

**BEFORE  
THE OHIO POWER SITING BOARD**

In the Matter of the Application of	)	
Seneca Wind, LLC for a Certificate	)	
To Site Wind-Powered Electric Generation	)	Case No. 18-0488-EL-BGN
Facilities in Seneca County, Ohio	)	

**STATEMENT OF ISSUES  
PRESENTED BY THE LOCAL  
RESIDENT INTERVENORS**

Pursuant to the Entry entered in this case on July 8, 2019, Local Resident Intervenor Chris & Jena Lyn Aicholz, Anthony & Tamra Andrews, Nate Blaser, Justin & Tori Brenner, Colton & Haley Carrick, Don & Wendy Carrick, Dave Clark, Tim Cornett, Jim Dillingham, Charles & Jodi Gaietto, Steve Gitcheff, David & Joann Graham, Charles & Kimberly Groth, John & Terri Hampshire, Debra & Duane Hay, Joseph & Diane Hudok, Bob & Sandy Kennard, Randy Kuhn, Mark & Donna Lambert, Brandon & Danette Martin, Michael & Christal McCoy, Jeff & Marnie Miller, Nate & Steph Miller, Richard & Gail Miller, Tom & Beth Nahm, Jeffrey & Evelyn Phillips, Jason & Shanna Price, Eric Reis, Gregory & Janeen Smith, Tom & Shelley Smith, Chris & Kristie Theis, Mike & Carol Theis, Don & Kim Thompson, Jacob & Ashley Tidaback, Robert & Judith Watson, Rod & Nancy Watson, and Bonnie Wright (the “Local Residents”) submit this Statement of Issues. The Local Residents intend to cross-examine witnesses proffered by other parties at the evidentiary hearing and to present direct testimony of their own witnesses. The Local Residents reserve the right to amend or supplement this Statement of Issues depending on issues raised by other parties.

Seneca Wind’s Application for a certificate of environmental compatibility and public need fails to meet the mandatory provisions of Ohio Revised Code, Chapter 4906 and the regulations adopted in OAC Chapter 4906-4.

Specifically, the Local Residents challenge the Application on the following grounds:

1. Applicant has failed to demonstrate the nature of probable environmental impact and that the Project represents the minimum adverse environmental impact as required by R.C. 4906.10(A)(2) and (3).
2. Applicant has failed to establish that the Project will serve the interests of electric system economy and reliably as required by R.C. 4906.10(A)(4).
3. Applicant has failed to establish that the Project will comply with all state statutes and regulations as required by R.C. 4906.10(A)(5).
4. Applicant has failed to establish that the Project will serve the public interest, convenience and necessity as required by R.C. 4906.10(A)(6).

Without limitation and subject to the completion of discovery in this case, the Local Residents specifically assert:

1. The noise modeling and ambient noise measurement studies submitted to the Board in support of the Application are neither accurate nor scientifically valid. In addition, various methodologies employed and analyses performed for the studies do not comply with accepted scientific standards. Notwithstanding these deficiencies, even if the Board were to accept the analyses and conclusions of the studies (which it should not), the studies indicate that the project would violate the maximum noise level mandated by OAC 4906-4-09(F)(2) for non-participating properties and violate other applicable noise standards.
2. The Application reveals that the project will cast shadow flicker on non-participating residences for longer than 30 hours per year, in violation of OAC 4906-4-09(H) and applicable health and safety standards.
3. Applicant has not performed the studies necessary for the Board to make valid findings and determinations as to the probable environmental impact of the project on birds and bats, or that the project represents the minimum adverse environmental impact on birds and bats, as required by R.C. 4906.10. Specifically, Applicant has not presented to the Board scientifically valid data or analyses as to: (a) the abundance or density of birds or bats in the project area during the breeding or wintering seasons; (b) the volume of birds or bats passing through the project area during spring and fall migration seasons; or (c) the risks the project presents to any species of birds or bats. Also, proposed mitigation plans do not comply with applicable governmental, industry, and scientific standards.

4. Applicant's raptor studies are outdated and inaccurate, especially with respect to bald eagles. There have been numerous active bald eagle nests in the project footprint that have not been identified by Applicant. Applicant proposes to site numerous wind turbines closer to eagles nests than is proper under the appropriate "buffer zone" surrounding the nests. The project presents improper risks of harm to eagles in violation of federal and state law.

5. Applicant has not performed the studies necessary for the Board to make valid findings and determinations as to the probable environmental impact of the project on groundwater quality or quantity in Seneca County, or that the project represents the minimum adverse environmental impact to groundwater, as required by R.C. 4906.10. The subsurface below much of the project area is karst -- a terrain that is characterized by sinkholes, caves, and rapid groundwater movement. The karst caves, fissures, and other water pathways underlying the project area present extraordinary risks of adverse effects to groundwater that may be caused by construction and operation of the project. Applicant has failed to: (a) collect adequate data to assess those risks; (b) perform appropriate analyses to determine the nature or probability of those risks; and (c) identify and develop necessary measures to protect groundwater quality and quantity for required residential and agricultural use. Applicant also has failed to adequately analyze and protect against subsidence dangers in this karst-ridden area.

6. Numerous turbines in Applicant's proposed project violate the setback distances mandated by R.C. 4906.20 and OAC 4906-4-08 and 4906-4-09.

7. Applicant has not provided to the Board any visual impact/viewshed analysis for the project that complies with the requirements of OAC 4906-4-09 and 4906-4-08. To the contrary, the viewshed analysis presented in support of the Application neither accurately depicts the visual impact of the project nor complies with these regulatory requirements.

8. The Application does not comply with the requirements of OAC 4906-4-08 and 4906-4-09 with respect to the risks of ice throw, especially in light of the fact that the project does not comply with applicable statutory and regulatory setbacks.

9. The Application does not comply with the requirements of OAC 4906-4-08 and 4906-4-09 with respect to the risks of blade shear, especially in light of the fact that the project does not comply with applicable statutory and regulatory setbacks.

10. The turbines in the project will constitute a safety hazard to private and commercial aircraft taking off from and landing at the Seneca County Airport.

11. Applicant's project will cause an uncompensated reduction in the property values of real property owned by non-participating residents.

12. Applicant provides no substantive evidence that the project will serve the interests of electric system economy and reliability. Wind generated electricity is inherently unreliable and cannot predictably meet capacity, reserve, energy and reactive power requirements of the grid. Applicant offers virtually no substantive evidence of how the project will be dispatched in the real grid environment. There is no substantive evidence that the project can compete in the wholesale market without substantial revenue and tax subsidies.

13. Applicant offers redacted and unsupported assumptions of total capacity and intangible costs by specific FERC accounts, present worth and annualized capital costs, operation and maintenance expenses and estimated annual operation and maintenance costs for the first two years of operation as required by OAC Rule 4906-4-06. Moreover, the general ranges for capital and operational costs in the Application reflect that the energy prices that would be required for the project to be economically viable would be higher than recent wind energy PPA prices in the Great Lakes area, and significantly higher than PJM market prices. Thus, the project will not serve the interests of electric system economy and reliability as required by R.C. 4906.10(A)(4). Furthermore, the predicted financial benefits associated with the project are not scientifically valid or accurate.

14. Applicant fails to adequately document total decommissioning costs under OAC 4906-04-06(F)(5) and fails to offer substantive evidence as to enforceable decommissioning commitments or contracts, bonds or surety or other financial assurance.

Respectfully submitted,

/s/ John F. Stock

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## **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 July 30, 2019.

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/s/ John F. Stock

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Summary: Notice Statement of Issues Presented by the Local Resident Intervenors  
electronically filed by John F Stock on behalf of Local Residents