

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 )

## REPLY BRIEF OF THE LOCAL FARMERS

### *Counsel for Local Farmers*

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## **I. Introduction**

Pursuant to the procedural schedule established by the Administrative Law Judges, Tom Yingling and Kevin Erf (“Local Farmers”) respectfully submit this post-hearing Reply Brief in the above-captioned proceeding. The initial post-hearing briefs demonstrate that the Ohio Power Siting Board (“Board”) should adopt the Joint Stipulation and grant a Certificate of Compatibility and Public Need (“Certificate”) for the Emerson Creek Wind Farm (“Project”) subject to the conditions set forth in the Joint Stipulation.

## **II. Argument**

As discussed in the initial briefs filed by Local Farmers, Firelands Wind, LLC (“Applicant”), and Board Staff, the record provides ample evidence that the Project meets the criteria for granting a Certificate and the Board’s reasonableness test for adopting a joint stipulation. *See* Applicant Brief at 16-66; Staff Brief at 6-22; *see also* App. Ex. 1-6, 31-46; Staff Ex. 1-9. The arguments raised by Project opponents have failed to establish that the Project should not receive a Certificate. Consistent with their interests and priorities, Local Farmers’ reply brief focuses on whether the Project will serve the public interest, convenience, and necessity. *See* R.C. 4906.10(A)(2), (6); *Consumers’ Counsel v. Pub. Util. Comm.*, 64 Ohio St.3d 123, 126, 592 N.E.2d 1370 (1992).

### **A. Project Opponents Rely on Unreliable and Irrelevant Testimony to Argue that the Project Does Not Serve the Public Interest.**

The Local Residents erroneously argue that the Project will not serve the public interest, convenience, and necessity—based on the testimony of Dennis Schreiner—by asserting that the Project will be inefficient and unreliable in producing electricity. Local Residents’ Brief at 34. PJM’s System Impact Study demonstrates that the Project will not negatively impact grid reliability. *See* App Ex. 31 at 9; Applicant Brief at 55-56. Board Staff concluded that the Project

“would provide additional electrical generation to the regional transmission grid, would be consistent with plans for expansion of the regional power system, and would serve the interests of electric system economy and reliability.” Staff Ex. 1 at 61. Local Residents have failed to rebut these findings and have not provided any reason for the Board to determine that the Project will not serve the public interest, convenience, and necessity, or the interests of electric system economy and reliability. *See* R.C. 4906.10(A)(4), (6).

As discussed in Applicant’s Motion to Strike certain portions of Mr. Schreiner’s prefiled direct testimony and Applicant’s Initial brief, Mr. Schreiner’s testimony about wind power is irrelevant because it does not pertain to the Project itself or to the eight factors listed in R.C. Section 4906.10, and because Mr. Schreiner lacks the experience and expertise to opine on the topics he addressed. *See* Applicant’s Brief at 10-14. Moreover, Mr. Schreiner’s testimony is flatly contradicted by the Public Utility Commission of Ohio’s (PUCO) own conclusions, further demonstrating that his testimony is not reliable. Whereas Mr. Schreiner testified, and Local Residents argue, that renewable energy increases electricity prices, PUCO has determined that “Ohioans are already benefiting from renewable resource additions through downward pressure on wholesale market prices.” Local Residents Ex. 1 at 11; Local Residents Brief at 37; Tr. Vol. VII at 859, 861. Contrary to Local Residents’ contention, based on Mr. Schreiner’s testimony, that wind energy will make Ohio’s electricity supply unreliable, PUCO has found that “[t]he electric grid in Ohio is sufficiently robust to support the continued development of utility-scale renewable projects.” Local Residents Brief at 37; Tr. Vol. VII at 859, 861.

For these reasons, if the Board denies Applicant’s Motion to Strike portions of Mr. Schreiner’s testimony, the Board should not give weight to his testimony or the Local Residents’ arguments concerning wind power’s reliability or efficiency. Rather, Local Farmers urge the

Board to adopt Staff's conclusion that the Project will "serve the interests of electric system economy and reliability." Staff Ex. 1 at 61.

**B. Local Residents Ignore the Multiple Ways in which the Project Will Serve the Public Interest.**

Local Residents also fail to acknowledge that the Project will serve the public interest, convenience, and necessity in multiple ways. The Project will generate local economic benefits, bringing much-needed revenue and income to taxing authorities and residents. *See* App. Ex. 1 at 35-38; App. Ex. 36. The influx of wealth can be transformative for local residents, including by supporting public schools and allowing farmers to keep their land. *See* Tr. Public Hearing at 45-48, 197; Erf and Yingling ("Local Farmers") Ex. 1 at 3. The Project will also contribute to reducing Ohio's greenhouse gas emissions, serving the public interest by helping to address the threat to Ohioans posed by climate change. *See* Local Farmers Ex. 1 at 3; Local Farmers Ex. 9 at 55-56.

**III. Conclusion**

Local Farmers support the Project because it will confer economic benefits on their families and communities, and contribute to addressing climate change by expanding Ohio's renewable energy capacity. For these reasons, Local Farmers urge the Board to adopt the Joint Stipulation and grant the Project a Certificate with the conditions set forth therein.

Respectfully submitted,

/s/ Hillary Aidun  
Hillary Aidun (PHV-21990-2020)  
Sabin Center for  
Climate Change Law  
Columbia Law School  
435 West 116th St.  
New York, NY 10027  
212-854-0081  
hwa2108@columbia.edu

## CERTIFICATE OF SERVICE

The Ohio Power Siting Board's e-filing system will electronically serve notice of the filing of this document on the parties referenced in the service list of the docket card who have electronically subscribed to this case. In addition, the undersigned certifies that a copy of the foregoing document is also being served upon the persons listed below this 4 day of December, 2020.

/s/ Hillary Aidun  
Hillary Aidun (PHV-21990-2020)

Counsel/Intervenors via email:

CPirik@dickinson-wright.com  
TODonnell@dickinson-wright.com  
JSecrest@dickinson-wright.com  
WVorys@dickinson-wright.com  
MFleisher@dickinson-wright.com  
Adam.Tabor@klgates.com  
jim.lynch@klgates.com  
brian.knox@klgates.com  
werner.margard@ohioattorneygeneral.gov  
brett.kravitz@ohioattorneygeneral.gov  
katherine.walker@ohioattorneygeneral.gov  
norichtwp1339@gmail.com  
richardwiles@willard-oh.com  
rstrickler@huroncountyohprosecutor.com  
jstephens@huroncountyohprosecutor.com  
ggross@eriecounty.oh.gov  
heather@hnattys.com  
jvankley@vankleywalker.com  
pjeppla@leplaw.com  
michael.gerrard@arnoldporter.com  
missyeb3@gmail.com  
baanc@aol.com  
r\_ladd@frontier.com

Administrative Law Judges via email:

jay.agranoff@puco.ohio.gov  
michael.williams@puco.ohio.gov

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

Summary: Reply brief of Local Farmers in Support of the Joint Stipulation electronically filed by Ms. Hillary W. Aidun on behalf of Erf, Kevin Mr. and Yingling, Tom Mr.