

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF
REPUBLIC WIND, LLC FOR A
CERTIFICATE TO SITE WIND-POWERED
ELECTRIC GENERATION FACILITIES IN
SENECA AND SANDUSKY COUNTIES,
OHIO.

CASE NO. 17-2295-EL-BGN

ENTRY

Entered in the Journal on July 18, 2018

{¶ 1} Republic Wind, LLC (Republic or Applicant) is a person as defined in R.C. 4906.01.

{¶ 2} R.C. 4906.04 provides that no person shall construct a major utility facility in the state without obtaining a certificate for the facility from the Ohio Power Siting Board (Board).

{¶ 3} On November 13, 2017, Republic filed a pre-application notification letter with the Board regarding its proposed windfarm with up to 200 megawatt (MW) electric generating capacity in Seneca and Sandusky counties, Ohio. According to the letter, the proposed site will consist of approximately 35,000 acres of leased land in Adams, Pleasant, Reed, Scipio, and Thompson townships in Seneca County and York Township in Sandusky County. The facility will consist of up to 66 wind turbine generators, along with access roads, electric collection cables, a substation, a laydown yard for construction staging, an operations and maintenance facility, and two meteorological towers. The name plate capacity rating of the wind turbine generators range from 3.0 to 3.63 MW depending on the final turbine model selected. The pre-application notice referenced a public informational meeting held on November 29, 2017, in Green Springs, Ohio.

{¶ 4} On February 2, 2018, as amended on March 27, 2018, Republic filed an application with the Board for a certificate of environmental compatibility and public need to construct between 55 and 58 wind turbine generators, each with a nameplate capacity

rating of 3.3 MW to 3.63 MW, depending on the final turbine model selected. The total generating capacity of the facility will not exceed 200 MW.

{¶ 5} Pursuant to Ohio Adm.Code 4906-3-06, within 60 days after receipt of an application for a major utility facility, the Chairman of the Board shall notify an applicant of the acceptance or rejection of the application as complete. By letter filed on May 23, 2018, the Board notified Applicant that its application was sufficiently complete to permit Staff to commence its review and investigation of the application. The letter directed Republic, pursuant to Ohio Adm.Code 4906-3-07, to serve appropriate government officials and public agencies with copies of the complete, certified application and to file proof of service with the Board. Further, the letter directed Republic, pursuant to R.C. 4906.06(F) and Ohio Adm.Code 4906-3-12, to submit the requisite application fee.

{¶ 6} On May 30, 2018, Republic filed its certificate of service of its accepted and complete application, in accordance with the requirements of Ohio Adm.Code 4906-3-07. Applicant also submitted the application fee to the Board, pursuant to Ohio Adm.Code 4906-3-12. The effective date of the filing of the application shall be July 18, 2018.

{¶ 7} R.C. 4906.07(A) provides that, upon receipt of an application complying with R.C. 4906.06, the Board must promptly fix a date for a public hearing not less than 60 nor more than 90 days after such receipt, and shall conclude the proceeding as expeditiously as practicable.

{¶ 8} Accordingly, the local public hearing in this case will be held on Tuesday, October 2, 2018, at 6:00 p.m., at the VFW Post, 5900 State Route 778, Green Springs, Ohio 44836. The adjudicatory hearing will commence on Monday, October 15, 2018, at 10:00 a.m., 11th floor, Hearing Room 11-D, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.

{¶ 9} Additionally, the administrative law judge (ALJ) finds that petitions to intervene in this proceeding will be accepted by the Board up to 30 days following publication of the notice required by Ohio Adm.Code 4906-3-09.

{¶ 10} Republic should issue public notices of the application and hearings in accordance with Ohio Adm.Code 4906-3-09. As part of the information to be included in the notices, as required by Ohio Adm.Code 4906-3-09, Republic shall include a statement that the public hearing in this case shall consist of two parts:

- (a) A local public hearing, pursuant to R.C. 4906.08(C), where the Board shall accept written or oral testimony from any person, commencing on Tuesday, October 2, 2018, at 6:00 p.m., at the VFW Post, 5900 State Route 778, Green Springs, Ohio 44836.
- (b) An adjudicatory hearing to commence on Monday, October 15, 2018, at 10:00 a.m., 11th floor, Hearing Room 11-D, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.

{¶ 11} Further, regarding the initial public notice required under Ohio Adm.Code 4906-3-09, Republic shall include the following statement as a part of the public notice:

Petitions to intervene in the adjudicatory hearing will be accepted by the Board up to 30 days following publication of the notice required by Ohio Adm.Code 4906-3-09. However, the Board strongly encourages interested persons who wish to intervene in the adjudicatory hearing to file their petitions as soon as possible. Petitions should be addressed to Docketing Division, Ohio Power

Siting Board, 180 East Broad Street, Columbus, Ohio
43215-3793 and cite the above-listed case number.

{¶ 12} Ohio Adm.Code 4906-2-09 provides that the ALJ shall regulate the course of the hearing including requiring that expert or factual testimony to be offered in the Board proceedings be reduced to writing and filed with the Board, according to a schedule established by the ALJ. Accordingly, the ALJ finds that the following procedural schedule and process should be implemented:

- (a) Pursuant to Ohio Adm.Code 4906-3-06, Staff shall file its report of investigation (Staff Report) on or before September 17, 2018.
- (b) On or before September 25, 2018, each party shall file a list of issue(s) citing specific concerns about which they may be interested in pursuing cross-examination of witnesses at the evidentiary hearing.
- (c) All expert and factual testimony to be offered by Republic shall be filed by October 5, 2018.
- (d) All expert and factual testimony to be offered by intervenors and Staff shall be filed by October 10, 2018.
- (e) Any stipulation entered into by the parties shall be filed by October 10, 2018.
- (f) The parties are strongly encouraged to arrange for electronic service of testimony and other pleadings among themselves. If electronic service is agreed to, the parties are also directed to provide an electronic copy to the ALJ assigned to this case.

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That hearings in this matter be scheduled at the times and places designated in paragraph 8. It is, further,

{¶ 15} ORDERED, That the application and hearings be noticed by Republic in accordance with paragraphs 10 and 11. It is, further,

{¶ 16} ORDERED, That Staff file its Staff Report pursuant to paragraph 12. It is, further,

{¶ 17} ORDERED, That the parties file their issue lists and testimony in accordance with paragraph 12. It is, further,

{¶ 18} ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE OHIO POWER SITING BOARD

/s/ Jay S. Agranoff

By: Jay S. Agranoff
Administrative Law Judge

JRJ/mef/hac

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in

Case No(s). 17-2295-EL-BGN

Summary: Administrative Law Judge Entry Setting the procedural schedule. electronically filed by Heather A Chilcote on behalf of Jay S. Agranoff, Administrative Law Judge, Ohio Power Siting Board