

**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-Powered Electric Generating)	Case No. 17-2295-EL-BGN
Facility in Seneca and Sandusky Counties,)	
Ohio)	

**REPUBLIC WIND, LLC’S MOTION FOR ISSUANCE OF
HEARING SUBPOENA**

Pursuant to Ohio Administrative Code (“OAC”) Rule 4906-2-23, Republic Wind, LLC (“Republic”) respectfully moves the Ohio Power Siting Board (“OPSB”) to issue a subpoena as set forth below and in the attached Exhibit 1 to compel the attendance of the person identified to give testimony at the hearing of this matter, which is scheduled to begin in this matter on November 4, 2019.

The person requested to attend and give testimony:

1. David Sniffen
Airport Manager
Fostoria Metropolitan Airport

Under OAC 4906-2-23, “the . . . administrative law judge assigned to a case may issue subpoenas, upon their own motion or upon motion of any party of the staff.” Grounds for this Motion are set forth in the accompanying Memorandum in Support.

Respectfully submitted on behalf of
REPUBLIC WIND, LLC



Sally W. Bloomfield (0022038)
Dylan F. Borchers (0090690)
Devin D. Parram (0082507)
Dane Stinson (0019101)
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**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-Powered Electric Generating)	Case No. 17-2295-EL-BGN
Facility in Seneca and Sandusky Counties,)	
Ohio)	

MEMORANDUM IN SUPPORT

The Ohio Power Siting Board (“OPSB”) is set to begin its hearing in consideration of Republic Wind, LLC’s (“Republic”) Application for a Certificate of Environmental Compatibility and Public Need for a Wind-Powered Electric Generating Facility in Seneca and Sandusky Counties (the “Certificate”) on November 4, 2019.

In the course of its obligations to provide the OPSB materials in support of its Application for the Certificate, Republic has addressed a number of issues pertaining to aviation. On June 26, 2019, the Federal Aviation Administration issued a Determination of No Hazzard for all 50 of the wind turbines proposed in Republic’s Application. Notwithstanding the FAA Determination of No Hazzard, on September 27, 2019, the Ohio Department of Transportation (“ODOT”) issued a letter providing its determination regarding potential aviation issues posed by the Project. In short, ODOT took issue with 33 of the proposed 50 turbines in the Project. In advancing this determination, ODOT referred to having considered input from the Fostoria, Sandusky, and Seneca airports through their respective managers, who are David Sniffen, David Wadsworth, and Bradley Newman.

On October 30, 2019, Republic took the depositions of Messrs. Sniffen and Newman. Mr. Newman has been identified as a witness at the hearing, so he will already be present at the hearing for cross examination by Republic. As a result of the deposition, Republic is now aware that Mr. Sniffen also has information that it believes will aid the Board's analysis of the aviation issues relative to the Application. Republic should be provided to opportunity to call Mr. Sniffen as a witness as if on cross examination.

OAC Rule 4906-2-23 empowers the administrative law judge of this proceeding to direct issuance of hearing subpoenas. As set forth herein, good cause exists for issuance of the requested hearing subpoena, and Republic respectfully requests that the administrative law judge sign the attached hearing subpoena so that Mr. Sniffen be compelled to appear and testify at the hearing. Republic presently anticipates calling Mr. Sniffen on November 12, but reserves the right to adjust the date and time of Mr. Sniffen's testimony as necessary to accommodate other witnesses and needs of the parties during the hearing.

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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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-Powered Electric)
Generating Facility in Seneca)
and Sandusky Counties, Ohio.)**

Case No. 17-2295-EL-BGN

SUBPOENA

TO:

David Sniffen
Airport Manager
Fostoria Metropolitan Airport
4495 N. Seneca County Rd. 25
Fostoria OH 44830

Upon application of Republic Wind, LLC, you are hereby required to appear and give testimony at the hearing in the following proceeding:

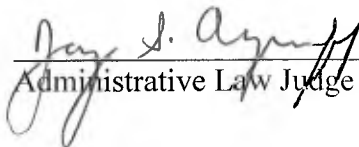
In the Matter of the Application of Republic Wind, LLC for a
Certificate of Environmental Compatibility and Public Need for a
Wind-Powered Electric Generating Facility in Seneca and
Sandusky Counties, Ohio, Case No. 17-2295-EL-BGN.

The hearing commences at 10:00 a.m. on November 4, 2019 and will continue beginning at 9:00 a.m. on each of November 5-6, 12-13, 15, and 18, 2019.

Your attendance pursuant to this subpoena is required beginning at 1:00 p.m. on November 12, 2019. You are to appear at the office of the Ohio Power Siting Board, 180 East Broad Street, Columbus, Ohio 43215.

Please note that the date and time of your required appearance may change as a result of other factors before or during the hearing. Should this occur, you will be contacted as soon as practicable by counsel for Republic Wind, LLC. Should you have any questions, please contact: Sommer L. Sheely, Esq., Bricker & Eckler LLP, 100 S. Third Street, Columbus, OH 432154, (614) 227.8870 or ssheely@bricker.com.

Dated at Columbus, Ohio, this 31 day of October, 2019.



Administrative Law Judge

This foregoing document was electronically filed with the Public Utilities

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in

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

Summary: Motion of Republic Wind, LLC For Issuance of Hearing Subpoena electronically filed by Teresa Orahod on behalf of Devin D. Parram