

BEFORE THE OHIO POWER SITING BOARD

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

MOTION FOR WAIVERS

Through this motion, Paulding Wind Farm III LLC (“Paulding Wind”) seeks a waiver from two rule requirements: a) Rule 4906-5-04(A) of the Ohio Administrative Code (“OAC”) requiring the applicant to provide fully developed information on an alternate route for a 138 kV transmission line; and b) Rule 4906-15-04(B)(2)(a)(i) of the OAC requiring submission of maps showing final grades after construction, including the site and access roads. Paulding Wind submits that good cause exists for granting these two waivers, as set forth in the accompanying Memorandum in Support.

WHEREFORE, Paulding Wind respectfully requests that the Administrative Law Judge grant both waiver requests.

Respectfully submitted,

s/ Michael J. Settineri

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MEMORANDUM IN SUPPORT

Paulding Wind Farm III LLC (“Paulding Wind”) will shortly be filing an application in this proceeding to construct the Timber Road III Transmission Line with the associated Timber Road III Point of Interconnect (“POI”) Switchyard, collectively, the “Facility.” To support the filing of the application, Paulding Wind is submitting this motion seeking two waivers: (a) a waiver from the rule requirement to provide fully developed information on the alternate transmission line route and b) a waiver from the requirement to provide a map showing final grade elevations after construction. Good cause exists for both waiver requests.

Rule 4906-5-04(A) requires information on an alternate route for a transmission line. The rule states in relevant part that: “[a]ll certificate applications for gas and electric power transmission facilities shall include fully developed information on two sites/routes.” Paulding Wind has identified the primary and alternate transmission routes and the POI Switchyard location, and intends to provide general information on the alternate route and more detailed information on both the primary transmission route and POI Switchyard location. Paulding Wind, however, seeks a waiver from the requirement to submit fully developed information on the alternate route as permitted by Rule 4906-5-04(B).¹

Importantly, there is no statutory requirement that an alternate route be included in an application. The requirements for alternate route information are Ohio Administrative Code rule requirements only, and the Board has full authority to waive the requirement of Rule 4906-5-04(A) by virtue of Rule 4906-5-04(B) upon a showing of good cause. Additionally, the Board through its administrative law judges has granted similar waivers from the alternate site and route requirements in other OPSB cases. *See e.g. In re Application of American Transmission*

¹ Rule 4906-5-04(B) states “[f]or good cause shown, the board or the administrative law judge may waive the requirement of fully developed information on the alternative site or route designated as alternate.”

Sys., Case No. 11-5856-EL-BTX, Entry, Jan. 5, 2012 (granting waiver from requirement to supply fully developed information on a second substation site, and route alternatives for the transmission line project); *In re Application of American Transmission Systems, Inc.* Case No. 12-1727-EL-BSB, Entry, December 10, 2012 at ¶7; *In re Application of American Transmission Systems, Inc.*, Case No. 12-864-EL-BSB, Entry, June 29, 2012 at ¶ 4; and *In re Application of Hardin Wind*, Case No. 13-1768-EL-BTX, Entry, September 17, 2013 at ¶7-8.

Although Paulding Wind is seeking a waiver from Rule 4906-5-04(A), it still will provide significant information on the alternate route. Paulding Wind will provide information on the route selection process, including selection of the alternate route and a quantitative comparison between the primary and alternate routes (length, turns, stream crossings, road crossings, etc.). Paulding Wind will also provide information on land use along the alternate route as well as any impacts on radio and television signals. The application will also address, in part, cultural resource impacts along the alternate route, impacts on wetlands, vegetative impacts and aviation impacts. This information will allow the Staff to conduct its review of the proposed alternate route and make any necessary findings on that route. Good cause exists to grant a waiver from the requirement to provide fully developed information on the alternate route.

Paulding Wind is also requesting a waiver from the requirement to provide a drawing with final grade elevations after construction. Rule 4906-15-04(B)(2)(a)(i) of the OAC requires the application to provide a map showing final grades after construction, including the site and access roads. With respect to the Facility, no significant grading is anticipated in order to construct either the primary or alternate transmission routes and the POI Switchyard. The existing terrain within the right-of-ways generally provides a suitable surface for construction vehicle operations. In addition, access to the Timber Road III 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. 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 the Applicant to develop maps showing final grading after construction. Good cause exists for granting a waiver from the mapping requirement.

Accordingly, for good cause shown, Paulding Wind respectfully requests a waiver from Rule 4906-5-04(A) of the Ohio Administrative Code as to the requirement to provide fully developed information on an alternate route for the Timber Road III Transmission Line and a waiver from Rule 4906-15-04(B)(2)(a)(i) of the Ohio Administrative Code as to the requirement to provide a map showing final grades after construction, including the site and access roads.

Respectfully submitted,

s/ Michael J. Settineri

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Summary: Motion for Waivers electronically filed by Mr. Michael J. Settineri on behalf of Paulding Wind Farm III LLC