

**BEFORE  
THE OHIO POWER SITING BOARD**

In the Matter of the Application of	)	
<b>Republic Wind, LLC</b> for a Certificate to	)	Case No. 17-2295-EL-BGN
Site Wind-Powered Electric Generation	)	
in Seneca and Sandusky Counties, Ohio	)	

**LOCAL RESIDENTS’ MOTION FOR A CONTINUANCE OF THE ADJUDICATORY  
HEARING DATE AND MEMORANDUM IN SUPPORT**

Pursuant to O.A.C. 4906-2-07 and 4906-2-27, local resident intervenors Duane & Deb Hay, Gary & Dawn Hoepf, Greg & Laura Jess, Mike & Tiffany Kessler, Kevin & Jennifer Oney, Tom & Lori Scheele, David P. Hoover, Jeffery A. Hoover, Doug & Jennifer Meyers, Chris & Daniele Zeman, Joseph & Diane Anderson, Denise Bell, Aaron & Carrie Boes, Richard & Linda Bollenbacher, Rob & Mary Chappell, Thomas & Kathleen Fries, Leslie & Denise Hackenburg, Jeffrey & DeeAnne Hamilton, Allen & Mary Hassellbach, Ethan & Crystal Hoepf, Jason & Michelle Hoepf, Taylor Hoepf, Kenneth & Debra Hossler, Leonard & Beverly Kubitz, Gary & Michelle Miller, Steven & Kelley Miller, Kim Mitchell, Charles & Linda Morsher, Patricia Motry, Steven & Linda Mulligan, Linda Niederkohr, Nicholas & Michelle Reiter, Elaine Schultz, James & Victoria Seliga, Eugene & JoAnn Smith, James & Elaine Steinmetz, Herman & Patricia Studer, Christine Vogt, Mark Weber & Cindra Riley, Charles & Rhonda Weyer, and Ann Wright (the “Local Residents”) respectfully move the Ohio Power Siting Board (“OPSB”) or its Administrative Law Judge (“ALJ”) for a continuance of the June 10, 2019 adjudicatory hearing date currently set forth in the procedural schedule in this case. Specifically, the Local Residents request that the adjudicatory hearing commence on Tuesday, June 25, 2019, or such other later date as the OPSB or its ALJ may deem appropriate.

The Local Residents have consulted with counsel for the OPSB Staff and the Applicant about this motion. Staff does not oppose this motion or the proposed June 25, 2019 adjudicatory

hearing date, but the Applicant has indicated that it objects to any continuance. However, on August 29, 2018, Applicant itself moved to suspend the procedural schedule and stay discovery until it could file an amended application. Applicant did not move for a new procedural schedule until a full four months later, on December 26, 2018. It is only fair that the Local Residents be permitted a short continuance as requested herein, which is necessary to enable the Local Residents' chosen counsel to participate in the adjudicatory hearing.

Therefore, the Local Residents submit that, for the reasons more fully set forth in the following the Memorandum in Support, good cause exists go grant this motion for a continuance.

Respectfully submitted,

/s/ John F. Stock

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**MEMORANDUM IN SUPPORT OF**  
**MOTION FOR CONTINUANCE**

On February 2, 2018, Republic Wind, LLC (“Applicant”) filed its application (the “Application”) for a certificate of environmental compatibility and public need to construct a 200MW, 58-turbine wind-powered electric generation facility (the “Project”) in Seneca and Sandusky counties. On May 23, 2018, the OPSB entered a notice deeming the Application to be complete and directing Applicant to serve the complete Application pursuant to O.A.C. 4906-3-07. However, on August 29, 2018, Applicant filed an unopposed Motion to Suspend the Procedural Schedule and Stay Discovery, which the ALJ granted on September 4, 2018.

A full four months later, on December 26, 2018, Applicant filed its Amended Application and a Motion for the establishment of a procedural schedule, in which Applicant requested that a hearing in this case be scheduled within ninety days from December 26, 2018 (i.e., by March 26, 2019). The Staff of the OPSB filed a Memorandum Contra Applicant’s Motion to set a hearing within ninety days of the Amended Application’s filing, and asked the OPSB to deny the Applicant’s Motion to hold a hearing by March 26, 2019.

On February 15, 2019, the ALJ issued an entry granting Applicant’s Motion for the Establishment of a Procedural Schedule in part, finding that Staff should be afforded additional time, beyond the 90-days requested by Applicant, to complete its investigation prior to the adjudicatory hearing. Accordingly, the ALJ established a procedural schedule which, among other things, established that the adjudicatory hearing will commence beginning on Monday, June 10, 2019 at 10:00 am.

The Local Residents respectfully request that the adjudicatory hearing date be continued because the undersigned counsel of record for the Local Residents has previously scheduled and unmovable travel plans for the week June 10, 2019. By granting their petitions to intervene, the

ALJ has recognized that each of the Local Residents has a direct interest at stake in the outcome of these proceedings. (*See* Entries dated August 21, 2018 and February 15, 2019.) The Local Residents have retained the undersigned counsel to protect their interests by representing them in these proceedings. However, because of travel commitments, counsel of record will not be able to represent the Local Residents at the adjudicatory hearing if it goes forward on June 10, 2019. Therefore, the Local Residents request a continuance of the adjudicatory hearing date until June 25, 2019, or such other later date as the OPSB or its ALJ deems appropriate.

This short continuance will not prejudice any of the parties, but will serve to protect the Local Residents' interests. Staff does not object to the continuance, and the Applicant put its own case on hold for four months; that should not create an unfair urgency that would prohibit the Local Residents' counsel from participating in the adjudicatory hearing.

For the foregoing reasons, the Local Residents request the OPSB or its ALJ grant this request for a continuance.

Respectfully submitted,

/s/ John F. Stock  
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*Attorneys for the Additional Local Residents*

### **CERTIFICATE OF SERVICE**

The Ohio Power Siting Board's e-filing system will electronically serve notice of the filing of this document on the parties referenced in the service list of the docket card who have electronically subscribed to this case. In addition, the undersigned certifies that a copy of the foregoing document also is being served upon the persons below via electronic mail this 4th day of March, 2019.

/s/ John F. Stock  
John F. Stock (004921)

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Summary: Motion LOCAL RESIDENTS' MOTION FOR A CONTINUANCE OF THE  
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John F Stock on behalf of Local Residents