

THE OHIO POWER SITING BOARD

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

CASE NO. 18-488-EL-BGN

ENTRY

Entered in the Journal on September 18, 2018

{¶ 1} Seneca Wind, LLC (Seneca Wind, 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 first obtaining a certificate for the facility from the Ohio Power Siting Board (Board).

{¶ 3} On July 16, 2018, as amended on July 20, 2018, Seneca Wind filed an application with the Board for a certificate of environmental compatibility and public need to construct, own, and operate the wind generation facility (project). As proposed, the project will have a total nameplate capacity of 212 megawatts and consist of up to 85 wind turbine generators, access roads, electrical collector cables, laydown yards, an operations and maintenance facility, up to four permanent 134-meter meteorological towers, a substation and a 138-kilovolt (kV) electric generation transmission line to connect to AEP Ohio Transmission Company's existing Melmore Substation.¹ The project site includes approximately 56,900 acres of leased land in Seneca County, consisting primarily of existing farm land.

{¶ 4} 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

¹ The substation and 138-kV transmission line will be the subject of a separate filing with the Board.

of the acceptance or rejection of the application as complete. Accordingly, the Chairman's letter was to be filed by September 14, 2018.

{¶ 5} On September 14, 2018, Seneca Wind filed a motion to extend the time for the Board to determine whether the application is complete, until October 15, 2018, and requests an expedited ruling on the motion. In addition, Seneca Wind filed supplemental information to the application, including the addition of a new alternative turbine model, adjustments to the proposed location of the substation, collector lines, and O&M facility, adjustments to landowner residences on two parcels, refinements to the proposed project at the request of landowners, corrections to the bat curtailment commitment and incorporation of the 2017 raptor nest report inadvertently omitted from the application.

{¶ 6} In support of the motion, Seneca Wind reasons that Ohio Adm.Code 4906-1-02 permits the Board, upon motion of a party, to waive any requirement of Ohio Adm.Code Chapter 4906 unless the requirement is mandated by statute. Seneca Wind reasons the 60-day completeness review is not mandated by statute and, therefore, the Board may waive the requirement. Seneca Wind seeks this extension to facilitate the filing of additional information. Seneca Wind avers the information does not result in any material change in any of the potential impacts of the proposed project. Further, Seneca Wind states that counsel for the Applicant has conferred with counsel for Board Staff regarding the supplemental information and the requested extension to determine completeness and counsel for the Board Staff does not object to the extension. For these reasons, Seneca Wind submits good cause exists for the Board to grant this motion on an expedited basis in accordance with Ohio Adm.Code 4906-2-27(C).

{¶ 7} Ohio Adm.Code 4906-2-27(C) permits a motion to include a request for an expedited ruling. In addition, the rule requires, among other things, that the party requesting an expedited ruling first contact all other parties to the case to determine whether any party objects to the issuance of an expedited ruling without the filing of memoranda.

{¶ 8} The administrative law judge (ALJ) finds the Applicant's motion to extend the Board's time to perform its completeness review, until October 15, 2018, to be reasonable, particularly given that Seneca Wind filed supplemental information concurrently with the motion. Accordingly, the ALJ finds the request for an extension of time to conduct the completeness review should be granted.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That Seneca Wind's motion for an extension of time for the Board to conduct the completeness review, until October 15, 2018, be granted. It is, further,

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

THE OHIO POWER SITING BOARD

/s/ Greta See

By: Greta See
Administrative Law Judge

JRJ/hac

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Case No(s). 18-0488-EL-BGN

Summary: Administrative Law Judge Entry granting motion for an extension of time electronically filed by Heather A Chilcote on behalf of Greta See, Administrative Law Judge, Power Siting Board