

**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- )    | Case No. 17-2295-EL-BGN |
| Powered Electric Generation in Republic and )  |                         |
| Sandusky Counties. )                           |                         |

**SENECA COUNTY, ADAMS TOWNSHIP, REED TOWNSHIP, SCIPIO TOWNSHIP,  
AND SENECA COUNTY PARK DISTRICT'S REPLY TO STAFF'S MOTION TO  
REOPEN THE PROCEEDING**

The Staff of the Ohio Power Siting Board (Staff) has moved this Board to reopen the evidentiary hearing to supplement the record. Seneca County, Adams Township, Reed Township, Scipio Township, and the Seneca County Park District (Seneca County Local Parties) respectfully oppose the reopening of the proceedings.

A memorandum is attached and incorporated herein.

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County Park District

## MEMORANDUM

### I: Staff's attempt to modify its recommendation:

Staff's motion to reopen is based on the late effort by the Ohio Department of Transportation Aviation Division (ODOT) to modify its recommendation to the Ohio Power Siting Board. ODOT in a March 10, 2020 letter attempted to modify its earlier recommendations. That correspondence, although filed on the Docket, has not been admitted into evidence in the proceedings.

In its Post-Hearing Brief, Staff's first sentence in Section I. E. 2. Aviation was "There are several airports near the project that would be negatively impacted if the project is constructed as proposed by Republic". Staff Post-Hearing Brief, p. 18. This statement by counsel for Staff is presumably based on the evidence presented on the petition. Similarly, in its introduction counsel for Staff stated:

The Applicant strongly opposes many of the Staff's recommended conditions and wishes to push its project upon the local area airports and people of Seneca and Sandusky Counties of Ohio without regard to the negative impacts that the project would create.

Staff Post-Hearing Brief, p. 2.

The Seneca County Local Parties would respectfully submit that the attempted modification of ODOT's position does not change the evidence that was presented at hearing—that airports would be negatively impacted. As such we respectfully suggest that the motion to reopen the proceedings be denied.

### II: Impact of One Energy LLC et.al. vs. Ohio Dept. of Transp.

The Seneca County Local Parties would respectfully submit that the One Energy decision has no substantive impact on the evidence presented at the proceedings on the application herein. The evidence presented was summarized by counsel for Staff as it relates to aviation that "There are several airports near the project that would be negatively impacted if the project is constructed as proposed by Republic". Staff Post-Hearing Brief, p. 18.

The Ohio Power Siting Board is empowered to address and mitigate the negative impacts of a wind project on the area. The proposal by Staff, purportedly, took into account the evidence produced during the proceedings when is made its recommendations. As it relates to aviation, Staff stated:

Staff's recommendations related to aviation are complex in order to minimize the adverse impacts from the Republic Wind farm that extend outside the wind farm's project area footprint and would affect multiple airports. Staff's recommended aviation related Conditions 52, 53, 54, 55, 56, 57, and 59 of the Staff's Supplemental Report should be adopted and made conditions of the certificate.

Staff Post-Hearing Brief, p. 22. The Board can take into consideration the legal effect of the One Energy decision as it relates to the law, but the Seneca County Parties would respectfully submit that nothing in that decision should impact the evidence as presented on the petition.

III: Conclusion:

Nothing presented in the motion of Staff demonstrates the need for the introduction of any new evidence in these proceedings. Evidence was presented on the project's impact on aviation and whether ODOT has modified its position post-hearing does not change the nature and materiality of the evidence presented on the petition.

The Board can review and undertake analysis on whether the One Energy decision impacts its legal analysis.

Wherefore, the Seneca County Local Parties respectfully request that the Ohio Power Siting Board deny the motion to reopen the proceeding.




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Derek W. DeVine #0062488

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **SENECA COUNTY, ADAMS TOWNSHIP, REED TOWNSHIP, SCIPIO TOWNSHIP, AND SENECA COUNTY PARK DISTRICT'S REPLY TO STAFF'S MOTION TO REOPEN THE PROCEEDING** was served upon the following Parties of Record on this the 11<sup>th</sup> day of May, 2020 via electronic or regular US mail.

  
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Summary: Reply to Staff's Motion to Reopen the Proceeding electronically filed by Mr. Derek W. DeVine on behalf of Board of Seneca County Commissioners and Board of Trustees of Adams Township, Seneca County, Ohio and Board of Trustees of Scipio Township, Seneca County, Ohio and Board of Trustees of Reed Township, Seneca County, Ohio and Board of Park Commissioners of the Seneca County Park District, Seneca County, Ohio