

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) Case No. 13-1177-EL-BGN
Generation Facility in Hardin and Logan)
Counties, Ohio.)

In the Matter of the Application of)
Hardin Wind LLC for a Certificate of)
Environmental Compatibility and Public) Case No. 13-1767-EL-BSB
Need for a Substation Project in Hardin)
County, Ohio.)

In the Matter of the Application of)
Hardin Wind LLC for a Certificate of)
Environmental Compatibility and Public) Case No. 13-1768-EL-BTX
Need for a 345 kV Transmission Line in)
Hardin County, Ohio.)

ENTRY ON REHEARING

The administrative law judge finds:

- (1) On March 17, 2014, the Board issued its Opinion, Order, and Certificates granting the applications of Hardin Wind LLC (Hardin) for certificates to construct a wind-powered electric generating facility in Hardin and Logan counties in Case No. 13-1177-EL-BGN, and Hardin's applications to construct an accompanying substation and transmission line in Case Nos. 13-1767-EL-BSB and 13-1768-EL-BTX, respectively.
- (2) R.C. 4906.12 states, in relevant part, that R.C. 4903.02 to 4903.16 and R.C. 4903.20 to 4903.23 apply to a proceeding or order of the Board as if the Board were the Public Utilities Commission of Ohio (Commission).
- (3) R.C. 4903.10 provides that any party who has entered an appearance in a Commission proceeding may apply for rehearing with respect to any matters determined by the

Commission within 30 days after the entry of the order upon the journal of the Commission. Further, R.C. 4903.10 provides that leave to file an application for rehearing shall not be granted to any person who did not enter an appearance in the proceeding, unless the Commission finds that: (1) the applicant's failure to enter an appearance prior to the Commission's order complained of was due to just cause; and (2) the interests of the applicant were not adequately considered in the proceeding.

- (4) Ohio Adm.Code 4906-7-17(D) states, in relevant part, that any party or affected person may file an application for rehearing within 30 days after the issuance of a Board order in the manner and form and circumstances set forth in R.C. 4903.10.
- (5) Ohio Adm.Code 4906-7-17(I) provides that the administrative law judge (ALJ) may issue an order granting rehearing for the limited purpose of affording the Board more time to consider the issues raised in an application for rehearing.
- (6) On April 16, 2014, Joe Grant filed an application for rehearing. Also on April 16, 2014, James Rudolph, Rich Rudolph, Susan Cornell, Ron Brown, and Charles Ruma (collectively, the Indian Lake Residents), through their attorney, filed a "Request for Leave to File Application for Rehearing and Application for Rehearing" and a "Petition to Intervene."
- (7) Pursuant to Ohio Adm.Code 4906-7-17(I), the ALJ hereby grants the applications for rehearing filed by Joe Grant and the Indian Lake Residents solely for the purpose of affording the Board additional time to consider the issues raised therein. This limited grant of the applications for rehearing does not constitute a finding regarding the merits of any arguments raised in the applications for rehearing or a finding whether there are any grounds for rehearing, or whether the filings satisfy the legal requirements set forth in R.C. 4903.10 for filing an application for rehearing.

It is, therefore,

ORDERED, That the applications for rehearing filed by Joe Grant and the Indian Lake Residents are granted for the purpose of affording the Board additional time to consider the issues raised therein. It is, further,

ORDERED, That a copy of this Entry on Rehearing be served upon all parties and all interested persons of record in these proceedings.

THE OHIO POWER SITING BOARD

s/Scott E. Farkas

By: Scott E. Farkas
Administrative Law Judge

JRJ/sc

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in

Case No(s). 13-1177-EL-BGN, 13-1767-EL-BSB, 13-1768-EL-BTX

Summary: Attorney Examiner Entry granting the applications for rehearing filed by Joe Grant and the Indian Lake Residents. - electronically filed by Sandra Coffey on behalf of Scott Farkas, Attorney Examiner, Public Utilities Commission of Ohio