

**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	)	

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**HARDIN WIND LLC'S RESPONSE TO THE PETITION FOR LEAVE TO  
INTERVENE BY HERBERT J. STEVENSON**

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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.

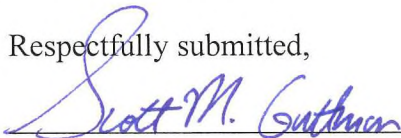
On October 15, 2014, Herbert J. Stevenson and his wife (unnamed in the petition) filed a petition to intervene in Case No. 14-1557-EL-BGA (the "Amendment"). Petitioners first claim an interest in the Amendment proceeding due to the "new substation [that] is right across the road from [their] home ... that they will be forced to look at." (Stevenson at 1). In this regard, Petitioners are concerned about any potential "noise, lights, vibration and static [emanating therefrom that] is not common to a property in the country." *Id.*

Petitioners also claim an interest in this proceeding due to the shadow flicker that their home is expected to experience. *Id.* at 2. Here, they seek intervention because they are concerned about the potential shadow flicker impact on their family. *Id.* Petitioners state that "[a]ccording to the most recent information provided in the amendment, [their] home is expected to receive over 100 hours of shadow flicker a year." *Id.* In actuality, however, Petitioners are expected to receive 38:19:00 hours of shadow flicker per year. (*See* Amendment application,

Table 08-2: Shadow Flicker Impacts at Non-Participating Residences Exceeding 30 Hours/Year, Page 24, Receptor ID 1047). Importantly, Condition 14 to the Certificate requires Hardin Wind to take action to ensure that the project “does not result in shadow flicker levels that exceed 30 hours per year for any nonparticipating sensitive receptor.” (*See Opinion, Order, and Certificates*, March 17, 2014, Conditions Related to the Wind Turbine Project, Condition 14 at page 27).

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 substation and any increase in shadow flicker at Petitioner’s residence (which should not occur given the smaller turbine models proposed). 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 30<sup>nd</sup> day of October 2014, via email or U.S. Mail as indicated below.

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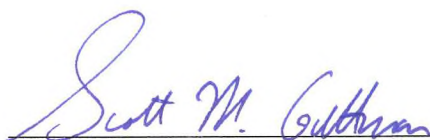
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Summary: Memorandum Hardin Wind LLCs Response to the Petition for Leave to Intervene by Herbert J Stevenson electronically filed by Mr. Scott M Guttman on behalf of Hardin Wind LLC