

**BEFORE THE OHIO POWER SITING BOARD**

<b>In the Matter of the Application of</b>	)	
<b>Hardin Wind LLC for a Certificate</b>	)	
<b>of Environmental Compatibility and</b>	)	<b>Case No. 13-1767-EL-BSB</b>
<b>Public Need for a Substation Project</b>	)	
<b>in Hardin County</b>	)	

**MOTION FOR WAIVERS**

Through this motion, Hardin Wind LLC seeks waivers from the requirements to provide fully developed information on an alternate location for a 345 kV switchyard that will connect a 345 kV generator lead line from Hardin Wind’s proposed wind generating facility to an existing AEP 345 kV transmission line. Hardin Wind previously filed an application for the Scioto Ridge Wind Farm project docketed as Case No. 13-1177-EL-BGN. Two other components of the Scioto Ridge project require applications, an approximately 5 mile 345 kV generator lead line and a new point of interconnect POI switchyard (“POI switchyard”) to interconnect to the existing 345 kV AEP transmission line. The preferred route for the generator lead line and the preferred site for the POI switchyard have been leased by Hardin Wind, and is the most direct route to the preferred point of interconnect. Moreover, PJM has completed its initial studies (feasibility and impact) based on the preferred interconnect point to the AEP East Lima – Marysville 345 kV circuit. Shifting to the alternate interconnect point could result in PJM requiring Hardin Wind to submit a new queue request that could add over a year delay, if not more, to the project. Accordingly, pursuant to Rules 4906-1-03, 4906-5-04(B) and 4906-7-12(C) of the Ohio Administrative Code, Hardin Wind moves the Power Siting Board to grant a waiver from the requirement in Rule 4906-5-04(A) to provide fully developed information on an alternate location for the POI switchyard. Pursuant to Rule 4906-7-12, Hardin Wind also

requests an expedited ruling on this Motion. Counsel for Staff has been contacted and does not oppose the issuance of an expedited ruling on this Motion.

Respectfully submitted,

s/ Michael J. Settineri

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## **MEMORANDUM IN SUPPORT**

Hardin Wind LLC has filed an application to construct a wind-powered electric generation facility located in Hardin County and Logan County, Ohio. The case is docketed as Case No. 13-1177-EL-BGN. The proposed Scioto Ridge Wind Farm project will consist of up to 176 wind turbines capable of generating up to 300 megawatts (“MW”) and related equipment including collection lines, access roads and a collector substation. In addition to the generating facility application, Hardin Wind will file applications for an approximately 5 mile generator lead line and a POI switchyard both of which will be located in Hardin County. The function of the generator lead line and the POI switchyard will be to connect the generating facility to the existing AEP East Lima – Marysville 345 kV circuit.

Rule 4906-5-04(A) requires fully developed information on an alternate location for the POI switchyard (also referenced by PJM as a switching station). Hardin Wind intends to provide general information on the alternate POI switchyard location to the extent possible, but seeks a waiver from the requirement to submit fully developed information on the alternate POI switchyard location as permitted by Rule 4906-5-04(B). Hardin Wind selected the preferred POI switchyard location because it allows for a direct route for the generator lead line to the preferred point of interconnect. The preferred POI switchyard location is on property leased by Hardin Wind. The alternate POI switchyard location is not preferred as it requires a longer generator lead line and would require the leasing of additional properties.

PJM has also relied on the preferred route and POI switchyard location for its initial studies for the project, including the Feasibility Study and System Impact Study. Those studies were based on the preferred location of the POI switchyard which in turn was based on the preferred route for the generator lead line. Changing the preferred location to the alternate



location for the point of interconnect could require additional studies by PJM for the project interconnect, or even worse, result in PJM requiring Hardin Wind to submit a new queue request that could add over a year delay if not more to the overall Scioto Ridge project. The significance of the PJM studies as well as the routing and distance benefits of the preferred route to the preferred point of interconnect provide good cause for the waiver.

Importantly, there is no statutory requirement that an alternate POI switchyard location be included in an application. The requirements for alternate site information are Ohio Administrative Code rule requirements only, and the Board has full authority to waive the requirement of Rule 4906-5-04(A) by virtue of Rule 4906-5-04(B) upon a showing of good cause. Additionally, the Board through its administrative law judges has granted similar waivers from the alternate site and route requirements in other OPSB cases. *See e.g. In re Application of American Transmission Sys.*, Case No. 11-5856-EL-BTX, Entry, Jan. 5, 2012 (granting waiver from requirement to supply fully developed information on a second substation site, and route alternatives for the transmission line project); *In re Application of American Transmission Systems, Inc.* Case No. 12-1727-EL-BSB, Entry, December 10, 2012 at ¶7; *In re Application of American Transmission Systems, Inc.*, Case No. 12-864-EL-BSB, Entry, June 29, 2012 at ¶ 4.

Hardin Wind also requests an expedited ruling on this Motion pursuant to Ohio Administrative Code Rule 4906-7-12(C). Hardin Wind's generation application is currently pending before the Board, awaiting a completeness determination by September 25, 2013. Hardin Wind anticipates filing its generator lead line application (Case No. 13-1768-EL-BTX) and POI switchyard application by September 30, 2013 to allow for consolidation of all three applications for hearing purposes. It is important that this Motion be resolved well prior to the September 30, 2103 date so Hardin Wind can determine the contents of the application and the

studies that must be completed if information on the alternate route is required. Counsel for Staff has been contacted regarding the request for expedited treatment of the Motion, and does not object to an expedited ruling.

Accordingly, for good cause shown, Hardin Wind respectfully requests a waiver from Rule 4906-5-04(A) of the Ohio Administrative Code as to the requirement to provide fully developed information for an alternate location for the POI switchyard. A similar motion as to rules relating to the alternate route for the 345 kV generator lead line is being filed contemporaneously in Case No. 13-1768-EL-BTX.

Respectfully submitted,

s/ Michael J. Settineri

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served upon Thomas Lindgren, Assistant Attorney General, Public Utilities Section, 180 East Broad Street, 6<sup>th</sup> Floor, Columbus, Ohio 43215-3793, Thomas.lindgren@puc.state.oh.us, via e-mail this 10<sup>th</sup> day of September, 2013.

s/ Michael J. Settineri

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

**Commission of Ohio Docketing Information System on**

**9/10/2013 12:37:51 PM**

**in**

**Case No(s). 13-1767-EL-BSB**

Summary: Motion for Waiver and Request for Expedited Ruling electronically filed by Mr. Michael J. Settineri on behalf of Hardin Wind LLC

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

**Commission of Ohio Docketing Information System on**

**9/30/2013 4:38:31 PM**

**in**

**Case No(s). 13-1767-EL-BSB, 13-1768-EL-BTX**

Summary: Application Exhibit A Motion for Waivers (1 of 4) electronically filed by Ms. Miranda R Leppla on behalf of Hardin Wind LLC