

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of **REPUBLIC**)
WIND, LLC for a Certificate of Environmental)
Compatibility and Public Need for a Wind-) Case No. 17-2295-EL-BGN
Powered Electric Generating Facility in Seneca)
and Sandusky Counties, Ohio)

**REPUBLIC WIND, LLC’S MOTION FOR LEAVE TO
FILE SUPPLEMENTAL AND UPDATED TESTIMONY**

Republic Wind, LLC (“Republic Wind”) moves for leave to file supplemental testimony of Dalton S. Carr, Benjamin M. Doyle, and Isaac Old, and the updated direct testimony of Susan G. Lawson. Pursuant to the Administrative Law Judge (“ALJ”) Entry of September 12, 2019, Republic Wind timely filed its expert and factual testimony on October 21, 2019.

On October 18, 2019, the Ohio Power Siting Board (“OPSB”) Staff filed a Supplement to the Staff Report (“Supplemental Staff Report”). The Supplemental Staff Report was not served on Republic Wind that day and was not made available through the Docketing Information System until October 21, 2019—the same day Republic Wind’s pre-filed direct testimony was due. The Supplemental Staff Report proposed three additional conditions in addition to the 57 conditions of the July 25, 2019 Staff Report. Given the timing of the filing and receipt of the Supplemental Staff Report, Republic Wind’s witnesses did not have sufficient time to review the report and address the issues in their pre-filed direct testimony. On October 28, 2019, Republic Wind filed the Supplemental Testimony of Dalton S. Carr, Benjamin M. Doyle, and Isaac Old. The purpose of the supplemental testimony is to address issues raised in the Supplemental Staff Report.

Also on October 28, 2019, Republic Wind filed updated testimony of Susan G. Lawson that corrected a minor error in her testimony. Republic Wind filed both a clean version and a

redline version of Ms. Lawson's updated testimony, which removed the word "indirect" from page 4, A-12, Line 13.

There is sufficient good cause to grant this motion. Enabling Republic Wind to supplement and update its testimony creates a clearer case record for the hearing and promotes administrative efficiency, instead of these issues being addressed solely by live testimony. The filings were made in advance of the adjudicatory hearing, giving every party time to review. No party is prejudiced by the filing of Republic's supplemental and updated testimony. Rather, every party benefits from the clarification of litigation positions and corrections made in the supplemental and updated testimony. As stated above, the Supplemental Staff Report places additional conditions on the project but was not served until the same day Republic's initial testimony was due. The additional conditions recommended in the Supplemental Staff Report have a significant adverse effect on the project's viability. Republic Wind would be greatly prejudiced if it were not permitted to provide supplemental testimony to address these additional conditions.

Thus, Republic Wind requests that the ALJ to grant leave to file Republic Wind's supplemental and updated testimony filed on October 28, 2019.

Respectfully submitted on behalf of
REPUBLIC WIND, LLC



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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served upon the following parties of record via regular or electronic mail this 31st day of October, 2019.



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Summary: Motion of Republic Wind, LLC For Leave to File Supplemental and Updated Testimony electronically filed by Teresa Orahod on behalf of Devin D. Parram