

**BEFORE THE OHIO POWER SITING BOARD**

<b>In the Matter of the Application of</b>	)	
<b>Hardin Wind LLC for a Second</b>	)	<b>Case No. 16-0725-EL-BGA</b>
<b>Amendment to its Certificate</b>	)	
<b>Issued in Case No. 13-1177-EL-BGN</b>	)	

**MOTION FOR WAIVER**

Through this motion, Hardin Wind LLC (“Hardin Wind” or “the Applicant”) seeks a waiver from Rule 4906-3-011(B)(2)(a)(iii) of the Ohio Administrative Code (“OAC”) requiring Applicant to serve a copy of the application upon “[a]ny property owner(s) along the new route.” As set forth in the accompanying Memorandum in Support, Hardin Wind submits that good cause exists for granting this waiver.

WHEREFORE, Hardin Wind respectfully requests that the Board grant this waiver request.

Respectfully submitted,

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## **MEMORANDUM IN SUPPORT**

### **I. INTRODUCTION**

Through this motion, Hardin Wind seeks a waiver from OAC Rule 4906-3-011(B)(2)(a)(iii) which requires an applicant for an amendment to a certificate of environmental compatibility and public need to send a letter describing the amendment application to landowners “along the new route.” The Ohio Power Siting Board (the “Board”) has approved various turbine models for the Scioto Ridge Wind Farm project (the “Facility”) including the 2.0 megawatt (“MW”) Gamesa G114 turbine. The Applicant seeks to utilize the 2.5 MW version of the previously approved G114 model through the amendment application in this proceeding. Notably, the only substantive difference between the 2.0 MW and 2.5 MW G114 versions is the increase in capacity. All other significant features of the turbine remain the same including rotor diameter, hub height and maximum operational sound power output.

While the Facility is a wind farm and does not have a “new route” per se, Rule 4906-3-011(B)(2)(a)(iii) would require the Applicant to serve the application on each and every landowner in and adjacent to the Facility project area, which traverses six townships in two Ohio counties. Given the minor nature of the requested change and the time and expense of a mass mailing, Hardin Wind seeks a waiver from the rule requirement and proposes publishing a newspaper notice of the minor design upgrade instead. As more fully explained below, good cause exists to grant this waiver.

### **II. REQUESTED WAIVER**

Hardin Wind’s application in this proceeding seeks only to increase the nameplate capacity of the already approved Gamesa G114 wind turbine from 2.0 MW to 2.5 MW. All other turbine characteristics and properties remain unchanged. For example, both the 2.0 MW and 2.5 MW versions of the Gamesa G114 turbine model have the same dimensions, sound

power output, and safety characteristics. The increase in capacity will not create new impacts or otherwise increase the impacts already studied and approved under the Certificate, and utilizing the higher capacity 2.5 MW version of the Gamesa model enhances the overall project.

Although the requested change is minor, OAC Rule 4906-3-011(B)(2)(a)(iii) requires the Applicant to serve a copy of the amendment application upon “[a]ny property owner(s) along the new route.” In this proceeding, such service is unnecessary. The Facility spans four townships in Hardin County and two townships in Logan County, and therefore would require a mass mailing to many landowners. This type of mailing is unnecessary in this proceeding considering that the change in capacity for the G114 turbine model will present no additional impact on non-participating landowners.

As an alternative to the mass mailing, Hardin Wind will instead publish newspaper notice of the application describing the nature of the requested change. A newspaper notification ensures that landowners will have appropriate notice of the application, and is a fair alternative to the burdensome mass mailing that would otherwise be required. Moreover, the Applicant will serve all other parties required by the rule, including county and township officials as well as parties that intervened in both the original proceeding and the first amendment proceeding. Good cause exists to grant this motion given the nature of the amendment and the notice via Applicant’s proposed newspaper notification.

### **III. CONCLUSION**

As good cause exists, Hardin Wind respectfully requests that the Board grant a waiver

from OAC Rule 4906-3-011(B)(2)(a)(iii).

Respectfully submitted,

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Summary: Motion for Waiver electronically filed by Mr. Scott M Guttman on behalf of Hardin Wind LLC