

## 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 December 7, 2018

{¶ 1} Seneca Wind, LLC (Seneca Wind 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 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 a 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.<sup>1</sup> 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

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<sup>1</sup> 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 a request for an expedited ruling on the motion. On September 14, 2018, Seneca Wind also 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 operation and maintenance 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. By Entry issued September 18, 2018, Seneca Wind's motion for an extension was granted.

{¶ 6} By letter filed on October 15, 2018, the Board notified Seneca Wind that its application was sufficiently complete to permit Staff to commence its review and investigation of the application. Further, in the letter, the Board directed Seneca Wind, 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. The letter also directed Seneca Wind, pursuant to R.C. 4906.06(F) and Ohio Adm.Code 4906-3-12, to submit the requisite application fee.

{¶ 7} On October 22, 2018, Seneca Wind filed its certificate of service of its accepted and complete application, in accordance with the requirements of Ohio Adm.Code 4906-3-07. On October 23, 2018, 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 December 10, 2018.

{¶ 8} 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.

{¶ 9} Accordingly, the local public hearing in this case will be held on Tuesday, February 19, 2019, commencing at 3:00 p.m., and continuing until 9:00 p.m., at Tiffin University, Marion Center, 235 Miami Street, Tiffin, Ohio 44883. The adjudicatory hearing will commence on Wednesday, March 6, 2019, at 10:00 a.m., 11th Floor, Hearing Room 11-A, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.

{¶ 10} 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.

{¶ 11} Seneca Wind 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, Seneca Wind 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 interested persons, on Tuesday, February 19, 2019, commencing at 3:00 p.m., and continuing until 9:00 p.m., at the Tiffin University, Marion Center, 235 Miami Street, Tiffin, Ohio 44883. The purpose of the local public hearing is to allow interested persons in the project area, who are not parties to the case, to provide written or oral testimony regarding the project.
- (b) An adjudicatory hearing to commence on Wednesday, March 6, 2019, at 10:00 a.m., 11th Floor, Hearing Room 11-

A, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793. The purpose of the adjudicatory hearing is for Seneca Wind, Staff, and intervenors to provide evidence regarding the project.

{¶ 12} Further, pursuant to Ohio Adm.Code 4906-3-09, Seneca Wind 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.

{¶ 13} 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 February 4, 2019.
- (b) On or before February 11, 2019, 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 Seneca Wind shall be filed by February 21, 2019.
- (d) All expert and factual testimony to be offered by intervenors and Staff shall be filed by February 28, 2019.
- (e) Any stipulation entered into by the parties shall be filed by March 4, 2019.
- (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 directed to provide an electronic copy to the ALJ assigned to this case.

{¶ 14} It is, therefore,

{¶ 15} ORDERED, That hearings in this matter be scheduled at the times and places designated in Paragraph 9. It is, further,

{¶ 16} ORDERED, That Seneca Wind notice the application and hearings in accordance with Paragraphs 11 and 12. It is, further,

{¶ 17} ORDERED, That Staff file its Staff Report pursuant to Paragraph 13. It is, further,

{¶ 18} ORDERED, That the parties file their issue lists and testimony in accordance with Paragraph 13. It is, further,

{¶ 19} 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

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By: Greta See  
Administrative Law Judge

SJP/hac

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

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**in**

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

Summary: Administrative Law Judge Entry scheduling hearings, directing Seneca Wind to issue public notice, and setting procedural schedule electronically filed by Heather A Chilcote on behalf of Greta See, Administrative Law Judge, Power Siting Board