

THE OHIO POWER SITING BOARD

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

CASE NO. 17-2295-EL-BGN

ENTRY

Entered in the Journal on April 26, 2019

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

{¶ 3} On February 2, 2018, as amended on March 27, 2018, Republic filed an application with the Board for a certificate of environmental compatibility and public need to construct between 55 and 58 wind turbine generators, each with a nameplate capacity rating of 3.3 megawatts (MW) to 3.63 MW, depending on the final turbine model selected. The total generating capacity of the facility will not exceed 200 MW.

{¶ 4} By letter filed on May 23, 2018, the Board notified Applicant that its application was sufficiently complete to permit Staff to commence its review and investigation of the application. The letter directed Republic, 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. Further, the letter directed Republic, pursuant to R.C. 4906.06(F) and Ohio Adm.Code 4906-3-12, to submit the requisite application fee.

{¶ 5} On May 30, 2018, Republic filed its certificate of service of its accepted and complete application, in accordance with the requirements of Ohio Adm.Code 4906-3-07.

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 on July 18, 2018, the effective date of the filing of the application was established as July 18, 2018, and the administrative law judge (ALJ) established a procedural schedule. On August 29, 2018, the Applicant filed a motion to suspend the procedural schedule in this matter along with a request for an expedited ruling on the motion. Additionally, Republic sought a stay of discovery until it filed its application for amendment.

{¶ 8} Pursuant to the Entry of September 4, 2018, the ALJ granted Republic's motion to toll the procedural schedule and stay discovery. The ALJ indicated that the dates for the public and adjudicatory hearings would be reestablished by a subsequent entry after Republic filed an application to amend its pending application.

{¶ 9} On December 26 and 27, 2018, Republic filed its amended application and a motion for a procedural schedule. In particular, Republic requested that the hearings be rescheduled within 90 days from the date of the filing of the amended application, pursuant to Ohio Adm.Code 4906-3-11(A)(4)(b).

{¶ 10} On January 10, 2019, the Staff of the Ohio Power Siting Board (Staff) filed a memorandum contra Republic's motion for a procedural schedule. Alternatively, Staff requested a waiver of the 90-day hearing provision set forth in Ohio Adm.Code 4906-3-11(A)(4)(b).

{¶ 11} Pursuant to the Entry of February 15, 2019, the ALJ determined that Republic's motion for a procedural schedule should be granted in part and denied in part.

Specifically, the ALJ stated that while a new completeness review is not automatically required upon the filing of an amendment, additional time beyond the 90-day time frame set forth in Ohio Adm.Code 4906-3-11(A) was appropriate in order for Staff to complete its investigation. Additionally, the ALJ established a new procedural schedule in this matter, including the rescheduling of the public and adjudicatory hearings.

{¶ 12} The following local residents were previously granted intervention in this proceeding: Duane and Deb Hay, Gary and Dawn Hoepf, Greg and Laura Jess, Mike and Tiffany Kessler, Kevin and Jennifer Oney, Tom and Lori Scheele, David Hoover, Jeffrey A. Hoover, Doug and Jennifer Meyers, Chris and Daniele Zeman, Joseph and Diane Anderson, Denise Bell, Aaron and Carrie Boes, Richard and Linda Bollenbacher, Rob and Mary Chappell, Thomas and Kathleen Fries, Leslie and Denise Hackenburg, Jeffrey and DeeAnne Hamilton, Allen and Mary Hassellbach, Ethan and Crystal Hoepf, Jason and Michelle Hoepf, Taylor Hoepf, Kenneth and Debra Hossler, Leonard and Beverly Kubitz, Gary and Michelle Miller, Steven and Kelley Miller, Kim Mitchell, Charles and Linda Morsher, Patricia Motry, Steven and Linda Mulligan, Linda Niederkohr, Nicholas and Michelle Reiter, Elaine Schultz, James and Victoria Seliga, Eugene and JoAnn Smith, James and Elaine Steinmetz, Herman and Patricia Studer, Christine Vogt, Mark Weber and Cindy Riley, Charles and Rhonda Weyer, and Amy Wright (collectively, Local Residents).

{¶ 13} On March 4, 2018, Local Residents filed a motion for the continuance of the scheduled adjudicatory hearing date.

{¶ 14} Pursuant to the Entry of March 13, 2019, the motion for a continuance was granted in part and denied in part and a new procedural schedule was established, including the rescheduling of the adjudicatory hearing in this matter.

{¶ 15} On April 26, 2019, Republic and Staff (Movants) filed a joint motion to suspend the procedural schedule and a request for an expedited ruling. Specifically, Movants request that the procedural schedule be suspended and the deadline for the filing of the Staff Report be extended by 90 days. Movants declare that the suspension of the procedural

schedule will not negatively impact any party to this proceeding and will ensure that Republic will have sufficient time to provide Staff with the information to complete its report. Movants are also seeking to stay discovery during the tolling of 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.

{¶ 16} Pursuant to Ohio Adm.Code 4906-2-27, the ALJ finds that good cause exists to grant Movants' motion to suspend the procedural schedule and stay discovery. Specifically, the ALJ will grant the motion and toll the filing of the Staff Report until July 25, 2019. The ALJ will establish a new procedural schedule, including new dates for the local public hearing and the adjudicatory hearing, by subsequent entry. Therefore, the local public hearing scheduled to convene on May 14, 2019, and the adjudicatory hearing scheduled to convene on June 3, 2019, are canceled.

{¶ 17} Republic is directed to publish notice of the cancellation of the previously scheduled hearings. Further, Republic shall post a similar notice at Bellevue High School, the local hearing location, by no later than May 13, 2019. The posted notice must provide a toll-free telephone number for an interested person to call for more information.

{¶ 18} It is, therefore,

{¶ 19} ORDERED, That Movants' motion to suspend the procedural schedule be granted in accordance with Paragraph 16. It is, further,

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

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

THE OHIO POWER SITING BOARD

/s/ Jay S. Agranoff

By: Jay S. Agranoff
Administrative Law Judge

SJP/mef

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Case No(s). 17-2295-EL-BGN

Summary: Administrative Law Judge Entry granting motion to suspend the procedural schedule, and requiring Republic Wind, LLC to provide notification of hearing cancellations electronically filed by Ms. Mary E Fischer on behalf of Jay S. Agranoff, Administrative Law Judge, Ohio Power Siting Board