

## 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 August 19, 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 November 13, 2017, Republic filed a pre-application notification letter with the Board regarding its proposed windfarm with up to 200 megawatt (MW) electric generating capacity in Seneca and Sandusky counties, Ohio. According to the letter, the proposed site will consist of approximately 35,000 acres of leased land in Adams, Pleasant, Reed, Scipio, and Thompson Townships in Seneca County and York Township in Sandusky County.

{¶ 4} On February 2, 2018, as amended on March 27, 2018, December 26, 2018, and June 28, 2019, 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 MW to 3.63 MW, depending on the final turbine model selected. The total generating capacity of the facility will not exceed 200 MW.

{¶ 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.

On June 25, 2018, Republic 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, a procedural schedule was established for this matter including an intervention deadline of 30 days following publication of the notice required by Ohio Adm.Code 4906-3-09. Subsequently, the procedural schedule in this matter was amended several times.

{¶ 8} On January 25, 2019, Pleasant Township filed a notice indicating that it was withdrawing its notice of intervention due to the fact that, as a result of Republic's amended application, the Applicant was no longer seeking to site turbine locations in Pleasant Township.

{¶ 9} On April 26, 2019, the administrative law judge (ALJ), pursuant to Ohio Adm.Code 4906-2-27, suspended the procedural schedule and stayed discovery. Specifically, the ALJ tolled the filing of the Staff Report until July 25, 2019. The ALJ also ordered Republic to publish notice of cancellation of the previously scheduled May 14, 2019 public hearing and the June 3, 2019 adjudicatory hearing.

{¶ 10} On June 7, 2019, Republic filed proof of publication of the cancellation notices for the public and adjudicatory hearings.

{¶ 11} On June 28, 2019, Republic filed a notice of project modifications and project information update, noting turbine model modifications to the facility. In the filing, Republic states that pursuant to Ohio Adm.Code 4906-3-11(A)(6), the modifications to the turbines do not create further impacts for property owners within the planned site, and in some cases, result in a reduction of impacts to property owners.

{¶ 12} On July 25, 2019, Staff filed its report of investigation pursuant to R.C. 4906.07(C).

{¶ 13} Upon review, the ALJ now determines that a new procedural schedule should be established in this matter. Accordingly, the local public hearing in this case will be held on Thursday, September 12, 2019, at 3:00 p.m., at Tiffin University, Marion Center, 235 Miami Street, Tiffin, Ohio 44883. The adjudicatory hearing will commence on Wednesday, October 2, 2019, at 10:00 a.m., 11th floor, Hearing Room 11-D, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793. The following additional dates have been reserved for the hearing: October 3, 4, 7, 8, and 10, 2019.

{¶ 14} Republic should issue public notices of the application and hearings in accordance with Ohio Adm.Code 4906-3-09. As part of the information to be included in the notices, as required by Ohio Adm.Code 4906-3-09(A)(2), Republic shall include a statement that the public hearing in this case shall consist of two parts

- (a) A local public hearing, pursuant to R.C. 4906.08(C), where the Board shall accept written or oral testimony from any person, commencing on Thursday, September 12, 2019, at 3:00 p.m., at Tiffin University, Marion Center, 235 Miami Street, Tiffin, Ohio 44883. The purpose of the local public hearing is to allow interested persons in the project area, who are not parties to the case, to provide written or oral testimony regarding the project.
- (b) An adjudicatory hearing to commence on Wednesday, October 2, 2019, at 10:00 a.m., 11th floor, Hearing Room 11-D, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793. The purpose

of this hearing is for Republic, Staff, and intervenors to provide evidence regarding the proposed project.

{¶ 15} Ohio Adm.Code 4906-2-09 provides that the ALJ shall regulate the course of the hearing, including requiring that expert or factual testimony to be offered in the Board proceedings be reduced to writing and filed with the Board, according to a schedule established by the ALJ. Accordingly, the ALJ finds that the following procedural schedule and process should be implemented:

- (a) On or before September 5, 2019, each party shall file a list of issue(s) citing specific concerns about which they may be interested in pursuing cross-examination of witnesses at the evidentiary hearing.
- (b) All expert and factual testimony to be offered by Republic shall be filed by September 20, 2019.
- (c) All expert and factual testimony to be offered by intervenors and Staff shall be filed by September 27, 2019.
- (d) A telephonic prehearing conference be scheduled for September 16, 2019, at 10:00 a.m. Counsel for the parties will be provided the conference line information at a later date.
- (e) Any stipulation entered into by the parties shall be filed by September 27, 2019.
- (f) The parties are strongly encouraged to arrange for electronic service of testimony and other pleadings among themselves. If electronic service is agreed to, the parties are also directed to provide an electronic copy to the ALJ assigned to this case.

{¶ 16} It is therefore,

{¶ 17} ORDERED, That the hearings in this matter be scheduled at the times and places designated in Paragraph 13. It is, further,

{¶ 18} ORDERED, That the hearings be noticed by Republic in accordance with Paragraph 14. It is, further,

{¶ 19} ORDERED, That the parties file their issue lists and testimony in accordance with Paragraph 15. It is, further,

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

THE OHIO POWER SITING BOARD

/s/ Anna Sanyal

By: Anna Sanyal  
Administrative Law Judge

JRJ/mef

**This foregoing document was electronically filed with the Public Utilities**

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

Summary: Administrative Law Judge Entry scheduling the public hearing for 9/12/19 at Tiffin University and the adjudicatory hearing for 10/2/19 at the Commission offices; and setting the procedural schedule electronically filed by Ms. Mary E Fischer on behalf of Anna Sanyal, Administrative Law Judge, Ohio Power Siting Board