

BEFORE THE OHIO POWER SITING BOARD

In the Matter of the Application)	
of Buckeye Wind LLC to Amend its)	Case No. 13-0360-EL-BGA
Certificate Issued in)	
Case No. 08-666-EL-BGN)	

**RESPONSE BY BUCKEYE WIND LLC TO CHAMPAIGN COUNTY AND GOSHEN,
UNION AND URBANA TOWNSHIPS' APPLICATION FOR REHEARING**

At the January 6, 2014 evidentiary hearing, Intervenor Champaign County and Goshen, Union and Urbana Townships (collectively, the "County and Townships") were silent when counsel for Julie Johnson and Diane and Robert McConnell objected to the Administrative Law Judge's ("ALJ") order limiting the scope of the hearing. The County and Townships also did not file an interlocutory appeal from the ALJ's November 21, 2013 order. Yet, the County and Townships now seek rehearing claiming that the ALJ should have expanded the scope of the hearing to include the relocation of the construction staging areas, the modifications of four previously approved access roads and the movement of the electrical collection line system to underground locations.

Buckeye Wind opposes the County and Townships' application for rehearing given that the disputed changes are all minor in nature when compared to the overall location of the facility. The four access roads being shifted will continue to service the current turbine locations, and the staging areas will remain on the same landowner parcels as initially planned. The collection line system will continue to feed and service the planned turbine locations, and most importantly will be located underground and out of right-of-ways. These changes, shown on Figures 4 and 6 and discussed at pages 11, 16 and 18 of the application, do not constitute substantial changes in the location of all or a portion of a facility under Section 4906.07(B), Revised Code.

Although the ALJ's decision was proper, Buckeye Wind remains concerned that further delay to the project will result from this appeal and from any appeal that the County and Townships may take if the Board's denies the application for rehearing. To alleviate this concern, Buckeye Wind is agreeable to a rehearing on the disputed changes to the project design so long as the Board imposes the following conditions to ensure that Buckeye Wind does not incur unnecessary expenses to prepare for the rehearing:

1. The rehearing should take place as soon as possible, and no later than two weeks after any Entry on Rehearing;
2. The rehearing should be confined to the relocation of the construction staging areas including road crossings, the modifications of the four previously approved access roads and changes to the electrical collection line system;
3. There should be no prefiled testimony required, and parties may submit oral testimony and be subject to cross-examination; and
4. In lieu of briefs, each party to the rehearing may make oral arguments before the Administrative Law Judge.

To conclude, Buckeye Wind opposes the County and Townships' application for rehearing, but is willing to an order granting rehearing so long as the above conditions are imposed. Those conditions will ensure the rehearing process proceeds in a manner that does not result in unnecessary expenses by the parties to prepare testimony on issues that can be easily addressed through oral testimony at the hearing. Buckeye Wind is also willing to discuss any of the proposed amendment changes with the County and Townships prior to any rehearing in this

matter, consistent with Buckeye Wind's long-standing approach to work cooperatively with and to engage the County and Townships during the development of the project.

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 the following parties via electronic mail this 28th day of March, 2014.

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Summary: Response by Buckeye Wind LLC to Champaign County and Goshen, Union and Urbana Townships' Application for Rehearing electronically filed by Mr. Michael J. Settineri on behalf of Buckeye Wind LLC