

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Hardin)	
Wind LLC to Amend its Certificate Issued in)	Case No. 14-1557-EL-BGA
Case No. 13-1177-EL-BGN)	

**HARDIN WIND LLC’S RESPONSE TO THE PETITION FOR LEAVE TO
INTERVENE BY ANTHONY ELSASSER AND DEVIN ELSASSER**

Through this amendment proceeding, Hardin Wind LLC (“Hardin Wind”) seeks to amend its Certificate of Environmental Capability and Public Need issued in Case No. 13-1177-EL-BGN (the “Certificate”) by adding six new collection lines, shifting six collection lines, relocating ten access roads, adding two new access roads, relocating one of the four permitted met towers, slightly shifting five turbine locations, relocating the project collector substation and adding two additional turbine models to the list of eight models approved in the Certificate.

On October 7, 2014, Anthony Elsasser and Devin Elsasser (the “Petitioners”) filed a petition to intervene in Case No. 14-1557-EL-BGA (the “Amendment”). Petitioners allege they farm non-GMO and organic crops on 160 acres of land situated proximate to the project area and certain features. One such certificated project feature is an access road, which Petitioners claim abuts part of Petitioners’ farm land. The Amendment modified this access road by shifting it farther away from Petitioners’ farm land. (*See* Amendment application, Figure 05-4: Site Layout, Sheet 6 of 15). The Amendment also proposes relocating a substation and other facility modifications, none of which are near Petitioners farm land. *Id.* Importantly, the Certificate requires Hardin Wind to use best management practices to minimize impacts to surface waters. (*See* Opinion, Order and Certificates, Case No. 13-1177-EL-BGN, et. al.; Condition 12, page 11.)

Petitioners are concerned that the access road's construction and maintenance will adversely affect the farm's non-GMO and organic certifications, even though the access road is to be relocated further from their property. Petitioners are also concerned that the access road, along with all other project facilities, will pose drainage issues and impact a waterway that drains onto their farm.

If the Board grants Petitioners' request to intervene, Petitioners' participation in this proceeding should be limited to only those issues raised in their petition to intervene that are relevant to the Amendment application. The Board may grant limited participation under Rule 4906-7-04(D)(1). Petitioners should not be allowed to challenge the Board's decision to issue the Certificate or raise issues that go beyond the scope of relocating the abutting access road and how the amended project facilities may affect drainage on their farm. Accordingly, if the Board grants intervention to the Petitioners, such intervention should be limited to only those issues raised by Petitioners in their request for intervention that are within the scope of the Amendment application.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served this 22nd day of October 2014, via email or U.S. Mail as indicated below.

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Case No(s). 14-1557-EL-BGA

Summary: Response by Hardin Wind LLC to Petition to Intervene by Anthony Elsasser and Devin Elsasser electronically filed by Mr. Michael J. Settineri on behalf of Hardin Wind LLC