

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 February 7, 2019

{¶ 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 and supplemented on July 20, 2018, September 14, 2018, December 3, 2018, December 10, 2018, and January 2, 2019, 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 77 wind turbine generators, access roads, electrical collector cables, laydown yards, an operations and maintenance facility, 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 a request for an expedited ruling on the motion. By Entry issued September 18, 2018, Seneca Wind's motion for an extension was granted. 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.

{¶ 6} 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.

{¶ 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, by Entry issued December 7, 2018, the effective date of the filing of the Seneca Wind application was established as December 10, 2018, and the procedural schedule established, including, among other things:

- (a) The Staff Report of Investigation (Staff Report) due on February 4, 2019;

- (b) The local public hearing is scheduled for February 19, 2019; and
- (c) The evidentiary hearing is scheduled to commence on March 6, 2019.

{¶ 9} On January 29, 2019, Seneca Wind and Staff filed a joint motion to suspend the procedural schedule. By Entry issued February 1, 2019, the motion to suspend the procedural schedule was granted with the new procedural schedule to be established in an entry to be issued in the near future.

{¶ 10} Accordingly, the local public hearing in this case will be rescheduled to be held on Tuesday, April 23, 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 evidentiary hearing will commence on Tuesday, May 16, 2019, at 10:00 a.m., 11th Floor, Hearing Room A, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793. The parties should register at the lobby desk and then proceed to the 11th floor in order to participate in the hearing.

{¶ 11} Seneca Wind should issue public notices of the application and rescheduled 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:

- (d) 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, April 23, 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.

- (e) An evidentiary hearing to commence on Tuesday, May 16, 2019, at 10:00 a.m., 11th Floor, Hearing Room A, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793. The purpose of the evidentiary hearing is for Seneca Wind, Staff, and intervenors to provide evidence regarding the project.

{¶ 12} Ohio Adm.Code 4906-2-09 provides that the administrative law judge (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 revised procedural schedule should be implemented:

- (a) Pursuant to Ohio Adm.Code 4906-3-06, the Staff Report shall be filed on or before April 8, 2019.
- (b) On or before April 12, 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 April 26, 2019.
- (d) All expert and factual testimony to be offered by intervenors and Staff shall be filed by May 2, 2019.

- (e) Any stipulation entered into by the parties shall be filed by May 2, 2019.
- (f) A telephonic prehearing conference be scheduled for May 10, 2019 at 10:00 am. Counsel for the parties will be provided the conference information at a later date.
- (g) 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 ALJs assigned to this case.

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That hearings in this matter be rescheduled at the times and places designated in Paragraph 10. It is, further,

{¶ 15} ORDERED, That Seneca Wind notice the application and rescheduled hearings in accordance with Paragraph 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/ Greta See

By: Greta See
Administrative Law Judge

JRJ/hac

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Summary: Administrative Law Judge Entry rescheduling hearings and revising procedural schedule electronically filed by Heather A Chilcote on behalf of Greta See, Administrative Law Judge, Power Siting Board