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BEFORE THE OHIO POWER SITING BOARD

In the Matter of the Application of)
Hardin Wind LLC, for a Certificate)
to Construct a Wind-Powered Electric)
Generating Facility in Hardin County)
and Logan County, Ohio)

Case No. 13-1177-EL-BGN

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MOTION FOR WAIVERS

Pursuant to Section 4906.06(A)(6), Revised Code and Rule 4906-1-03 of the Ohio Administrative Code, Hardin Wind LLC (“Hardin Wind” or “the Applicant”) moves the Ohio Power Siting Board (“Power Siting Board”) to grant waivers from Chapter 4906-17 of the Ohio Administrative Code for the reasons detailed in the following Memorandum in Support.

Hardin Wind will be filing an application for the Scioto Ridge Wind Farm project, a wind-powered electric generation facility of more than 5 MW in the above-styled docket. Although the application is being filed in accordance with Chapter 4906-17 of the Ohio Administrative Code, Hardin Wind seeks certain waivers primarily based on the unique nature of a wind-powered electric generation facility. The requested waivers will not impact the Power Siting Board’s review and analysis of the proposed generation facility.

WHEREFORE, Hardin Wind respectfully requests that the Power Siting Board grant

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waivers in part or in whole from Rules 4906-17-05(A)(4) and 4906-17-05(B)(2)(h) of the Ohio Administrative Code.

Respectfully submitted,



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MEMORANDUM IN SUPPORT

I. Introduction

Hardin Wind LLC, a wholly owned subsidiary of EverPower Wind Holdings, Inc., (hereafter referred to as “the Applicant” or “Hardin Wind”) is proposing to construct a wind-powered electric generation facility located in Hardin County and Logan County, Ohio. The proposed Scioto Ridge Wind Farm project consists of up to 180 wind turbines capable of generating up to 300 megawatts (“MW”) and related equipment including collection lines, access roads and a substation. The anticipated function of the project is to supply renewable energy to the interstate grid.

Through this motion, Hardin Wind is seeking waivers from certain requirements of Chapter 4906-17 of the Ohio Administrative Code (“OAC”). Specifically, Hardin Wind is seeking waivers from the requirement to locate test borings pursuant to Rule 4906-17-05(A)(4) of the OAC, and the requirement to identify changes in grade elevations resulting from construction pursuant to Rule 4906-17-05(B)(2)(h) of the OAC.

As more fully explained below, these waivers are necessary and good cause exists to grant the waivers. Indeed the Ohio Power Siting Board (“Power Siting Board”) has routinely granted similar waivers to wind farm applicants.¹ Accordingly, as more fully set forth below, Hardin Wind seeks waivers in part or in whole from Rules 4906-17-05(A)(4) and 4906-17-05(B)(2)(h) of the OAC.

¹ See e.g. In re Paulding Wind Farm II LLC, Case No. 10-369-EL-BGN, Entry dated June 21, 2010 (granting waivers of location of test borings and grade elevations where modified during construction); In re Champaign Wind LLC, Case No 12-160-EL-BGN, Entry dated Aug. 2, 2012 (granting waivers of location of test borings and grade elevations where modified during construction).

II. Rule 4906-17-05(A)(4) of the Ohio Administrative Code (Test Borings)

Rule 4906-17-05(A)(4) of the Ohio Administrative Code requires the Applicant to provide a map(s) of suitable scale showing the location of proposed test borings. The locations of the test borings will be provided subsequent to the filing of the Application. The delay will permit the geotechnical engineer to review all available desktop information and determine the number and location of the borings to be drilled.

Thus, the Applicant respectfully requests that the Power Siting Board grant a waiver from the above-cited rule requirement that the location of the test borings be shown on a map. The Applicant will provide responsive information to this requirement and other related data requests when the final selection of ground borings are made. The Power Siting Board has granted similar requests for this waiver in other proceedings.²

IV. Rule 4906-17-05(B)(2)(h) of the Ohio Administrative Code (Grade Elevations Where Modified During Construction)

Rule 4906-17-05(B)(2)(h) requires an applicant to supply a map of the proposed electric power generating site showing the grade elevations where modified during construction. Unlike a conventional electric generating plant in which a large tract of contiguous acreage property must be graded in order to properly site the generation facility, a wind turbine sits on a relatively small base generally only 50 to 60 feet in diameter. The impact of the grading will be minimal and possibly not known until after construction of the pedestal. Thus, the Applicant requests a waiver of the above-cited rule and agrees in lieu of the rule to generate proposed contours/grade modifications during preparation of the facility construction drawings, which can be provided to

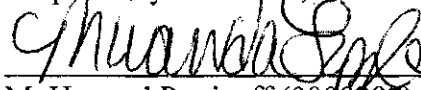
² See In re: Buckeye Wind LLC, Case No. 08-666-EL-BGN, Entry dated July 31, 2009; In re: Paulding Wind Farm LLC, Case No. 09-980-EL-BGN, Entry dated February 23, 2010; and In re: Paulding Wind Farm II LLC, Case No. 10-369-EL-BGN, Entry dated June 21, 2010;); In re Champaign Wind LLC, Case No 12-160-EL-BGN, Entry dated Aug. 2, 2012.

the Staff of the Power Siting Board when available. The Power Siting Board has granted similar requests for this waiver in other proceedings.³

V. Conclusion

As good cause exists for granting the waivers, Hardin Wind respectfully requests that the Power Siting Board grant waivers in part or in whole from Rules 4906-17-05(A)(4) and 4906-17-05(B)(2)(h) of the OAC.

Respectfully submitted,



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³ See In re: Buckeye Wind LLC, Case No. 08-666-EL-BGN, Entry dated July 31, 2009; In re: Paulding Wind Farm LLC, Case No. 09-980-EL-BGN, Entry dated February 23, 2010; and In re: Paulding Wind Farm II LLC, Case No. 10-369-EL-BGN, Entry dated June 21, 2010; In re Champaign Wind LLC, Case No 12-160-EL-BGN, Entry dated Aug. 2, 2012.