

THE OHIO POWER SITING BOARD

**IN THE MATTER OF THE APPLICATION
OF BUCKEYE WIND, LLC FOR A
CERTIFICATE TO CONSTRUCT WIND-
POWERED ELECTRIC GENERATION
FACILITIES IN CHAMPAIGN COUNTY,
OHIO.**

CASE No. 08-666-EL-BGN

**IN THE MATTER OF THE APPLICATION OF
CHAMPAIGN WIND, LLC FOR A
CERTIFICATE TO CONSTRUCT A WIND-
POWERED ELECTRIC GENERATING
FACILITY IN CHAMPAIGN COUNTY,
OHIO.**

CASE No. 12-160-EL-BGN

**IN THE MATTER OF THE APPLICATION OF
BUCKEYE WIND, LLC TO AMEND ITS
CERTIFICATE ISSUED IN CASE No. 08-
666-EL-BGN.**

CASE No. 13-360-EL-BGA

**IN THE MATTER OF THE APPLICATION OF
BUCKEYE WIND, LLC TO AMEND THE
CERTIFICATE ISSUED IN CASE No. 08-
666-EL-BGN.**

CASE No. 17-2516-EL-BGA

**IN THE MATTER OF THE APPLICATION OF
CHAMPAIGN WIND, LLC TO AMEND THE
CERTIFICATE ISSUED IN CASE No. 12-
160-EL-BGN.**

CASE No. 17-2517-EL-BGA

ENTRY

Entered in the Journal on September 19, 2019

I. SUMMARY

{¶ 1} The Ohio Power Siting Board grants the requests to relinquish the certificates and to withdraw the pending amendment applications filed by Buckeye Wind, LLC and Champaign Wind, LLC and, therefore, the pending applications for rehearing are moot.

II. PROCEDURAL HISTORY

{¶ 2} Buckeye Wind, LLC (Buckeye) and Champaign Wind, LLC (Champaign) are persons, as defined in R.C. 4906.01(A). Buckeye and Champaign are wholly-owned subsidiaries of EverPower Wind Holdings, Inc.

{¶ 3} R.C. 4906.04 provides that no person shall construct a major utility facility in the state of Ohio without obtaining a certificate for the facility from the Ohio Power Siting Board (Board).

{¶ 4} On March 22, 2010, in Case No. 08-666-EL-BGN, the Board issued its Opinion, Order, and Certificate granting Buckeye's application for a certificate to construct a wind-powered electric generation facility in Champaign County, Ohio, subject to 70 conditions (Buckeye 1 project). The Board imposed a provision that the certificate shall become invalid if a continuous course of construction of the proposed facility has not commenced within five years of the date of issuance of the certificate, March 22, 2015. *In re Buckeye Wind, LLC*, Case No. 08-666-EL-BGN, Opinion, Order, and Certificate (Mar. 22, 2010) at 92.

{¶ 5} On May 28, 2013, in Case No. 12-160-EL-BGN, the Board issued its Opinion, Order, and Certificate granting the application of Champaign Wind, LLC (Champaign) for a certificate to construct a wind-powered electric generation facility in Champaign County, Ohio, subject to 72 conditions (Buckeye 2 project). Like the Board's order for the Buckeye 1 project, the Board directed that the certificate shall become invalid if a continuous course of construction of the proposed facility has not commenced within five years of the date of the issuance of the certificate, May 28, 2018. *In re Champaign Wind, LLC*, Case No. 12-160-EL-BGN, Opinion, Order, and Certificate (May 28, 2013) at 79.

{¶ 6} On March 19, 2013, in Case No. 13-360-EL-BGA, Buckeye filed an application to amend the certificate issued for the Buckeye 1 project. In the amendment application, Buckeye requested authority to revise the design of the facility to adjust the construction staging areas; shift the project substation by 1,000 feet; add a new access road; modify four

previously approved access roads; and move the electric collection line system underground. On February 18, 2014, the Board approved Buckeye's application to amend its certificate, which was affirmed by the Board's Entry on Rehearing issued May 19, 2014. By Entry issued August 25, 2014, in Case Nos. 08-666-EL-BGN and 13-360-EL-BGA, the Board granted Buckeye's motion to extend the term of the certificate for the Buckeye 1 project to May 28, 2018. *In re Buckeye Wind, LLC*, Case No. 13-360-EL-BGA, Order on Certificate Amendment.

{¶ 7} On December 22, 2017, in Case Nos. 17-2516-EL-BGA and 17-2517-EL-BGA, Buckeye and Champaign, respectively, filed applications to amend the certificates for the construction of the Buckeye 1 and Buckeye 2 projects. In the applications, Buckeye and Champaign propose to reduce the aggregate number of turbines for the projects, and, as a result of reducing the number of turbines, to relocate the collection substation, reduce the access roads and collection lines, and to add additional turbine models. These applications are currently pending before the Board.

{¶ 8} On April 3, 2018, in Case Nos. 08-666-EL-BGN and 12-160-EL-BGN, Buckeye and Champaign filed a request for a one-year extension of the certificates issued to construct the Buckeye 1 and Buckeye 2 projects, until May 28, 2019.

{¶ 9} On April 16, 2018, a group of individuals, namely Terry and Phyllis Rittenhouse, Keith and Lori Forrest, Jon and Joy Mohr, Brent and Johnna Gaertner, Mark and Marisue Schmidt, Carrie Apthorpe, Jim and Georgianna Boles, Bill and Carmen Brenneman, T. Gary and Paula Higgins, Brian and Bayleigh Halterman, Rodney Yocom, Robert and Roberta Custer, and Mathew Earl (jointly and collectively, Local Residents) filed a petition to intervene in their respective individual capacity.

{¶ 10} On May 3, 2018, as supplemented on May 10, 2018, the Board of Commissioners of Champaign County (County) and the Township Trustees of Goshen,

Union, and Wayne filed objections to Buckeye's and Champaign's requests for an extension of the certificates to construct the Buckeye 1 and Buckeye 2 projects.

{¶ 11} By Entry issued May 17, 2018, the Board, *inter alia*, denied Local Residents' petition to intervene and granted Buckeye's and Champaign's request to extend the term of the certificates, until May 28, 2019.

{¶ 12} Applications for rehearing of the Board's May 17, 2018 Entry, in Case No. 08-666-EL-BGN and 12-160-EL-BGN, were filed by Local Residents and jointly by the County, and the Trustees of the Townships of Goshen, Union, and Wayne on June 6, 2018 and June 12, 2018, respectively.

{¶ 13} Buckeye and Champaign filed memorandum contra the applications for rehearing on June 18, 2018 and June 22, 2018, respectively.

{¶ 14} By Entry issued July 5, 2018, the administrative law judge determined that the applications for rehearing should be granted, as sufficient reasons had been set forth to warrant further consideration of the matters specified in the applications for rehearing.

{¶ 15} On September 6, 2019, Buckeye filed notice that it was relinquishing its Certificate of Environmental Compatibility and Public Need issued in Case No. 08-666-EL-BGN, as modified in Case No. 13-360-EL-BGA, and withdrawing its amendment application filed in Case No. 17-2516-EL-BGA.

{¶ 16} On September 9, 2019, Champaign filed notice that it was relinquishing its Certificate of Environmental Compatibility and Public Need issued in Case No. 12-160-EL-BGN and withdrawing its amendment application filed in Case No. 17-2517-EL-BGA.

{¶ 17} Upon consideration, the Board grants Buckeye's and Champaign's requests to relinquish the certificate issued in Case No. 08-666-EL-BGN, as modified in Case No. 13-360-EL-BGA, to relinquish the certificate issued in Case No. 12-160-EL-BGN, as well as the request to withdraw the amendment applications currently pending in Case Nos. 17-2516-

EL-BGA and 17-2517-EL-BGA. Accordingly, the Board finds the pending applications for rehearing filed in Case Nos. 08-666-EL-BGN and 12-160-EL-BGN to be moot.

III. ORDER

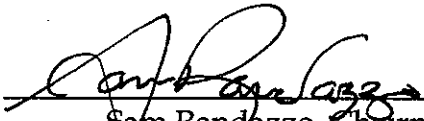
{¶ 18} It is, therefore,


{¶ 19} ORDERED, That the notices of relinquishment and withdrawal filed by Buckeye Wind, LLC and Champaign Wind, LLC, be granted in accordance with Paragraph 17. It is, further,


{¶ 20} ORDERED, That the pending applications for rehearing filed in Case Nos. 08-666-EL-BGN and 12-160-EL-BGN are moot. It is, further,


{¶ 21} ORDERED, That a copy of this Entry be served upon all interested persons of record in the above noted matters.


THE OHIO POWER SITING BOARD

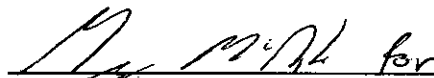

Sam Randazzo, Chairman
Public Utilities Commission of Ohio


Lydia Mihalik, Board Member
and Director of the Ohio
Development Services Agency


Mary Mertz, Board Member
and Director of the Ohio
Department of Natural Resources


Amy Acton, M.D., MPH, Board
Member and Director of the Ohio
Department of Health

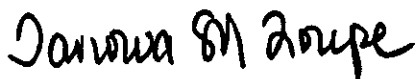

Laurie Stevenson, Board Member
and Director of the Ohio
Environmental Protection Agency


Dorothy Pelanda, Board Member
and Director of the Ohio
Department of Agriculture


Greg Murphy, Board Member
and Public Member

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Tanowa Troupe
Secretary