

BEFORE THE OHIO POWER SITING BOARD

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In the Matter of the :
Application of Republic :
Wind, LLC, for a :
Certificate to Site :
Wind-Powered Electric : Case No. 17-2295-EL-BGN
Generation Facilities in :
Seneca and Sandusky :
Counties, Ohio. :

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PROCEEDINGS

before Mr. Jay S. Agranoff and Ms. Anna Sanyal,
Attorney Examiners, at the Ohio Power Siting Board,
180 East Broad Street, Room 11-D, Columbus, Ohio,
called at 9:58 a.m. on Wednesday, October 2, 2019.

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ARMSTRONG & OKEY, INC.
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APPEARANCES:

Bricker & Eckler, LLP
By Mr. Dylan F. Borchers
and Mr. Devin D. Parram
100 South Third Street
Columbus, Ohio 43215-4291

On behalf of the Applicant.

Dave Yost, Ohio Attorney General
By Mr. John Jones,
Section Chief
Ms. Jodi Bair,
Assistant Attorney General
Public Utilities Section
30 East Broad Street, 16th Floor
Columbus, Ohio 43215

On behalf of the Staff of the OPSB.

Mr. Derek W. DeVine,
Seneca County Prosecutor
79 South Washington
Tiffin, Ohio 44883

On behalf of the Adams, Scipio, and Reed
Townships of Seneca County, Seneca County
Commissioners, and Seneca County Park
District.

Environmental Defense Fund
The Ohio Environmental Council
By Ms. Miranda R. Leppla
and Mr. Chris Tabner
1145 Chesapeake Avenue, Suite I
Columbus, Ohio 43212

On behalf of the Environmental Defense
Fund and The Ohio Environmental Council.

Ohio Farm Bureau Federation
By Ms. Amy M. Milam
280 North High Street
P.O. Box 182383
Columbus, Ohio 43218-2383

On behalf of the Ohio Farm Bureau
Federation.

1 APPEARANCES: (Continued)

2 Van Kley & Walker, LLC
3 By Mr. Jack A. Van Kley
4 132 Northwoods Boulevard, Suite C-1
5 Columbus, Ohio 43235

6 On behalf of the Local Resident
7 Intervenors.

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1 Wednesday Morning Session,
2 October 2, 2019.

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4 ALJ AGRANOFF: Why don't we go on the
5 record.

6 The Ohio Power Siting Board has assigned
7 for hearing at this time and place Case No.
8 17-2295-EL-BGN which is captioned in the Matter of
9 the Application of Republic Wind, LLC, for a
10 Certificate to Site Wind-Powered Electric Generation
11 Facilities in Seneca and Sandusky Counties, Ohio.

12 My name is Jay Agranoff and seated with
13 me is Anna Sanyal and we are the Administrative Law
14 Judges assigned by the Board to hear this particular
15 case.

16 Pursuant to the entry of August 19, 2019,
17 we were originally scheduled to have the beginning of
18 the adjudicatory hearing to begin today, but pursuant
19 to the entry of September 12, 2019, we are now having
20 a call and continue of the adjudicatory hearing.

21 So basically what we are going to do now
22 is just take the appearances and go through the
23 procedural schedule that was laid out in that
24 September 12 entry and then we will conclude and then
25 you will be able to have your discussions as you see

1 appropriate.

2 So at this point in time why don't we go
3 ahead and take the appearances on behalf of the
4 Applicant.

5 MR. PARRAM: Good morning, your Honor.
6 On behalf of Republic Wind, LLC, from the law firm of
7 Bricker & Eckler, Devin D. Parram, address 100 South
8 Third Street, Columbus, Ohio 43215, and also I have
9 with me my co-counsel Dylan Borchers.

10 ALJ AGRANOFF: Thank you. And now why
11 don't we just go around the table.

12 MS. BAIR: Okay. Thank you, your Honor.
13 On behalf of the Power Siting Board Staff, Dave Yost,
14 Attorney General, Jodi Bair, Assistant Attorney
15 General, 30 East Broad Street, Columbus, Ohio 43215.

16 ALJ AGRANOFF: Thank you.

17 MR. DeVINE: Good morning. Derek DeVine,
18 Seneca County Prosecutor, on behalf of Adams, Scipio,
19 and Reed Townships of Seneca County, the Seneca
20 County Commissioners, and the Seneca County Park
21 District. My office address is 79 South Washington
22 Street, Tiffin, Ohio 44883.

23 ALJ AGRANOFF: Thank you.

24 MS. LEPPLA: Good morning, your Honors.
25 On behalf of the Ohio Environmental Council and

1 Environmental Defense Fund, Miranda Leppla and Chris
2 Tabner, 1145, Suite I, Chesapeake Avenue, Columbus,
3 Ohio 43212.

4 ALJ AGRANOFF: Thank you.

5 MR. VAN KLEY: Good morning. Jack Van --
6 Jack Van Kley appearing on behalf of the local
7 intervenors, local resident intervenors. I am with
8 the law firm of Van Kley & Walker, 132 Northwoods
9 Boulevard, Suite C-1, Columbus, Ohio.

10 ALJ AGRANOFF: Thank you.

11 MS. MILAM: Good morning, your Honor.
12 Amy Milam on behalf of Ohio Farm Bureau Federation,
13 280 North High Street, Columbus, Ohio 43215.

14 ALJ AGRANOFF: Thank you. Is counsel
15 present from York Township?

16 And I would also note that there are a
17 couple local residents who are Intervenor in this
18 particular case who, I believe, Mr. Van Kley, you are
19 not representing; is that correct?

20 MR. VAN KLEY: Correct, your Honor.

21 ALJ AGRANOFF: And are there any members
22 of the public or the residential landowners who are
23 not represented by Mr. Van Kley present at this time?

24 Okay. Let the record reflect that they
25 are not in attendance.

1 Basically as I had indicated previously,
2 we laid out a procedural schedule in the entry of
3 September 12, and I will just reiterate for the
4 record so that everybody is clear. We have the
5 expert and factual testimony to be offered by
6 Republic that will be filed by October 21, 2019.
7 Then all expert and factual testimony to be offered
8 by Intervenor and Staff shall be filed by October
9 28, 2019. We will then have a telephonic prehearing
10 conference that will take place on October 23 at 10
11 o'clock. And when we go off the record, I will
12 provide you with the call in information so that you
13 will have that at your disposal.

14 And it is our expectation that hopefully
15 counsel will be able to work with one another for the
16 purposes of scheduling witnesses for the purposes of
17 having the adjudicatory hearing in this matter and
18 that when we reconvene on the 23rd telephonically,
19 that you will be able to report a proposed schedule
20 of witnesses that we hopefully will be able to
21 utilize for the purposes of going forward.

22 Are there any questions at this time?

23 And I would also point out that to the
24 extent that there is any stipulations that result
25 through any settlement negotiations, that that

1 stipulation would need to be filed by October 28,
2 2019, as well.

3 And along those lines obviously to the
4 extent that there is either a full or partial
5 stipulation, there may be an impact on the calendar
6 that we've been discussing at this point in time
7 because obviously then we may now be using the stip
8 as the target for the purposes of any adjudicatory
9 hearing and that may impact our hearing calendar so
10 that would be part of those conversations that we
11 would have when we have our telephonic status
12 conference.

13 Are there any questions?

14 If not, then we are in recess. Thank
15 you.

16 (Thereupon, at 10:04 a.m., the hearing
17 was adjourned.)

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CERTIFICATE

I do hereby certify that the foregoing is
a true and correct transcript of the proceedings
taken by me in this matter on Wednesday, October 2,
2019, and carefully compared with my original
stenographic notes.

Karen Sue Gibson

Karen Sue Gibson, Registered
Merit Reporter.

(KSG-6820)

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

Summary: Transcript 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, hearing held on October 2nd, 2019. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.