

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Seneca)	
Wind, LLC for a Certificate of Environmental)	
Compatibility and Public Need for a Wind-)	Case No. 18-488-EL-BGN
Powered Electric Generating Facility in Seneca)	
County, Ohio.)	

MOTION FOR LEAVE TO FILE REPLY IN SUPPORT OF MOTION

Seneca Wind, LLC (“Seneca Wind” or “Applicant”) hereby requests leave to file a very short reply to Steve Shuff’s memo contra Seneca Wind’s motion to suspend the procedural schedule and request for expedited treatment. Although reply briefs are not contemplated under O.A.C. 4906-2-27(C), it is important that Seneca Wind address Mr. Shuff’s claims that he filed statements with the FAA regarding the project. Attached to this motion is an email from the FAA that verifies that no comments were filed during the FAA circularization process. This email is direct conflict with the claims made by Mr. Shuff. As such, the Ohio Power Siting Board should ignore Mr. Shuff’s inaccurate statements and grant Seneca Wind’s motion.

Respectfully submitted,



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Dylan F. Borchers (0090690)
Devin D. Parram (0082507)
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Counsel for Seneca Wind, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion for Leave to file a Reply was served upon the following parties listed below by electronic mail, this 3rd day of July 2019.



Devin D. Parram

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Drew, Emily

From: Holmquist, Paul (FAA) <Paul.Holmquist@faa.gov>
Sent: Monday, May 20, 2019 1:00 PM
To: Jeffrey Nemeth
Subject: RE: Seneca Wind Farm ASN 2018-WTE-5597-5696

The public notice period closed yesterday and we received no comments. I'm still waiting for the Air Traffic response to the Radar line of sight affect. I'll contact them today to find out where they are.

Thanks, Paul

206-231-2990
<https://oeaaa.faa.gov>

From: Jeffrey Nemeth <jeffrey.nemeth@spower.com>
Sent: Monday, May 20, 2019 8:55 AM
To: Holmquist, Paul (FAA) <Paul.Holmquist@faa.gov>
Subject: Re: Seneca Wind Farm ASN 2018-WTE-5597-5696

Hi Paul

I thought I would check in and see how these are progressing through the public comment and any additional studies for the project. Any updates would be greatly appreciated.

Thanks

Jeffrey

Jeffrey Nemeth
309.531.0440

On Apr 12, 2019, at 10:23, "Paul.Holmquist@faa.gov" <Paul.Holmquist@faa.gov> wrote:

Hope to have the public notice out today. Just so you know, I made an error in your letter stating there are 96 turbines and 6 METs. I will correct that in the notice to 94 and 6.

Thanks, Paul

206-231-2990
<https://oeaaa.faa.gov>

From: Jeffrey Nemeth <jeffrey.nemeth@spower.com>
Sent: Thursday, April 11, 2019 1:26 PM
To: Holmquist, Paul (FAA) <Paul.Holmquist@faa.gov>
Subject: RE: Seneca Wind Farm ASN 2018-WTE-5597-5696

Yes sir!

Jeffrey Nemeth | Director, Wind
C: 309.531.0440
jeffrey.nemeth@spower.com
<image001.jpg>

www.sPower.com

2180 South 1300 East, Suite 600
Salt Lake City, Utah 84106

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From: Paul.Holmquist@faa.gov <Paul.Holmquist@faa.gov>
Sent: Thursday, April 11, 2019 2:25 PM
To: Jeffrey Nemeth <jeffrey.nemeth@spower.com>
Subject: RE: Seneca Wind Farm ASN 2018-WTE-5597-5696

Can I assume you want the further study and circularization?

Thanks, Paul

206-231-2990
<https://oeaaa.faa.gov>

From: Jeffrey Nemeth <jeffrey.nemeth@spower.com>
Sent: Thursday, April 11, 2019 12:27 PM
To: Holmquist, Paul (FAA) <Paul.Holmquist@faa.gov>
Subject: Re: Seneca Wind Farm ASN 2018-WTE-5597-5696

Good to know. Thanks.

Jeffrey Nemeth
309.531.0440

On Apr 11, 2019, at 12:56, "Paul.Holmquist@faa.gov" <Paul.Holmquist@faa.gov> wrote:

It starts when the circularization letter is sent out. (it has not)

Thanks, Paul

206-231-2990
<https://oeaaa.faa.gov>

From: Jeffrey Nemeth <jeffrey.nemeth@spower.com>
Sent: Thursday, April 11, 2019 11:31 AM
To: Holmquist, Paul (FAA) <Paul.Holmquist@faa.gov>; Kieffer, Bill (FAA) <Bill.Kieffer@faa.gov>
Subject: RE: Seneca Wind Farm ASN 2018-WTE-5597-5696

Thanks. Does that start with the issuance of the NPH or what start day should I use?

Jeffrey Nemeth | Director, Wind
C: 309.531.0440
jeffrey.nemeth@spower.com

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From: Paul.Holmquist@faa.gov <Paul.Holmquist@faa.gov>
Sent: Thursday, April 11, 2019 12:25 PM
To: Jeffrey Nemeth <jeffrey.nemeth@spower.com>; Bill.Kieffer@faa.gov
Subject: RE: Seneca Wind Farm ASN 2018-WTE-5597-5696

37 days.

Thanks, Paul

206-231-2990
<https://oeaaa.faa.gov>

From: Jeffrey Nemeth <jeffrey.nemeth@spower.com>
Sent: Thursday, April 11, 2019 10:56 AM
To: Holmquist, Paul (FAA) <Paul.Holmquist@faa.gov>; Kieffer, Bill (FAA) <Bill.Kieffer@faa.gov>
Subject: RE: Seneca Wind Farm ASN 2018-WTE-5597-5696

Hi Paul

I received the NPD. Thanks for getting this ball rolling for us. Is the public comment period 30 or 45 days? I can never remember how long it is.

Jeffrey

Jeffrey Nemeth | Director, Wind

C: 309.531.0440
jeffrey.nemeth@spower.com

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From: Paul.Holmquist@faa.gov <Paul.Holmquist@faa.gov>
Sent: Friday, April 5, 2019 12:54 PM
To: Bill.Kieffer@faa.gov; Jeffrey Nemeth <jeffrey.nemeth@spower.com>
Subject: RE: Seneca Wind Farm ASN 2018-WTE-5597-5696

Jeffery, I'll issue an NPH under one ASN and in the additional information I will list out the effects of the entire project. As long as there are no show stoppers, I can then issue the circularized public notice under that same ASN. The project must wait for the defense department response before going to final determination.

Thanks, Paul

206-231-2990

<https://oeaaa.faa.gov>

From: Kieffer, Bill (FAA) <Bill.Kieffer@faa.gov>
Sent: Friday, April 05, 2019 11:44 AM
To: Jeffrey Nemeth <jeffrey.nemeth@spower.com>; Holmquist, Paul (FAA) <Paul.Holmquist@faa.gov>
Subject: RE: Seneca Wind Farm ASN 2018-WTE-5597-5696

I think you mean NPH Jeffrey...Notice of Presumed hazard

*Bill Kieffer
Team B manager (A)
Air Traffic, Obstruction Evaluation Group (AJV-15)
(816) 329-2526*

From: Jeffrey Nemeth <jeffrey.nemeth@spower.com>
Sent: Friday, April 05, 2019 1:42 PM
To: Holmquist, Paul (FAA) <Paul.Holmquist@faa.gov>
Cc: Kieffer, Bill (FAA) <Bill.Kieffer@faa.gov>
Subject: Re: Seneca Wind Farm ASN 2018-WTE-5597-5696

Hi Paul
That's awesome. Will you issue a determination before going forward or will you wait and do the determination after the additional studies and public comment period end?

Jeffrey

Jeffrey Nemeth
309.531.0440

On Apr 5, 2019, at 12:35, "Paul.Holmquist@faa.gov" <Paul.Holmquist@faa.gov> wrote:

Jeffrey, I understand your request and can probably get this out next week.

Thanks, Paul

206-231-2990
<https://oeaaa.faa.gov>

From: Kieffer, Bill (FAA) <Bill.Kieffer@faa.gov>
Sent: Friday, April 05, 2019 11:27 AM
To: Holmquist, Paul (FAA) <Paul.Holmquist@faa.gov>
Subject: FW: Seneca Wind Farm ASN 2018-WTE-5597-5696

*Bill Kieffer
Team B manager (A)
Air Traffic, Obstruction Evaluation Group (AJV-15)
(816) 329-2526*

From: Jeffrey Nemeth <jeffrey.nemeth@spower.com>
Sent: Thursday, April 04, 2019 11:52 AM
To: Kieffer, Bill (FAA) <Bill.Kieffer@faa.gov>
Subject: Seneca Wind Farm ASN 2018-WTE-5597-5696

Hi Bill

It was good seeing you in Albuquerque last week and wish we had more of an opportunity to chat while there.

I did want to follow up on something I had asked you. We have the attached ASNs going through the review process and currently working with the DoD clearinghouse. The proposed tip-height exceeds 500ft and I understand that we will need additional studies and public comments. Can we move immediately to that process now, while we continue to work with the DoD? If this is possible, do you issue a DoH now or would you wait and issue the determination (hopefully DNH) till the public comment and studies are complete?

Any help would be greatly appreciated.

Thanks

Jeffrey

Jeffrey Nemeth | Director, Wind
C: 309.531.0440
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This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

7/3/2019 12:23:14 PM

in

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

Summary: Motion for Leave to File Reply in Support of Motion electronically filed by Teresa Orahod on behalf of Devin D. Parram and Dylan F. Borchers and Sally W. Bloomfield