

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of )  
Paulding Wind Farm III for a Certificate of )  
Environmental Compatibility and Public ) Case No. 15-1737-EL-BTX  
Need for the Timber Road III Transmission )  
Line with Associated Point of Interconnect )  
Switchyard in Paulding County. )

ENTRY

The administrative law judge finds:

- (1) On October 9, 2015, Paulding Wind Farm III (Paulding) filed a pre-application notice with the Ohio Power Siting Board (Board) seeking approval for the construction of a 138 kilovolt (kV) transmission line and an associated point of interconnect switchyard in Paulding County. The purpose of the transmission line and associated point of interconnect switchyard are to support the collection line systems of Paulding Wind Farm I and III and to connect the collection line systems to the American Electric Power 138 kV Lincoln-Sterling transmission circuit to support electric energy to the PJM interstate grid. The transmission line will be approximately eight miles long.
- (2) On December 1, 2015, Paulding filed a motion for waiver of Ohio Adm.Code 4606-5-04(A) and 4906-15-04(B)(2)(a)(i). First, Paulding requests a waiver from the requirement in Ohio Adm.Code 4906-5-04(A) to provide fully developed information on the alternate transmission line route. Paulding states that it has identified and provided general information on the primary and alternate transmission line routes and the switchyard location and intends to provide more detailed information on both the primary transmission route and switchyard location. Paulding indicates that there is no statutory requirement that an alternate route be included in an application and the Board has granted similar waiver requests in the past. In addition, Paulding notes that it will provide information on the route selection process and land uses, cultural resource, and wetland impacts along the alternate route. This information will allow the Staff to conduct its review of the proposed alternate route and make any necessary findings on that route.

- (3) Second, Paulding requests a waiver from the requirement in Ohio Adm.Code 4906-15-04(B)(2)(a)(i) to provide a map showing final grade elevations after construction. Paulding states that no significant grading is anticipated in order to construct either the primary or alternate transmission routes or the switchyard. Paulding notes that access to the transmission line right-of-way during construction and for long-term operation and maintenance will be through the use of existing farm lanes and paths already in place and in use today. Paulding claims that given the fact that there will not be significant grading nor will there be any new or temporary access roads, there is little reason to require it to develop maps showing final grading after construction.
- (4) On December 8, 2015, Staff filed a memorandum stating that it does not oppose Paulding's request for waivers. Staff reserves the right to require information from Paulding in areas covered by the requested waivers if Staff determines it to be necessary during the course of the investigation. In addition, Staff reserves the right to investigate and contest all other issues presented in the application.
- (5) Ohio Adm.Code 4906-1-03 provides that, where good cause appears, the Board or the administrative law judge (ALJ) may permit departure from Ohio Adm.Code Chapters 4906-01 to 4906-17, unless prohibited by statute. Upon review of the waiver request and Staff's filing, the ALJ finds that, in order to ensure Paulding's application contains all the necessary information to evaluate the proposal, and avoids additional, unnecessary costs for developing less relevant information, the request for waiver for both requirements is reasonable. Accordingly, Paulding's request to waive these requirements should be granted.
- (6) In granting the motion for waivers, the ALJ notes that Paulding is not relieved of its responsibility to provide Staff with information in the areas subject to the waivers, if, in the determination of Staff, the information becomes necessary during the course of its investigation of the application for completeness or through discovery in this proceeding.
- (7) On December 8, 2015, Paulding filed a motion for a protective order to keep portions of page 42 of the application, filed December 8, 2015, confidential and not part of the public record.

According to Paulding, the information redacted from this page includes financial data representing estimated capital and intangible costs for both the transmission line and point of interconnect substation which constitute sensitive and confidential information. Paulding claims that the information has independent economic value and is the subject of reasonable efforts to maintain its secrecy. Paulding also claims that revealing this sensitive and confidential information in a publicly filed document would provide Paulding's competitors with a competitive advantage. Further, Paulding asserts that the non-disclosure of this information will not impair the purposes of Title 49 as the Board and its Staff have full access to the information in order to fulfill its statutory obligations and its public disclosure does not serve any public policy.

- (8) The ALJ has reviewed the information Paulding filed under seal, including, specifically, the redacted financial data portions of page 42 of the application. After reviewing the information filed under seal, the ALJ finds that the redacted information constitutes trade secret information pursuant to R.C. 1333.61. Accordingly, Paulding's request for a protective order is reasonable and should be granted. Ohio Adm.Code 4906-7-07(H)(6) provides that, unless otherwise ordered, protective orders automatically expire 18 months after the date of issuance. Therefore, confidential treatment shall be afforded for a period ending 18 months from the date of this Entry or June 9, 2017. Until that date, the docketing division should maintain, under seal, the information filed confidentially, including the redacted portions of page 42 of the application.
- (9) Ohio Adm.Code 4906-7-07(H)(6) also requires a party wishing to extend a protective order, to file an appropriate motion in advance of the expiration date. If Paulding wishes to extend this confidential treatment, it should file an appropriate motion in advance of the expiration date. If no such motion to extend confidential treatment is filed, the Board may release this information without prior notice to Paulding.

It is, therefore,

ORDERED, That Paulding's motion for waiver of the requirements of Ohio Adm.Code 4906-5-04(A) and 4906-15-04(B)(2)(a)(i) be granted. It is, further,

ORDERED, That Paulding's motion for a protective order is granted, as specified in Finding (8). It is, further,

ORDERED, That a copy of this Entry be served upon all interested persons of record in this proceeding.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Scott E. Farkas

By: Scott E. Farkas  
Administrative Law Judge

JRJ/dah

**This foregoing document was electronically filed with the Public Utilities**

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**in**

**Case No(s). 15-1737-EL-BTX**

Summary: Administrative Law Judge Entry ordering that Paulding's motion for waiver of the requirements of Ohio Adm.Code 4906-5-04(A) and 4906-15-04(B)(2)(a)(i) be granted; and that Paulding's motion for a protective order is granted, as specified in Finding (8) - electronically filed by Debra Hight on behalf of Scott E. Farkas, Administrative Law Judge.