

ORIGINAL

IN THE SUPREME COURT OF OHIO

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| <b>In the Matter of the Application of</b> | <b>:</b> | <b>Case No. 2014-1210</b>      |
| <b>Buckeye Wind, LLC to Amend its</b>      | <b>:</b> |                                |
| <b>Certificate Issued in Case No.</b>      | <b>:</b> | <b>Ohio Power Siting Board</b> |
| <b>08-666-EL-BGN</b>                       | <b>:</b> | <b>Case No. 13-360-EL-BGA</b>  |

**MOTION OF BUCKEYE WIND LLC  
FOR LEAVE TO INTERVENE IN SUPPORT OF THE APPELLEE**

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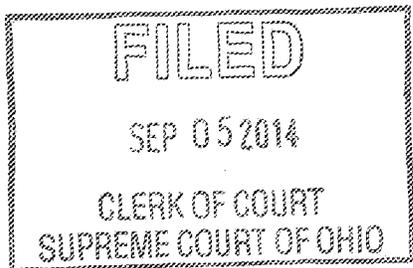
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**MOTION OF BUCKEYE WIND LLC  
FOR LEAVE TO INTERVENE IN SUPPORT OF THE APPELLEE**

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Buckeye Wind LLC (“Buckeye”) hereby respectfully moves this Court for leave to intervene in this proceeding as a full party of record and as an intervening appellee. As discussed below, Buckeye has a real and substantial interest in the matters that are the subject of this appeal; the disposition of this appeal may impair or impede Buckeye’s ability to protect that interest; and Buckeye’s interests are not adequately represented by existing parties.

On March 22, 2010, the Ohio Power Siting Board (“the Board”) issued an Opinion and Order, and Certificate granting Buckeye’s application for a certificate to construct a wind-powered electric generating facility in Champaign County, Ohio. *In Re Buckeye Wind, LLC*, OPSB Case No. 08-666-EL-BGN, Opinion, Order and Certificate dated March 22, 2010. This Court affirmed the Board’s decision in *In Re Application of Buckeye Wind, LLC*, 131 Ohio St. 3d 449, 966 N.E. 2d 869, 2012-Ohio 878.

On March 19, 2013, Buckeye filed an application to amend its OPSB certificate for the 54 turbine wind farm, asking in part to relocate certain construction laydown yards and the project substation. The amendment application also sought to relocate turbine collection lines to locations where the collection lines for a second project being developed by Buckeye’s sister affiliate, Champaign Wind, will be located. The Board issued an Order on Certificate

Amendment on February 18, 2014 concluding that pursuant to Chapter 4906 of the Revised Code, Buckeye's amendment application should be approved and that Buckeye's certificate be amended as requested. On March 20, 2014, Champaign County and the townships of Urbana, Union and Goshen (the "Appellants") filed an administrative appeal with the Board (an application for rehearing) from the February 18, 2014 Order on Certificate Amendment which the Board denied by Entry of May 19, 2014.

The Appellants filed their notice of appeal with this Court on July 16, 2014 setting two grounds as to why they believe the February 18, 2014 Order on Certificate Amendment and the May 19, 2014 Entry on Rehearing were unlawful and unreasonable. First, Appellants argue that the Board's approval of certain of the Applicant's amendments without holding a hearing was unreasonable and unlawful, claiming that such amendments would result in a material increase in the environmental impact of the facility or a substantial change in the location of all or a portion of such facility. Second, Appellants argue that the Board's approval of certain of the amendments without hearing was unreasonable and unlawful claiming the Board denied Appellants the opportunity to be heard.

Buckeye has a real and substantial interest in this appeal. Appellants ask this Court to reverse the Board's approval of the amendment and require that a second hearing be held on the amendment application. If the Appellants were to prevail in this case, Buckeye would not be able to implement its current project design and would be required to undergo a second hearing on its amendment application. Thus, Buckeye has a real and substantial interest in this proceeding, an interest that is not adequately represented by any other party which warrants Buckeye's intervention and participation in this proceeding.

WHEREFORE, Buckeye Wind LLC respectfully moves this Court for leave to intervene in this proceeding in support of the Appellee, the Ohio Power Siting Board, as a full party of record and an intervening appellee.

Respectfully submitted on behalf of,

BUCKEYE WIND LLC



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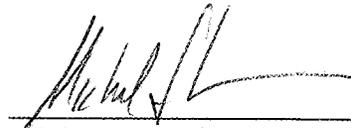
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**CERTIFICATE OF SERVICE**

I certify that the foregoing Motion to Intervene was served via U.S. first class mail, postage prepaid, upon the following persons this 5<sup>th</sup> day of September, 2014:

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