

BEFORE THE OHIO POWER SITING BOARD

In the Matter of the Application of)	
Champaign Wind LLC to Amend the)	
Certificate of Environmental Compatibility)	Case No. 17-2517-EL-BGA
and Public Need Issued in)	
Case No. 12-0160-EL-BGN)	

MOTION FOR WAIVER

Through this motion, Champaign Wind LLC (“Champaign Wind”) seeks a waiver from Rule 4906-3-11(B)(2)(a)(iii) of the Ohio Administrative Code (“OAC”) requiring Champaign Wind 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, Champaign Wind submits that good cause exists for granting this waiver. Similar motions were granted in Case No. 16-725-EL-BGA (Entry dated April 25, 2016), Case No. 16-1717-EL-BGA (Entry dated September 9, 2016), and Case No. 17-759-EL-BGA (Entry dated April 10, 2017).

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

Respectfully submitted,

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MEMORANDUM IN SUPPORT

I. INTRODUCTION

Champaign Wind seeks a waiver from OAC Rule 4906-3-11(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.” Champaign Wind seeks this waiver because, in connection with the elimination of 28 turbines from the project, Champaign Wind is only proposing minor changes to the Buckeye II Facility including approval to share the Buckeye I (Case No. 08-0666-EL-BGN) collection substation, the elimination of three permitted meteorological tower and relocation one meteorological tower, and a significant reduction in access roads and collection lines. Champaign Wind is also seeking to add additional turbine models to the project for which the height will be no more than the maximum turbine approved in the Buckeye II certificate.

While the Buckeye II Facility is a wind farm and does not have a “new route” per se, Rule 4906-3-11(B)(2)(a)(iii) would require Champaign Wind to serve the application on each and every landowner in and adjacent to the Facility project area, which traverses five townships in Champaign County. Given the minor nature of the requested changes and the time and expense of a mass mailing of application binders, Champaign Wind seeks a waiver from the rule requirement and proposes publishing a newspaper notice of the minor design change instead. As more fully explained below, good cause exists to grant this waiver.

REQUESTED WAIVER

Champaign Wind is proposing in its amendment application to eliminate 28 turbines from the Buckeye II Facility and minor changes related to the elimination of the 28 turbines including the option to use alternative turbine models, sharing the Buckeye I collection substation,

elimination of three meteorological towers and relocation of one, and modifying the access road and collection line system design. Collectively, these proposed changes will significantly reduce the size and overall impact of the Buckeye II Facility.

The proposed alternate turbine models take advantage of a longer turbine rotor and other advances in technology to operate more efficiently and at higher capacities. The larger turbine rotor on the proposed alternate turbines results in a slightly higher sound power output and shadow flicker than the largest turbine in the original application. However, the hub heights of the proposed turbine models are generally lower, resulting in a total turbine height for all new turbine models that is within the same range as the turbine models approved in the Buckeye II certificate.

The amendment application seeks approval to share the Buckeye I collection substation which, pursuant to a related amendment application (Case No. 17-2516-EL-BGA), Buckeye Wind LLC proposes to move approximately 7 miles north of the Buckeye I permitted substation site, using a smaller 100 MW (as compared to the permitted 138 kV circuit) interconnection at PJM queue R-52A. The relocated collection substation was selected primarily based on its central location between the Buckeye I and Buckeye II Facilities. The substation site is located completely within agricultural lands. This proposed location was preferable compared to others based on initial feedback from the landowner, the lack of streams and wetlands, and because no additional vegetative clearing would be necessary.

Champaign Wind also proposes to relocate one of the permitted meteorological towers approximately 0.6 mile to the northeast, so that in the amended Facility, it will be located in Salem Township between T027 and T035. The new location for the permanent meteorological tower will allow the tower to be shared by both the Buckeye I Facility and the Buckeye II

Facility. The other three permitted meteorological towers are being eliminated from the Buckeye II Facility, thereby decreasing overall impacts.

Because the amended Facility is much smaller, many previously certificated sections of collection line and access road will not be constructed. After all proposed collection line shifts, additions, and deletions are made, the Buckeye II Facility will have 11.3 miles less collection line than as originally certificated. Similarly, after all proposed access road shifts, additions, and deletions are made, the Buckeye II Facility will have 10.3 miles less access road than as originally certificated.

Although the requested changes are minor, OAC Rule 4906-3-11(B)(2)(a)(iii) requires Champaign Wind 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 five townships in Champaign County, and therefore would require a mass mailing of the application binders to many landowners that would be inordinately time consuming and expensive. This type of mailing is unnecessary in this proceeding considering that Facility impacts are significantly decreased and Champaign Wind will still be required to satisfy the conditions of the Certificate.

As an alternative to the mass mailing, Champaign 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 and very expensive mass mailing that would otherwise be required. Moreover, Champaign Wind will serve all other parties required by the rule, including county and township officials as well as parties that intervened in the original proceeding and any subsequent

amendment proceedings. Good cause exists to grant this motion given the nature of the amendment and the notice via Applicant's proposed newspaper notification.

Similar motions for waiver were granted by Administrative Law Judge Entry of April 25, 2016 in OPSB Case No. 16-725-EL-BGA; Administrative Law Judge Entry of September 9, 2016 in Case No. 16-1717-EL-BGA; and Administrative Law Judge Entry of April 10, 2017 in Case No. 17-759-EL-BGA.

III. CONCLUSION

As good cause exists, Champaign Wind respectfully requests that the Board grant a waiver from OAC Rule 4906-3-11(B)(2)(a)(iii) as good cause exists.

Respectfully submitted,

/s/ Michael J. Settineri

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Summary: Motion for Waiver electronically filed by Mr. Michael J. Settineri on behalf of Champaign Wind LLC