

**BEFORE**

**OHIO POWER SITING BOARD**

In the Matter of the Application of )	
Heartland Wind LLC for a Certificate to )	
Site Wind-Powered Electric Generating )	Case No. 09-1066-EL-BGN
Facilities in Van Wert and Paulding )	
Counties, Ohio. )	

**ENTRY**

The administrative law judge finds:

- (1) On December 21, 2009, Heartland Wind LLC (Heartland or applicant) filed with the Ohio Power Siting Board (Board), an application for a certificate to site a 350 megawatt (MW) wind-powered electric generation facility in Van Wert and Paulding counties, Ohio, pursuant to Chapter 4906-17, Ohio Administrative Code (O.A.C.).
- (2) Pursuant to the Entry of March 2, 2010, a procedural schedule was established in this proceeding. Included as part of this schedule, both a public hearing and evidentiary hearing were scheduled for May 18, 2010, and June 2, 2010, respectively. The applicant was directed to issue public notices of the application and hearing, in accordance with Rule 4906-5-08, O.A.C.
- (3) On March 25, 2010, Heartland and the Staff of the Ohio Power Siting Board (Staff) (collectively, Joint Movants) filed a joint motion seeking a new procedural schedule in this case, including the rescheduling of the public and evidentiary hearings until June 8, 2010, and June 17, 2010, respectively. Pursuant to its request, Joint Movants also seek to modify the previously established deadlines for various filings as follows:
  - (a) Heartland and intervenors will file a list of issues for cross-examination pertaining to the Staff report by June 3, 2010;
  - (b) Heartland will file its expert testimony by June 11, 2010;
  - (c) Staff and intervenors will file testimony by June 15, 2010.

The parties are encouraged to arrange for electronic service of testimony and other pleadings among themselves. If electronic service is agreed to, the parties are also directed to provide electronic copies to the administrative law judge.

In support of their request, Joint Movants explain that the proposed modifications to the previously established procedural schedule are necessary due to the fact that, since the filing of Heartland's December 21, 2009, application, the standards for wind farms have become more defined, thus, resulting in the need for Heartland to modify turbine site locations in order to meet the more defined noise standards. According to the joint motion, Heartland has prepared new maps showing modified turbine locations within the project area. Heartland is also developing additional information pertaining to updated turbine sites. Heartland intends to file the supplemental information with the Board by April 2, 2010. Therefore, additional time is needed to investigate and consider the supplemental information. Further, Heartland has to serve the supplement on persons entitled to service of the original application, republish the new hearing dates and reissue a letter to applicable property owners and governmental entities setting forth the new hearing dates.

Finally, Joint Movants represent that no party will be prejudiced by the granting of the motion inasmuch as the only current intervenor, the Ohio Farm Bureau Federation, has agreed to the requested revised schedule.

- (4) On March 31, 2010, Heartland filed its supplement modifying the location of some of its proposed wind turbines.
- (5) The administrative law judge finds that the joint motion to reschedule the hearings and establish a new procedural schedule is reasonable and should be granted. Accordingly, the local public hearing, currently scheduled for May 18, 2010, at 5:00 p.m. at the Crestview School, 531 East Tully Street, Convoy, Ohio 45832 and the adjudicatory hearing currently scheduled for June 2, 2010, at the offices of the Commission, shall both be rescheduled as requested. Therefore, the local public hearing is rescheduled for June 8, 2010, at 5:00 p.m., at the Crestview School, Auditoria, 531 East Tully Street, Convoy, Ohio 45832, and the adjudicatory hearing is

rescheduled for June 17, 2010, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11<sup>th</sup> Floor, Columbus, Ohio 43215-3793.

- (6) Heartland is directed to post a notice, on May 18, 2010, at the local public hearing location that had been established by the March 2, 2010, entry. The notice should state that the local public hearing in this case scheduled for May 18, 2010, and the adjudicatory hearing in this case scheduled for June 2, 2010, have both been rescheduled. The notice should indicate that the local public hearing has been rescheduled for June 8, 2010, at 5:00 p.m., at the Crestview School, 531 East Tully Street, Convoy, Ohio 45832, and that the adjudicatory hearing has been rescheduled for June 17, 2010, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11<sup>th</sup> Floor, Columbus, Ohio 43215-3793.
- (7) Heartland should publish revised public notices reflecting the supplemented application and the rescheduled hearings in accordance with Rule 4906-5-08, O.A.C. The notice should include a general description of the supplement filed with the Commission. As part of the information to be included in the notices, as required by Rule 4906-5-08, O.A.C., Heartland shall include a statement that the public hearing in this case shall consist of two parts:
  - (a) The local public hearing, pursuant to Section 4906.08(C), Revised Code rescheduled from May 18, 2010, to June 8, 2010, at 5:00 p.m. at the Crestview School, 531 East Tully Street, Convoy, Ohio 45832.
  - (b) An adjudicatory hearing rescheduled from June 2, 2010, to June 17, 2010, at 10:00 a.m., 11<sup>th</sup> Floor, Hearing Room D, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793

Further, Heartland shall include the following statement as part of the public notice:

Petitions to intervene in the adjudicatory hearing will be accepted by the Board up to 30 days following publication of this notice required by Rule 4906-5-08(C)(1), O.A.C., or later if good cause is shown.

However, the Board strongly encourages interested persons who wish to intervene in the adjudicatory hearing to file their petitions as soon as possible. Petitions should be addressed to the Ohio Power Siting Board, 180 East Broad Street, Columbus, Ohio 43215-3793 and cite the above-listed case number.

- (8) Pursuant to Rule 4906-5-05(D), O.A.C., the Board's staff shall file its report on or before May 24, 2010.

It is, therefore,

ORDERED, That the joint motion to reschedule the hearings and establish a new procedural schedule be granted in accordance with Finding (5). It is, further,

ORDERED, That the public and evidentiary hearings be rescheduled consistent with Finding (5). It is, further,

ORDERED, That the parties comply with the revised procedural schedule outlined in Finding (3). It is, further,

ORDERED, That, in accordance with the directives of Findings (6) and (7), Heartland shall post notice and cause newspaper notice to be published concerning the rescheduling of the hearings. It is, further,

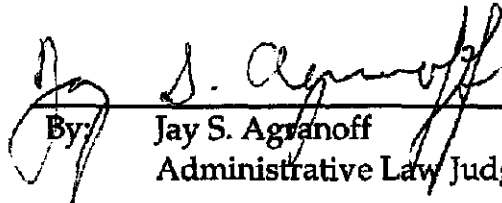
ORDERED, That Heartland serve its supplement upon all persons and governmental entities previously served with its initial application. It is, further,

ORDERED, That Heartland send the requisite letter to each property owner and affected tenant in accordance with Rule 4906-5-08(C)(3), O.A.C. It is, further,

ORDERED, That the Board's staff file its report pursuant to Finding (8). It is, further,

ORDERED, That a copy of this entry be served upon all parties and interested persons of record.

THE OHIO POWER SITING BOARD

  
By: Jay S. Agranoff  
Administrative Law Judge

grt  
/dah

Entered in the Journal

APR 01 2010



Renee J. Jenkins  
Secretary