

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Applications of Hog)
Creek Wind Farm, LLC for Amendments)
to its Certificates to Install and Operate) Case No. 16-1422-EL-BGA
Wind-Powered Electric Generation) Case No. 16-1423-EL-BGA
Facilities in Hardin County, Ohio and)
Request to Merge Operating Authority)
for the Two Certificates.)

ENTRY

The administrative law judge finds:

- (1) On March 22, 2010, in *In re JW Great Lakes Wind, LLC*, Case No. 09-277-EL-BGN (09-277), the Ohio Power Siting Board (Board) issued an Opinion, Order, and Certificate granting the application of JW Great Lakes Wind, LLC (JWGL) for a certificate to construct Hog Creek I, a wind-powered electric generating facility in Hardin County, Ohio, consisting of up to 27 turbine sites with a combined generation capacity of 48.6 megawatts (MW). On July 15, 2010, the Board authorized the transfer of the certificate from JWGL to Hog Creek Wind Farm, LLC (Hog Creek or Applicant).
- (2) On July 25, 2011, in *In re Hog Creek Wind Farm, LLC*, Case No. 11-757-EL-BGA (11-757), the Board issued an Order on Certificate Amendment (Hog Creek I First Amendment) permitting Hog Creek to amend the certificate granted in 09-277 by adding turbine models, thereby increasing the total nameplate capacity to 49.6 MW and increasing the project boundary by approximately 1,000 linear feet to include two additional parcels under lease.
- (3) On November 28, 2011, in *In re Hog Creek Wind Farm, LLC*, Case No. 11-5542-EL-BGA (11-5542) (Hog Creek I Second Amendment), the Board authorized the use of additional turbine models, thus increasing the nameplate capacity of the project up to 52.5 MW. Subsequently, on March 9, 2015, in 09-277, the Board extended the term of the certificate to March 22, 2018.

- (4) On August 29, 2011, in *In re Hog Creek Wind Farm, LLC*, Case No. 10-654-EL-BGA (10-654), the Board issued an Opinion, Order, and Certificate permitting the Applicant to construct Hog Creek II with a nameplate capacity of 18.4 MW.
- (5) On November 28, 2011, in *In re Hog Creek Wind Farm, LLC*, Case No. 11-5543-EL-BGA (11-5543), the Board issued an Order on Certificate Amendment (Hog Creek II First Amendment) permitting Hog Creek to amend the certificate granted in 10-654 by adding turbine models and associated infrastructure. In an administrative law judge Entry issued August 24, 2016, in 10-654, the certificate for Hog Creek II was extended to afford the Board additional time to consider a motion for extension filed by Hog Creek on May 4, 2016.
- (6) On June 22, 2016, the Applicant filed applications in Case No. 16-1422-EL-BGA (16-1422) and Case No. 16-1423-EL-BGA (16-1423) seeking authorization to merge the certificate authority first granted for Hog Creek I in 09-277 and Hog Creek II in 10-654 (hereafter, Combined Project). Under the Combined Project, Hog Creek proposes to focus on only one turbine model that reflects updated technology, decrease the total nameplate capacity of the Combined Project, adjust turbine sites as necessary to address applicable setbacks due to Ohio state law changes, and adjust access road and underground electric connection locations accordingly.
- (7) R.C. 4906.07(B) and Ohio Adm.Code 4906-3-11(B)(1)(a) provide that the Board shall hold a hearing on an application for an amendment of a certificate, if the proposed change would result in:
 - (a) any material increase in any environmental impact of the facility; or
 - (b) a substantial change in the location of all or a portion of the facility.
- (8) Staff filed a combined investigative report (Staff Report) for both 16-1422 and 16-1423 on October 18, 2016. In its report, Staff states it has reviewed the applications and notes that the Applicant has proposed the following:

- (a) Combine projects - Combine Hog Creek I and Hog Creek II into a single project.
- (b) Additional project area - Add approximately 345 acres to the combined eastern boundary of the project area.
- (c) Turbines - Eliminate turbine options approved in Hog Creek I and Hog Creek II, and their associated amendments. Consider only the Vestas V110 2.2 MW turbine model, thereby reducing the number of turbines from 41 to 30.
- (d) Facility output - Decrease the total nameplate capacity of the Combined Project from a maximum of 70.9 to a maximum of 66 MW.
- (e) Turbine locations - All turbine locations would be revised to comply with current setback requirements.
- (f) Access roads - Modify all access roads to address the new project layout, resulting in a net increase of approximately one mile of new access roads.
- (g) Collection lines - Modify the collection line system to incorporate the new project layout, resulting in a decrease of approximately four miles of collection lines.
- (h) Collector substation - The collector substation would remain in the same location. However, the land needed for the substation would increase from one acre to three acres in size in order to handle adequately the Combined Project.

(Staff Report at 3-4.)

Staff stated that the elimination of prior turbine model options and adoption of the Vestas V110 2.2 MW turbine model would not result in a material increase in environmental impact of the facility. However, Staff noted that the Applicant did acknowledge that all turbine footprint locations using the

Vestas V110 2.2 MW turbine model were modified and sited in order to meet the current minimum setback requirements enumerated in R.C. 4906.20(B)(2). Additionally, Staff determined that neither the decrease in nameplate capacity, the reduction in the number of turbines, nor the point of interconnection result in a substantial change in the location of all or a portion of the certified facilities and would not result in a material increase in environmental impact. With respect to the proposed modifications to the access roads, collection lines, and the additional acreage to the collector substation, Staff found that the changes to these facilities would pose no material increase in environmental impact. However, Staff opined that the proposed relocation and addition of the access roads, collection lines, and the additional acreage associated with the collector substation constitutes substantial changes in the locations in these portions of the certified facilities. Staff recommends that the Board approve the applications as proposed, provided that the certificates include the conditions specified in the opinions, orders, and certificates issued in 09-277, 10-654, 11-757, 11-5542, and 11-5543. (Staff Report at 4-13.)

- (9) As stated previously, R.C. 4906.07(B) sets forth two separate and distinct reasons that require the Board to hold a hearing on an amendment application. The first being that the proposed amendment would result in any material increase in any environmental impact of the facility. The administrative law judge (ALJ) has reviewed the applications and the Staff Report. The ALJ finds that none of the changes proposed in the applications would result in any material increase in any environmental impact of the facility. Therefore, a hearing is not required under R.C. 4906.07(B) with regard to any material increase in any environmental impact of the facility due to the proposals in these applications.
- (10) The second reason necessitating a hearing under R.C. 4906.07(B) is if there is a substantial change in the location of all or a portion of the certified facility. The ALJ finds that the following four modifications do not result in a substantial change in the location of all or a portion of the facilities: a) the adoption of the Vestas V110 2.2 MW turbine model for the Combined Project; b) decrease in nameplate capacity; c) reduction in the number of turbines; and d) the point of

interconnection. Therefore, R.C. 4906.07(B) does not require a hearing with regard to those four modifications.

However, the ALJ finds that the following five proposed modifications to the Combined Project require a hearing under R.C. 4906.07(B), because these modifications entail a substantial change in the location of all or a portion of the facilities: a) the relocation of all of the turbine footprint locations; b) the proposed modification of access roads; c) the proposed modification of collection lines; d) the addition of acreage to the collector substation; and e) additional acreage to the eastern boundary of the project area. Accordingly, a hearing should be held solely to consider the portion of the applications related to these five changes under the provision in R.C. 4906.07(B), which requires a hearing if there is a substantial change in the location of all or a portion of the certified facility.

- (11) Accordingly, a hearing should be held on November 3, 2016, at 10:00 a.m., at the offices of the Public Utilities Commission of Ohio, 11th Floor, Hearing Room 11-A, 180 East Broad Street, Columbus, Ohio, 43215.
- (12) All parties must prefile the direct testimony of any witness who will appear at the November 3, 2016 hearing no later than October 31, 2016.
- (13) On July 26, 2016, the Ohio Farm Bureau Federation (OFBF) filed a motion to intervene. No memorandum contra was filed. The ALJ finds that the motion to intervene filed by OFBF is reasonable and should be granted.

It is, therefore,

ORDERED, That a hearing be held as set forth in finding (11). It is, further,

ORDERED, That all parties prefile the direct testimony of any witness no later than October 31, 2016. It is, further,

ORDERED, That OFBF's motion to intervene be granted in accordance with finding (13). It is, further,

ORDERED, That a copy of this Entry be served upon all interested persons of record.

THE OHIO POWER SITING BOARD

/s/ Jeffrey R. Jones

By: Jeffrey R. Jones
Administrative Law Judge

sjp/vrm

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Case No(s). 16-1422-EL-BGA, 16-1423-EL-BGA

Summary: Administrative Law Judge Entry scheduling a hearing on November 3, 2016, at 10:00 a.m.; electronically filed by Vesta R Miller on behalf of Jeffrey R. Jones, Administrative Law Judge, Ohio Power Siting Board