

**BEFORE**  
**THE OHIO POWER SITING BOARD**

In the Matter of the Application of **HARDIN WIND**                     )  
**ENERGY LLC** for an Amendment to its Certificate                     )  
to Install and Operate a Wind-Powered Electric                     ) Case No. 14-1030-EL-BGA  
Generation Facility in Hardin County, Ohio.                     )

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**W.A.T.C.H. TV COMPANY’S**  
**PETITION FOR LEAVE TO INTERVENE**

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Pursuant to Ohio Admin. Code § 4906-7-04(A)(2), W.A.T.C.H. TV Company (d/b/a WATCH Communications) (“WATCH”) respectfully petitions the Ohio Power Siting Board (the “Board”) for leave to intervene in the above-captioned proceeding. As set forth in the attached Memorandum in Support, WATCH has a real and substantial interest in this proceeding. Its interests are not adequately represented by any other party to this matter, and its participation will contribute to a just and expeditious resolution of the issues and questions presented. Further, WATCH’s participation will not unduly delay the proceedings or cause undue prejudice to any party.

Accordingly, WATCH respectfully requests that the Board grants its petition.

Respectfully submitted,

W.A.T.C.H. TV Company

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Its Attorney

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**MEMORANDUM IN SUPPORT OF W.A.T.C.H. TV COMPANY’S  
PETITION FOR LEAVE TO INTERVENE**

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**I. BACKGROUND**

On June 9, 2014, Hardin Wind Energy LLC (“Hardin”) filed an application to amend the March 22, 2010 Certificate of Environmental Compatibility and Public Need (the “March Order”), issued pursuant to Ohio Admin. Code 4906-17 in connection with a 300-megawatt wind-powered electric generation facility in Hardin County, Ohio (the “Wind Project”). Hardin’s proposed amendment seeks approval for a new model of wind turbine and an updated layout of the Wind Project.

W.A.T.C.H. TV Company (d/b/a WATCH Communications) (“WATCH”) is a wireless communications company providing digital television, broadband internet, and digital phone services to over 10,000 homes and businesses in Northwest Ohio from 12 transmission towers via microwave radio signals. The Wind Project lies within WATCH’s service area and poses a threat to uninterrupted service to WATCH’s customers.

Although WATCH does not object to the Wind Project, it is concerned that the Wind Project, as currently planned, will include turbines that interfere with the microwave signals transmitted by WATCH. Specifically, WATCH is concerned that Hardin’s proposed turbines

will interfere with WATCH's 6 Ghz microwave paths and its 2.5 Ghz point to multi-point operations in Hardin County. Without its participation in these proceedings, WATCH risks having its valid and legitimate interests—and those of its customers—compromised. These are interests that only WATCH can assure are adequately heard and represented. Furthermore, allowing WATCH to participate at this critical juncture will assist the Board and spare Hardin from incurring unnecessary expenses in the future to correct a misguided course of action that can be avoided now.

## **II. ARGUMENT**

The Board or an administrative law judge may consider the following when considering petitions to intervene:

- (a) The nature and extent of the petitioner's interest;
- (b) The extent to which the petitioner's interest is represented by existing parties;
- (c) The petitioner'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.

*See* Ohio Admin. Code § 4906-7-04(B). As fully set forth below, WATCH exceeds each of these criteria.

### **A. Because The Wind Project May Significantly Interfere With WATCH's Business Operations And Service To Its Customers, WATCH Has A Significant, Vested Interest In The Outcome Of This Proceeding.**

WATCH is concerned that (a) Hardin's turbines will interfere with WATCH's 6 Ghz microwave paths and its 2.5 Ghz point to multi-point operations in Hardin County, and (b) Hardin's turbines will cause additional interference with WATCH's communication systems. Such interference threatens to disrupt service to thousands of homeowners and businesses.

Indeed, the magnitude of the potential avoidable permanent interference with WATCH transmissions as the result of the locations of Hardin's turbines would be insurmountable, resulting in loss of critical services and extraordinary expense to re-engineer WATCH's systems to remain operational. WATCH provides a vital form of communications between the outside world and its customers, many of whom would be vulnerable without reliable television and internet service. Phone services can be especially critical, particularly in life-threatening emergencies. If WATCH is unable to guarantee reliable and dependable broadband and VoIP services, WATCH will be put at a significant business disadvantage and its customers will likely seek the services of its competitors. With all that it has at stake, there can be no doubt that WATCH has a bona fide vested interest in the outcome of this proceeding.

**B. No Other Party Is Adequately Representing WATCH's Interest In This Proceeding.**

Since learning about the Wind Project, WATCH has collaborated with Hardin representatives to resolve their competing concerns over the Wind Farm. Although WATCH genuinely appreciates Hardin's verbal and written assurances that they are taking WATCH's concerns seriously, neither Hardin nor any other party to this proceeding have interests that are fully aligned with that of WATCH, or are even similarly situated as WATCH. For this reason, WATCH is the only party capable of adequately representing its interests in this proceeding.

**C. WATCH's Participation Will Allow The Board To Make A Fully Informed Decision.**

WATCH's participation will ensure that the Board has complete, accurate information before rendering its decision on the proposed amendment. WATCH's involvement will facilitate a just and expeditious resolution of the outstanding issues. WATCH can provide Hardin and the Board with accurate and complete information about its 2.5 Ghz operation, including the relevant

tower coordinates and maps of individual subscribers in WATCH's coverage area; information about its new 6 Ghz microwave path between Kenton and Bellefontaine, Ohio; and can further corroborate, or adjust as necessary, the location and coordinates of every WATCH structure that may be jeopardized by the Wind Farm in order to ensure an accurate analysis of the Wind Farm's potential impacts. Because the Board should be aware of all ramifications of the potential obstructions to make a fully informed decision, WATCH should be allowed to intervene in this proceeding.

**D. No Undue Prejudice Or Delay Will Be Caused By Allowing WATCH To Intervene In The Proceeding.**

Granting WATCH's petition will not cause undue prejudice or delay. Instead, it will spare Hardin unnecessary delay in the future. First, construction of the facility has not yet begun. By taking the time now to plan the layout of the Wind Project carefully, Hardin can avoid making costly corrections in the future. Given the steps that Hardin needs to take in completing the review and approval process, Hardin will not bear any undue burden or expense by taking the necessary actions now to eliminate interference with WATCH's communication systems.

On the other hand, WATCH will suffer significant harm and prejudice if Hardin is allowed to proceed without it. Turbines placed without proper consideration of WATCH and its customers may interfere with digital television and broadband internet services—including phone service. Those services provide a critical and vital communications link for WATCH consumers. The loss of that service, or the unreliability or frequent disruption of that service, could have long-lasting and significant financial and safety repercussions. With all that is at risk and the prejudice that WATCH will undoubtedly suffer, WATCH exceeds the fourth prong of Ohio Admin. Code § 4906-7-04(B).

### III. CONCLUSION

For the foregoing reasons, WATCH respectfully requests that the Board grant its Petition for Leave to Intervene and allow WATCH to participate in these proceedings.

Respectfully submitted,

W.A.T.C.H. TV Company

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing *W.A.T.C.H. TV Company's Petition for Leave to Intervene* was served by electronic and first class mail, postage prepaid, on the parties on this 27th day of June 2014.

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Summary: Motion for Leave to Intervene electronically filed by Mr. Philip B Sineneng on behalf of W.A.T.C.H. TV Company