

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF
FIRELANDS WIND, LLC FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED TO
CONSTRUCT A WIND-POWERED
ELECTRIC GENERATION FACILITY IN
HURON AND ERIE COUNTIES, OHIO.

CASE NO. 18-1607-EL-BGN

ENTRY

Entered in the Journal on August 21, 2020

{¶ 1} Firelands Wind, LLC (Firelands 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 October 26, 2018, Firelands, a wholly-owned subsidiary of Apex Clean Energy Holdings, Inc., filed a pre-application notification letter with the Board regarding its proposed 298.2-megawatt (MW) wind-powered electric generating facility, Emerson Creek Wind Farm Project (Emerson Creek), in Huron, Erie, and Seneca counties, Ohio.

{¶ 4} On January 31, 2019, Firelands filed its application with the Board for a certificate of environmental compatibility and public need to construct and operate the Emerson Creek wind-powered electric generation facility (Project) in Huron and Erie counties, Ohio. Applicant explained that the information presented in the pre-application notification letter was revised to reflect that the Project will be located in Huron and Erie counties only and that no facilities are now proposed for Seneca County. Specifically, Firelands states that the Project will be located within approximately 32,000 acres of leased land in Groton and Oxford townships in Erie County, and Lyme, Norwich, Richmond, Ridgefield, and Sherman townships in Huron County. The Project consists of up to 87 turbine generators, each with a nameplate capacity rating of 4.2 to 4.5 MW which results in

the Project generating up to 297.66 MW, rather than the 298.2 MW listed in the pre-application notification letter.

{¶ 5} Applicant filed supplements to its application on March 18, 2019, July 10, 2019, September 12, 2019, and October 4, 2019.

{¶ 6} By Entries dated December 23, 2019, and December 24, 2019, the administrative law judge (ALJ) found that the application, as supplemented, was complete as provided for in R.C. 4906.06. Further, the ALJ established a procedural schedule in this matter, including a local public hearing to be held on March 18, 2020, and an adjudicatory hearing to commence on April 14, 2020. Additionally, it was determined that motions to intervene would be accepted by the Board up to 30 days following publication of the notice required by Ohio Adm.Code 4906-3-09 or by February 6, 2020, whichever was later. Publication of the notice occurred on January 7, 2020, in the *Sandusky Register* and the *Norwalk Reflector*, newspapers of general circulation in Erie and Huron counties.

{¶ 7} The Board Staff (Staff) filed its Report of Investigation on March 2, 2020.

{¶ 8} On March 9, 2020, the governor signed Executive Order 2020-01D (Executive Order), declaring a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19. As described in the Executive Order, state agencies are required to implement procedures consistent with recommendations from the Ohio Department of Health (ODOH) to prevent or alleviate the public health threat associated with COVID-19. Additionally, all citizens are urged to heed the advice of the ODOH regarding this public health emergency in order to protect their health and safety. The Executive Order was effective immediately and will remain in effect until the COVID-19 emergency no longer exists. The ODOH is making COVID-19 information, including information on preventative measures, available via the internet at coronavirus.ohio.gov/. In light of the governor's Executive Order and the guidance from the ODOH, the March 18, 2020 local public hearing and the April 14, 2020 adjudicatory hearing were postponed by ALJ Entry issued March 11, 2020.

{¶ 9} On July 13, 2020, the ALJ issued an Entry reestablishing a procedural schedule in this matter, including the scheduling of a local public hearing on August 20, 2020 and an adjudicatory hearing commencing on October 5, 2020.

{¶ 10} On August 20, 2020, the local public hearing occurred as scheduled.

{¶ 11} At this time, the ALJ schedules a prehearing conference on Thursday, August 27, 2020 at 10:00 a.m. EST. The prehearing conference will occur via a remote access technology conference and will focus on the processes to be utilized relative to the conducting of the evidentiary hearing. The Board will email instructions to the parties for participation in the prehearing conference prior to the event. For those parties that are not represented by counsel and who have not provided email addresses or other contact information as outlined in the letter of August 14, 2020, these parties should contact Board Staff either via email (hearings@puco.ohio.gov) or telephone (614.466.6843) to provide contact information that the Board requires in order obtain access information regarding proceedings in this matter including the August 27, 2020 prehearing conference, future prehearing conferences, and the October 5, 2020 adjudicatory hearing.

{¶ 12} Anyone interested in attending the prehearing conference as a non-party can access the conference at <https://bit.ly/18-1607-PHC0827> and entering the Password: OPSB or calling +1-408-418-9388 and entering Event Number / Access Code: 129 297 5420. Although non-parties will be able to access and observe the prehearing conference, they will not be able to actively participate.

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That a prehearing conference be scheduled in accordance with Paragraph 11. It is, further,

{¶ 15} ORDERED, That a copy of this Entry be served upon all parties of record.

THE OHIO POWER SITING BOARD

/s/ Jay S. Agranoff

By: Jay S. Agranoff
Administrative Law Judge

GAP/hac

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Case No(s). 18-1607-EL-BGN

Summary: Administrative Law Judge Entry scheduling prehearing conference electronically filed by Heather A Chilcote on behalf of Jay S. Agranoff, Administrative Law Judge, Ohio Power Siting Board