

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of)	
Buckeye Wind, LLC for a Certificate)	
to Construct Wind-Powered Electric)	Case No. 08-666-EL-BGN
Generating Wind Turbines in)	
Champaign County)	
)	
In the Matter of the Application of)	
Buckeye Wind, LLC, to Amend its)	Case No. 13-360-EL-BGA
Certificate Issued in Case No.)	
08-666-EL-BGN)	

**EXHIBITS TO APPLICATION FOR REHEARING
OF INTERVENORS UNION NEIGHBORS UNITED, INC.,
ROBERT AND DIANE McCONNELL, AND JULIA F. JOHNSON**

/s/ Christopher A. Walker
Christopher A. Walker (0040696)
Van Kley & Walker, LLC
137 N. Main St., Suite 316
Dayton, Ohio 45402
(937) 226-9000
cwalker@vankleywalker.com

Jack A. Van Kley (0016961)
Trial Attorney
Van Kley & Walker, LLC
132 Northwoods Blvd., Suite C-1
Columbus, Ohio 43235
(614) 431-8900
jvankley@vankleywalker.com

Exhibit A

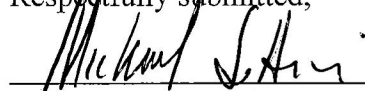
BEFORE THE OHIO POWER SITING BOARD

In the Matter of the Application)	
of Black Fork Wind Energy, LLC for)	
a Certificate to Site a)	Case No. 10-2865-EL-BGN
Wind-Powered Electric Generating Facility)	
in Crawford and Richland Counties, Ohio)	

MOTION FOR EXTENSION OF CERTIFICATE

Black Fork Wind Energy, LLC ("Black Fork"), for good cause shown, respectfully requests that the Ohio Power Siting Board (the "Board") extend its Certificate of Environmental Compatibility and Public Need (the "Certificate") for the Black Fork Wind Energy Project from January 23, 2017, to January 23, 2019. Black Fork has good cause for seeking this extension, including a nearly two-year delay caused by intervenor appeals to the Supreme Court of Ohio and the recent energy market changes in Ohio. These issues, coupled with Black Fork's progress in continuing to develop this project, warrant an extension of its Certificate. The reasons supporting this motion are set forth in the accompanying Memorandum.

Respectfully submitted,



Michael J. Settineri (0073369)
Gretchen L. Petrucci (0046608)
Andrew P. Guran (0090649)
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street
P.O. Box 1008
Columbus, Ohio 43216-1008
(614) 464-5462
(614) 719-5146
mjsettineri@vorys.com
glpetrucci@vorys.com
apguran@vorys.com

Attorneys for Black Fork Wind Energy, LLC

MEMORANDUM IN SUPPORT OF MOTION FOR EXTENSION

Through this motion, Black Fork Wind Energy, LLC (“Black Fork”) seeks to extend its Certificate of Environmental Compatibility and Public Need granted by the Ohio Power Siting Board (the “Board”) in Case No. 10-2865-EL-BGN (the “Certificate”) from January 23, 2017, to January 23, 2019. The Certificate authorized Black Fork to construct a wind-powered electric generation facility consisting in part of up to 91 wind turbines, access roads, an electric collection substation, and an underground electric collection system (the “Black Fork Wind Energy Project”) with a continuous course of construction to commence no later than January 23, 2017. Black Fork filed its application for a certificate on March 10, 2011, and the Certificate was issued on January 23, 2012.

Black Fork’s request for extension is reasonable and supported by good cause. A primary factor in the delay to this project was litigation at the Supreme Court of Ohio over the Board’s decision to issue the Certificate. After the Board granted the certificate and denied the rehearing applications, certain intervenors appealed the decision to the Court in May 2012. The Court did not issue a decision affirming the Board’s issuance of a certificate until December 18, 2013, nearly two years after the Certificate issuance. As a practical matter, Black Fork could not commence construction until the intervenors’ appeals were resolved. Any change to or reversal of the Board’s prior decision could have resulted in significant changes to the Certificate or the conditions attached thereto. This litigation hampered Black Fork’s ability to move forward with construction for nearly two years. Accordingly, extending the Certificate now is a reasonable allowance for Black Fork to recoup the time it had to delay construction in order to defend against the intervenors’ appeals.

Changes in the energy market have also delayed the Black Fork Wind Energy Project. The wholesale electricity market in Ohio dramatically changed with the advent of increasing supplies of natural gas from the Marcellus and Utica shale plays.¹ At the same time, there has been an overall, lower demand for electricity due to the general economic downturn. Together, those two factors resulted in lower prices that undercut Black Fork's ability to enter into an economic power purchase agreement for the Black Fork Wind Farm Project's energy and renewable energy credits at a price sufficient to support the construction and financing of the project. *See e.g., In re Hardin Wind Energy LLC*, Case No. 09-479-EL-BGN, Entry (August 25, 2014) (granting three-year extension of certificate to March 22, 2018, in part based on market conditions).

Even though Marcellus and Utica shale natural gas will continue to impact energy markets, other factors make it now more favorable for the Black Fork Wind Energy Project to succeed. Due to increased U.S. Environmental Protection Agency ("EPA") standards that require the reduction of emission levels of mercury and other air toxins from coal-burning power plants, a number of coal plants have closed or reduced production throughout the region. As energy companies continue to comply with EPA standards, the Black Fork Wind Farm Project will provide important replacement generation capacity in an environmentally friendly manner.

Despite the fact that Black Fork did not cause the delays in the project's development, Black Fork has continued its efforts to proceed with the Black Fork Wind Farm Project. Since receiving its Certificate, Black Fork has continued to expend resources to develop the project including payment for the land leases and significant expenditures to support the project's

¹ In fact, the Ohio Department of Natural Resources recently announced that Ohio's natural gas production has nearly doubled from 2012 to 2013. Mark Bruce, *Ohio's Natural Gas Production Nearly Doubles from 2012 to 2013*, ODNR DIVISION OF OIL & GAS RESOURCES (July 2, 2014), <http://oilandgas.ohiodnr.gov/oil-gas-home/post/state-of-the-play>. "The percentage increase in natural gas production is the largest in Ohio history, and the total production is the fourth highest annual total in state history." *Id.*

interconnection to the PJM regional transmission organization. Contemporaneous with this motion, Black Fork is also filing an amendment application seeking to add additional turbine models to the project as well as presenting a revised project schedule that accounts for this extension request. Black Fork, as indicated above, also continues to maintain its efforts to complete the project's interconnection with PJM, having executed interconnection agreements with PJM which in turn require significant financial commitments. These steps show Black Fork's commitment to develop the Black Fork Wind Farm Project and support this extension request. Considering that the delays caused by litigation and market conditions are beyond Black Fork's control, good cause exists to extend Black Fork's Certificate for an additional 24-months, to January 23, 2019.

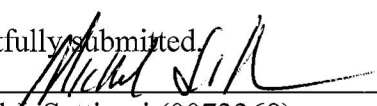
Recent Board precedent supports an extension of Black Fork's Certificate. As noted above, the Board recently granted a three-year certificate extension request for the Hardin Wind Energy LLC project, to March 22, 2018, based primarily on the same existing market conditions outside Hardin Wind Energy's control. *See In re Hardin Wind Energy LLC*, Case No. 09-479-EL-BGN, Entry dated 8/25/2014. The Board also recently granted Buckeye Wind, LLC's request for a three-year extension based primarily on delays to the project caused by litigation. *In the Matter of the Application of Buckeye Wind, LLC for a Certificate to Construct Wind-Powered Electric Generation Facilities in Champaign County, Ohio*, Case No. 08-666-EL-BGN, Entry (August 25, 2014) (approving a three-year extension because of delays outside of the developer's control).²

² See, also, *In re Summit Energy Storage*, Case No. 89-1302-EL-BGN, Entry (November 23, 1998) (granting a certificate extension for two years following delays in finalizing utility participation agreements); *In re Lawrence County Energy Center, LLC*, Case No. 01-369-EL-BGN, Entry (November 20, 2006) (granting a 18-month extension so that technical configurations to enhance the project's future and market viability could be explored); *In re Norton Energy Storage, LLC*, Case No. 99-1626-EL-BGN (June 2, 2008) (approving applicant's second 30-month certificate extension because the applicant still needed to secure financing, select a generation equipment supplier, and make conceptual design changes).

Although Black Fork's Certificate does not expire until January 23, 2017, Black Fork's extension request is not premature. To commence a continuous course of construction by January 23, 2017, would require a change in market conditions sufficient to support project financing. In addition, after market conditions improve, Black Fork would need to complete project financing and then proceed to engineering design for the project. All of these events and steps would need to occur well before January 23, 2017 to ensure a continuous course of construction. Seeking the extension now ensures adequate time exists to develop this project. Moreover, it is very possible that litigation will take place over Black Fork's amendment to the project filed in Case No. 14-1591-EL-BGA. Delays caused by future litigation (*i.e.*, litigate the amendment and then litigate the extension at a later date) can be minimized by seeking the extension now rather than at a later date. Moreover, Black Fork's sought extension date is reasonable considering that the date (January 23, 2019) is less than a year after the new certificate dates for the Hardin Wind Energy and Buckeye Wind projects.

For all the foregoing reasons, good cause exists to extend the Black Fork Wind Farm Project's Certificate from January 23, 2017 to January 23, 2019.

Respectfully submitted,



Michael J. Settineri (0073369)
Gretchen L. Petrucci (0046608)
Andrew P. Guran (0090649)
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street
P.O. Box 1008
Columbus, Ohio 43216-1008
(614) 464-5462
(614) 719-5146
mjsettineri@vorys.com
glpetrucci@vorys.com
apguran@vorys.com
Attorneys for Black Fork Wind Energy, LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon the following parties of record via Federal Express, 2-Day Delivery on this 12th day of September 2014.

Debra Bauer and Bradley Bauer 7298 Remlinger Road Crestline, Ohio 44827-9775	Margaret and Nick Rietschlin 4240 Baker Road Crestline, Ohio 44827-9775
Gary Biglin 5331 State Route 61 South Shelby, Ohio 44875	Orla Collier III Benesch, Friedlander, Coplan & Arnoff LLP 41 South High Street, 26 th Floor Columbus, Ohio 43215
Karel A. Davis 6675 Champion Road Shelby, Ohio 44875	Mary Studer 6716 Remlinger Road Crestline, Ohio 44827-9775
Carol and Loren Gledhill 7256 Remlinger Road Crestline, Ohio 44827-9775	John Warrington 7040 SR 96 Tiro, Ohio 44887
Brett A. Heffner 3429 Stein Road Shelby, Ohio 44875	Grover Reynolds 7179 Remlinger Road Crestline, Ohio 44827-9775
Chad A. Endsley Ohio Farm Bureau Federation 280 North High Street PO Box 182383 Columbus, Ohio 43218	Alan and Catherine Price 7956 Remlinger Road Crestline, Ohio 44827-9775
John Jones Assistant Attorneys General Public Utilities Section 180 E. Broad Street, 6 th Floor Columbus, OH 43215	



Michael J. Settineri

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in

Case No(s). 10-2865-EL-BGN

Summary: Motion for Certificate Extension electronically filed by Mr. Michael J. Settineri on behalf of Black Fork Wind Energy LLC

Exhibit B

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Paulding)	
Wind Farm II LLC for a Certificate to)	Case No. 10-369-EL-BGN
Construct a Wind-Powered Electric Generation)	
Facility in Paulding County, Ohio.)	

**MOTION TO EXTEND THE
CERTIFICATE OF ENVIRONMENTAL COMPATABILITY AND PUBLIC NEED
OF PAULDING WIND FARM III LLC**

Paulding Wind Farm III LLC ("Paulding Wind III"), for good cause shown, respectfully requests that the Ohio Power Siting Board extend the Certificate of Environmental Compatibility and Public Need to construct and operate the Timber Road III Wind Farm in Paulding County, Ohio, for a period of 36 months (from November 18, 2015, to November 18, 2018). Paulding Wind III has good cause for seeking an extension, because market forces beyond Paulding Wind III's control have significantly hindered its ability to enter into a long-term economical power purchase agreement for the project's energy and renewable energy credits to support project construction and financing. Recent announcements, however, regarding several coal plants retirements in the near term have affected the generation capacity needs for Ohio and the region. The Timber Road III project can help fill that need in a cost effective and environmentally friendly manner just as the existing Timber Road II project is doing today. Paulding Wind III, therefore, for good cause shown, respectfully requests that the Board extend its Certificate for the Timber Road III project from November 18, 2015, to November 18, 2018. In support, Paulding

Wind III submits the attached Memorandum.

Respectfully submitted,



M. Howard Petricoff (0008287)

Michael J. Settineri (0073369)

Vorys, Sater, Seymour and Pease LLP

52 E. Gay Street

P.O. Box 1008

Columbus, Ohio 43216-1008

614-464-5462

614-719-5146 (fax)

mhpetricoff@vorys.com

mjsettineri@vorys.com

Attorneys for Paulding Wind Farm III LLC

**MEMORANDUM IN SUPPORT OF THE
MOTION TO EXTEND THE CERTIFICATE OF ENVIRONMENTAL
COMPATABILITY AND PUBLIC NEED
OF PAULDING WIND FARM III LLC**

I. Introduction

Through this motion, Paulding Wind Farm III LLC (“Paulding Wind III”) seeks a 36-month extension of its Certificate of Environmental Compatibility and Public Need for the Timber Road III Wind Farm in Paulding County, Ohio (from November 1, 2015, to November 1, 2018). Good cause exists to extend the Certificate because market forces beyond Paulding Wind III’s control have hampered significantly its ability to undertake a continuous course of construction, particularly because it has not been able to enter into a long-term economical power purchase agreement for the project’s energy and renewable energy credits to support the project’s construction and financing. Although market forces have hindered the project’s development, the electric generation market has experienced other changes recently (several coal plants are expected to retire in the near term), and generation capacity is anticipated to be needed for Ohio and the region. The Timber Road III project can help fill that need, and Paulding Wind III continues to work to develop the project by continuing to make landowner payments for land under lease in the project area, collecting wind data and marketing the power that would be generated by the wind facility to utility off-takers in Ohio and throughout the PJM territory. Taken together, the market conditions and Paulding Wind III’s continued efforts to develop the generation facility constitute good cause for an extension of Paulding Wind III’s certificate for the Timber Road III project from November 18, 2015, to November 18, 2018.

II. Background

On November 18, 2010, the Ohio Power Siting Board (“Board”) issued an Opinion, Order, and Certificate in the above-captioned case granting Paulding Wind Farm II LLC authority to construct and operate a 150.4-megawatt (“MW”) wind farm consisting of up to 98 wind turbines in Paulding County, Ohio (“Timber Road II”). By separate orders issued February 28, 2011, the certificate was amended and bifurcated.¹ As a result, Paulding Wind Farm III received a certificate to construct and operate a 50.4-MW wind farm consisting of up to 28 wind turbines in Paulding County, Ohio. Paulding Wind III’s existing certificate “shall become invalid if [Paulding Wind III] has not commenced a continuous course of construction of the proposed facility within five years of the date of the journalization of the certificate,” which is November 18, 2015. *See*, Condition 58.

The Timber Road III project is located adjacent to two other wind farm projects in Paulding County, Ohio. Paulding Wind Farm II LLC (an affiliate of Paulding Wind III) has constructed and is operating a large wind farm project in Paulding County – the Timber Road II project – contiguous to the site for the Timber Road III project. Timber Road II is a 99-MW wind farm consisting of 55 wind turbines and it became operational on July 19, 2011. *See*, *Paulding Wind Farm II, LLC*, Case Nos. 10-369-EL-BGN and 10-3128-EL-BGA. Another Paulding Wind III affiliate holds a Certificate to construct and operate another wind farm project in Paulding County – the Timber Road I project – contiguous to the site for the Timber Road III project. Timber Road I is a 48.6-MW wind farm consisting of up to 32 wind turbines. That

¹ *In the Matter of the Application of Paulding Wind Farm II LLC for a Certificate to Construct a Wind-Powered Electric Generation Facility in Paulding County, Ohio*, Case No. 10-369-EL-BGN, Entry (February 28, 2011) and *In the Matter of the Application of Paulding Wind Farm II LLC for an Amendment to its Certificate of Environmental Compatibility and Public Need for the Wind-Powered Electric Generation Facility in Paulding County, Ohio*, Case No. 10-3128-EL-BGA, Order (February 28, 2011).

affiliate is likewise committed to the Timber Road I project and is also seeking a consistent extension through a separate filing.

III. Argument

A. Good Cause Exits for Granting the Extension

Paulding Wind III's request for an extension of its certificate is reasonable and should be granted because the project has been delayed due to market forces outside the control of Paulding Wind III. Not long after Paulding Wind III received its certificate, Ohio's wholesale electricity market changed. There were increased supplies of natural gas from the Marcellus and Utica shale. At the same time, there was a low demand for electricity due to the general economic downturn in the United States, suppressing prices which significantly hampered Paulding Wind III's ability to enter into a power purchase agreement for the project's energy and renewable energy credits at a price sufficient to support the financing of the project.

Marcellus and Utica natural gas continues to have a major impact on the wholesale electricity market. However, market conditions are changing and recent factors are affecting the wholesale electricity market favorably. For instance, pressure from the U.S. Environmental Protection Agency has led to the announced retirements of coal plants throughout Ohio. As this generation ceases, Paulding Wind III's project will be well positioned to provide important replacement generation capacity in an environmentally friendly manner. Extending Paulding Wind III's Certificate, which is set to expire in November 2015, will allow the project to continue its development efforts as market conditions improve.

Moreover, since receiving the Certificate, Paulding Wind III has continued developing the Timber Road III project. Specifically, Paulding Wind III has continued to make landowner payments for the properties that make up the project area, collecting wind data and marketing the

power to utility off-takers in Ohio and throughout the region. Paulding Wind III's continued investment in the Timber Road III project demonstrate its commitment to the project's completion and supports the requested extension.

Moreover, the fact that Paulding Wind II is operating a large wind farm project in Paulding County – the Timber Road II project – contiguous to the site for the Timber Road III project shows a commitment by Paulding Wind's parent (EDP Renewables North America LLC) to developing the Timber Road III project. All of the above reasons support the grant of an extension of Paulding Wind III's Certificate.

B. Board Precedent Supports Granting Paulding Wind's Extension Request

The Board has authority to grant Paulding Wind III's request for an extension and Board precedent supports granting this request. Just last month, the Board considered and granted a certificate extension request from Hardin Wind Energy LLC ("Hardin"). *In the Matter of the Application of Hardin Wind Energy LLC for a Certificate to Site a Wind-Powered Electric Generation Facility in Hardin County, Ohio*, Case No. 09-479-EL-BGN, Entry (August 25, 2014). Just like Paulding Wind III, Hardin requested a 36-month extension, citing the same market forces as cause for delays in its construction of that wind farm. The Board found Hardin's motion to be reasonable. *Id.*

Furthermore, the Board's other precedent likewise demonstrates its authority to extend the term of existing certificates for generating facilities:

- *In the Matter of the Application of Summit Energy Storage*, Case No. 89-1302-EL-BGN, Entry (November 23, 1998) (granting a certificate extension for two years following delays in finalizing utility participation agreements).
- *In the Matter of the Application of Lawrence County Energy Center, LLC, for a Certificate of Environmental Compatibility and Public Need for the Lawrence County Energy Center Electric Generation Facility in Lawrence County, Ohio*, Case No. 01-369-

EL-BGN, Entry (November 20, 2006) (granting a 18-month extension so that technical configurations to enhance the project's future and market viability could be explored).

- *In the Matter of the Application of Norton Energy Storage, LLC for a Certificate of Environmental Compatibility and Public Need for an Electric Power Generating Facility in Norton, Ohio*, Case No. 99-1626-EL-BGN (June 2, 2008) (approving applicant's second 30-month certificate extension because the applicant still needed to secure financing, select a generation equipment supplier, and make conceptual design changes).
- *In the Matter of the Application of Buckeye Wind, LLC for a Certificate to Construct Wind-powered Electric Generation Facilities in Champaign County, Ohio*, Case No. 08-666-EL-BGN, Entry (August 25, 2014) (approving a three-year extension because of delays outside of the developer's control).

Given that the Board has extended certificates in the past due to delays beyond the control of the certificate holder, including delays caused by the electric generation market, just cause exists to grant Paulding Wind III's request to extend its Timber Road III certificate from November 18, 2015, to November 18, 2018.

IV. Conclusion

For all the foregoing reasons, Paulding Wind III respectfully requests that the Board grant its motion to extend the Timber Road III certificate for 36 months, from November 18, 2015, until November 18, 2018.

Respectfully submitted,



M. Howard Petricoff (0008287)

Michael J. Settineri (0073369)

Vorys, Sater, Seymour and Pease LLP

52 E. Gay Street

P.O. Box 1008

Columbus, Ohio 43216-1008

614-464-5462

614-719-5146 (fax)

mhpetricoff@vorys.com

mjsettineri@vorys.com

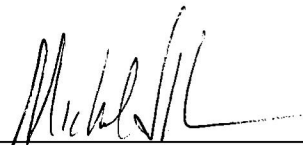
Attorneys for Paulding Wind Farm III LLC

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document was served via U.S. Mail and electronic mail on this 12th day of September 2014 upon all persons/entities listed below:

William L. Wright
Assistant Attorney General
Public Utilities' Section
180 East Broad Street
Columbus, OH 43215
William.wright@puc.state.oh.us

Chad Endsley
Ohio Farm Bureau Federation
280 North High Street
Columbus, OH 43218
cendsley@ofbf.org



Michael J. Settineri

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Case No(s). 10-0369-EL-BGN

Summary: Motion to Extend Certificate electronically filed by Mr. Michael J. Settineri on behalf of Paulding Wind Farm III LLC

CERTIFICATE OF SERVICE

I hereby certify that, on September 24, 2014, a copy of the foregoing Application for Rehearing and Memorandum in Support of Robert and Diane McConnell and Julia F. Johnson and its Exhibits A and B, were served by electronic mail on the following counsel and party:

Howard Petricoff
Stephen Howard
Michael Settineri
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street
Columbus, Ohio 43215
mhpetricoff@vorys.com
smhoward@vorys.com
mjsettineri@vorys.com

Werner Margard
Assistant Attorney General
180 East Broad Street, 9th Floor
Columbus, Ohio 43215
Werner.margard@puc.state.oh.us

Daniel A. Brown
Brown Law Office LLC
204 South Ludlow Street, Suite 300
Dayton, Ohio 45402
dbrown@brownlawdayton.com

Thomas E. Lodge
Carolyn S. Flahive
Sarah Chambers
Thompson Hine LLP
41 South High Street, Suite 1700
Columbus, Ohio 43215-6101
tom.lodge@thompsonhine.com
Carolyn.flahive@thompsonhine.com
sarah.chambers@thompsonhine.com

Chad Endsley
General Counsel
Ohio Farm Bureau Federation
P.O. Box 182383
Columbus, Ohio 43218-2383
cendsley@ofbf.org

Kevin S. Talebi/Jane A. Napier
Prosecutor's Office
Champaign County
200 North Main Street
Urbana, Ohio 43078
jnapier@champaignprosecutor.com

Breanne Parcels, Director of Law
205 South Main Street
City of Urbana
Urbana, Ohio 43078
Breanne.Parcels@ci.urbana.oh.us

Gene Park
Piqua Shawnee Tribe
1803 Longview Drive
Springfield, Ohio 45504
ewest14@woh.rr.com

/s/ Christopher A. Walker
Christopher A. Walker

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 08-0666-EL-BGN, 13-0360-EL-BGA

Summary: Exhibit A and B to Application for Rehearing of Union Neighbors United, Robert and Diane McConnell, and Julia F. Johnson 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.