

BEFORE
THE OHIO POWER SITING BOARD

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

**LOCAL RESIDENT INTERVENORS' MEMORANDUM IN OPPOSITION TO
REPUBLIC WIND'S MOTION TO STRIKE SHIELDCASTLE TESTIMONY**

Republic Wind's Motion to Strike is meritless, because Mark Shieldcastle's challenged testimony pertains to the topics designated for the reopened hearing.

All of Mr. Shieldcastle's challenged testimony is related to the judges' request to explain the "significance of the half-mean inter-nest distance proposed by USFWS" and the "ramifications of the N&F Wildlife Nest with respect to the half-mean inter-nest distance proposed by USFWS." While Mr. Shieldcastle's unchallenged testimony states that wind turbines located within the half-mean inter-nest distance of 1.17 miles are a threat to Bald Eagles, his challenged testimony explains that the significance of this distance should not be construed to imply that this distance is adequate to protect the eagles. This testimony not only falls within the distance's "significance" and the nest's "ramifications," but it addresses the fact that the half-mean inter-nest distance does not protect the newly discovered N&F Nest from turbines that, as shown in Dawn Hoepf's new exhibit, are between 1.17 miles and 2.5 miles away from the nest. Thus, Mr. Shieldcastle's challenged testimony seeks to protect the eagles from the turbines located between 1.17 miles and 2.5 miles away from the nest. Mr. Shieldcastle does not repeat the bulk of his previous testimony about the necessity of keeping turbines at least 2.5 miles away from turbines, but his new testimony briefly references the 2.5-mile buffer to keep the 1.17-mile half-mean inter-nest distance in context to avoid any implications that 1.17 miles is

an adequate buffer. This information not only falls within the judges' decision to allow testimony on the significance of the half-mean inter-nest distance and the ramifications of the new nest, but it is newly discovered information as well.

The judges' should deny the motion.

Respectfully submitted,

/s/ Jack A. Van Kley
Jack A. Van Kley (0016961)
Van Kley & Walker, LLC
132 Northwoods Blvd., Suite C-1
Columbus, Ohio 43235
(614) 431-8900 (telephone)
(614) 431-8905 (facsimile)
Email: jvankley@vankleywalker.com
Counsel for the Local Residents

CERTIFICATE OF SERVICE

On September 23, 2020, the docketing division's e-filing system will electronically serve notice of the filing of this document on the following counsel for the parties: Sally W. Bloomfield (sbloomfield@bricker.com), Dylan Borchers (dborchers@bricker.com), Joshua D. Clark (jclark@senecapros.org), Leah F. Curtis (lcurtis@ofbf.org), Chad A. Endsley (cendsley@ofbf.org), Miranda Leppla (mleppla@theoec.org), Amy M. Milam (amilam@ofbf.org), Mark Mulligan (mulligan_mark@co.sandusky.oh.us), Devin D. Parram (dparram@bricker.com), Chris Tavenor (ctavenor@theoec.org), Trent Dougherty (theoec.org), Dane Stinson (dstinson@bricker.com), Derek Devine (dwd@senecapros.org), Jodi Bair (jodi.bair@ohioattorneygeneral.gov), and William Cody. On the same date, I served a copy of this filing by electronic mail on the above-listed counsel, Dennis Hackenburg at Dennyh7@frontier.com, and Mike and Tiffany Kessler at mkessler7@gmail.com.

/s/ Jack A. Van Kley
Jack A. Van Kley

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Summary: Response to Republic Wind's Motion to Strike electronically filed by Mr. Jack A Van Kley on behalf of Local Resident Intervenors