. Consequently, the Petitioners are well informed on the potential impacts of wind turbines, and their contributions to the evidence in this proceeding will benefit the Board in processing Buckeye Wind's application.

OPSB previously found that the Petitioners had a sufficient stake warranting intervention in the Board's certification proceeding for the Buckeye Wind I facility (Case No. 08-666-EL-BGN). OPSB also granted intervention to the Petitioners in the certification proceeding for Buckeye Wind II (Case No. 12-0160-EL-BGN). Buckeye Wind's application for an amendment of the certificate for Buckeye Wind I requests authorizations to change locations and/or construct facilities in the Buckeye Wind I and Buckeye Wind II project areas. Thus, Petitioners have an equal interest in an amendment to the certificate that would authorize these activities.

O.A.C. 4906-5-10(B)(2)(a)(ii) anticipates that the parties to the original proceeding will have an interest in an amendment to the certificate issued in the original case. For that reason, this rule requires the applicant to serve a copy of its application for amendment on all parties to

the original action. As intervenors in the original action, the Petitioners have a critical interest in this proceeding to amend the certificate issued in that action.

The Petitioners' homes and land are located near numerous turbine sites for Buckeye Wind I. The locations of the construction staging area(s) serving these turbine sites will determine which roads are used to deliver the turbine components to the turbine sites near the Petitioners' homes and land. In addition, the staging area proposed for relocation at the intersection of U.S. Route 36 and Three Mile Road is only about two miles from the McConnell and Johnson residences. Petitioners expect this staging location to increase the traffic on U.S. Route 36, which is the primary route to Urbana that the Petitioners constantly use. In fact, the McConnells will have to travel past this staging location every day. The locations of this construction staging area will also affect the amount of traffic on the local roads that the Petitioners use. The heavy truck loads of turbine components brought to and from this staging area will damage the roads that the Petitioners use.

The proposed relocation of the staging area at the intersection of U.S. Route 36 and Three Mile Road will result in two construction staging areas along U.S. Route 36. During rush hour periods, U.S. Route 36 is already heavily traveled and congested by commuters to and from the Marysville Honda plant and other businesses. Buckeye Wind's staging areas will aggravate that situation to Petitioners' disadvantage.

Since Buckeye Wind is proposing to run all the electrical lines underground, the installation of these lines may result in numerous cuts across roadways and rights-of-way that would temporarily close roads and pose the risk of unresolved damage to the roads on which the Petitioners depend. Figure 4 of the new application shows a number of collection lines proposed to be re-routed across roadways, including some on Route 296, Route 29, and Ludlow Road near

the Petitioners' homes and land. The disruptions of traffic caused by this construction may result in the re-routing of more traffic onto Ludlow Road in order to access State Route 29. Ludlow Road is a narrow, hilly, and winding road with a dangerous curve. This road is unsuited to any increase in traffic and presents a danger to residents, including Petitioners, who are forced to use it.

In addition, the proposed location of the new staging area at U.S. Route 36 and Three Mile Road may result in siltation of an adjacent creek that may affect Julia Johnson's property.

The foregoing problems are some of the reasons why Petitioners have a personal stake in the outcome of this proceeding. Given the Petitioners' proximity to the facility components proposed in this application, this proceeding may reveal other threats to the Petitioners as the Board's consideration of this application proceeds. Therefore, just as Petitioners had good grounds to participate in the Buckeye Wind I and II proceedings, they have similarly valid reasons to intervene into this proceeding.

Extent to which interests are represented by existing parties: At the time of this filing, the only current party formally admitted to these proceedings is the Applicant. Petitioners anticipate that other parties will be granted intervention status. However, no other party or intervenor can represent Petitioners' interests in these proceedings.

Potential contribution to just and expeditious resolution of these proceedings: As a result of their activities in Champaign County and at the state level as described above, Petitioners have substantial knowledge of the environmental and community impacts of commercial-scale wind projects. Petitioners' intervention will provide important information that will contribute to a balanced assessment of the applicant's project and to a just and expeditious resolution of this proceeding.

Potential for undue delay or unjust prejudice: Granting intervenor status to the Petitioners will not unduly delay the proceedings or cause unjust prejudice to the Applicant. This Petition is being filed well in advance of the deadline for filing motions to intervene. Moreover, in the interest of efficiency, Petitioners will consolidate their discovery, examination of witnesses, and presentation of testimony to the extent such consolidation does not prejudice their individual interests. Petitioners will be jointly represented in these proceedings by counsel experienced in practice before the Ohio Power Siting Board.

For the foregoing reasons, Petitioners request the Board to grant this Petition for Leave to Intervene.

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I hereby certify that, on March 29, 2013, a copy of the foregoing Petition for Leave to Intervene and Memorandum in Support was served by electronic mail on M. Howard Petricoff ([mhpetricoff@vorys.com](mailto:mhpetricoff@vorys.com)), Michael J. Settineri ([mjsettineri@vorys.com](mailto:mjsettineri@vorys.com)), and Miranda Leppla ([mrleppla@vorys.com](mailto:mrleppla@vorys.com)), Vorys, Sater, Seymour and Pease LLP, 52 East Gay Street, Columbus, Ohio 43215; Jane Napier, Assistant Prosecuting Attorney ([jnapier@champaignprosecutor.com](mailto:jnapier@champaignprosecutor.com)), Champaign County, 200 N. Main Street, Urbana, Ohio 43078; and Gil S. Weithmann ([diroflaw@ctcn.net](mailto:diroflaw@ctcn.net)) and Breanne Parcels ([Breanne.parcels@ci.urbana.oh.us](mailto:Breanne.parcels@ci.urbana.oh.us)), City of Urbana Law Department, 205 S. Main Street, Urbana, OH 43078.

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**This foregoing document was electronically filed with the Public Utilities**

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Summary: Motion to Intervene electronically filed by Mr. Jack A Van Kley on behalf of Johnson, Julia Ms. and McConnell, Robert Mr. and McConnell, Diane Ms.