

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 April 5, 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, January 2, 2019, and February 12, 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 farmland.

{¶ 4} 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,

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

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.

{¶ 5} 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.

{¶ 6} 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.

{¶ 7} 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 administrative law judge (ALJ) established a procedural schedule.

{¶ 8} On December 16, 2018, Seneca Wind published notice of the proposed project and filed proof of the publication in this docket on December 18, 2018.

{¶ 9} On January 29, 2019, Seneca Wind and Staff (Movants) filed a joint motion to toll the procedural schedule. Movants requested that a new procedural schedule be established and proposed a revised schedule.

{¶ 10} By Entry issued February 1, 2019, the ALJ granted Movants' motion to suspend the procedural schedule, and subsequent Entries issued on February 7, 2019, and February 8, 2019, reestablished and clarified dates for the public and adjudicatory hearings.

{¶ 11} On April 4, 2019, Movants filed a second motion to suspend the procedural schedule and a request for expedited ruling. Movants request that the procedural schedule

be tolled to afford Seneca Wind sufficient time to provide Staff additional information to complete its investigation. Movants declare that the suspension of the procedural schedule will not negatively impact any party to this proceeding. Movants are seeking to stay discovery during the tolling of the procedural schedule. Further, Movants propose that, once the additional information is provided to Staff's satisfaction, Seneca Wind will file a motion to re-open the procedural schedule. Movants state that the other parties to this proceeding do not oppose this motion and do not oppose the request for expedited treatment of this motion.

{¶ 12} The ALJ finds that good cause exists to grant Movants' motion to suspend the procedural schedule and stay discovery, in part. Specifically, the ALJ will grant the motion and toll the filing of the Staff report until July 3, 2019. The ALJ will establish a new procedural schedule, including a new dates for the local public hearing and the adjudicatory hearing, by subsequent Entry. Therefore, the local public hearing scheduled to convene on April 23, 2019, and the adjudicatory hearing scheduled to convene on May 16, 2019, are canceled.

{¶ 13} Seneca Wind is directed to publish notice of the cancellation of the previously scheduled hearings. Further, Seneca Wind shall post a similar notice at the Tiffin University, Marion Center, the local hearing location, by no later than April 22, 2019. The posted notice must provide a toll-free telephone number for an interested person to call for more information.

{¶ 14} It is, therefore,

{¶ 15} ORDERED, That Movants' second motion to suspend the procedural schedule be granted, in part, in accordance with Paragraph 12. It is, further,

{¶ 16} ORDERED, That Seneca Wind provide notification of the cancellation of the scheduled hearings in accordance with this Entry. It is, further,

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

THE OHIO POWER SITING BOARD

/s/ Lauren L. Augostini

By: Lauren L. Augostini
Administrative Law Judge

JRJ/hac

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

4/5/2019 3:53:37 PM

in

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

Summary: Administrative Law Judge Entry granting in part Movants' second motion to suspend procedural schedule electronically filed by Heather A Chilcote on behalf of Lauren L. Augostini, Administrative Law Judge, Power Siting Board