

BEFORE

OHIO POWER SITING BOARD

In the Matter of the Application of )  
Black Fork Wind Energy, LLC for a )  
Certificate to Site a Wind-Powered ) Case No. 10-2865-EL-BGN  
Electric Generating Facility in Richland )  
and Crawford Counties, Ohio. )

ENTRY

The administrative law judge finds:

- (1) On March 10, 2011, Black Fork Wind Energy, LLC (Black Fork or applicant) filed an application for a certificate of environmental compatibility and public need to site a wind-powered electric generating facility in Richland and Crawford counties, Ohio.
- (2) Pursuant to Rule 4906-5-05, Ohio Administrative Code (O.A.C.), within 60 days after receipt of an application for a major utility facility, the chairman of the Board shall notify the applicant of the acceptance or rejection of the application as complete. By entry of May 3, 2011, the administrative law judge (ALJ) granted a motion of the parties that extended the staff's completeness review period from May 9, 2011, to June 10, 2011.
- (3) By letter filed June 10, 2011, the Board notified Black Fork that its application was sufficiently complete to permit Staff to commence its review and investigation of the application. Further, the June 10, 2011 letter directed Black Fork to serve appropriate government officials and public agencies with copies of the complete, certified application.
- (4) On June 17, 2011, Black Fork filed a certificate of service of its accepted and complete application, in accordance with the requirements of Rule 4906-5-07, O.A.C. On June 20, 2011, Black Fork submitted the application fee to the Board, pursuant to Rule 4906-5-11, O.A.C. The effective date of the filing of the application shall be June 21, 2011.

- (5) Section 4906.07(A), Revised Code, provides that, upon receipt of an application complying with Section 4906.06, Revised Code, the Board must promptly fix a date for a public hearing not less than 60 nor more than 90 days after such receipt.
- (6) Accordingly, a local public hearing in this matter will be held on Thursday, September 15, 2011, at 6:00 p.m., at the Shelby Senior High School, 109 West Smiley Avenue, Shelby, Ohio 44875. The adjudicatory hearing will commence on Monday, September 19, 2011, at 10:00 a.m., 11<sup>th</sup> floor, Hearing Room 11-D, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.
- (7) Black Fork should issue public notices of the application and the hearings, in accordance with Rule 4906-5-08, O.A.C. As part of the information to be included in the notices, as required by Rule 4906-5-08, O.A.C., Black Fork shall include a statement that the public hearing in this case shall consist of two parts:
  - (a) A local public hearing, pursuant to Section 4906.08(C), Revised Code, where the Board shall accept written or oral testimony from any person, commencing on Thursday, September 15, 2011, at 6:00 p.m., at the Shelby Senior High School, 109 West Smiley Avenue, Shelby, Ohio 44875.
  - (b) An adjudicatory hearing commencing on Monday, September 19, 2011, at 10:00 a.m., 11<sup>th</sup> floor, Hearing Room 11-D, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.
- (8) Further, regarding the initial public notice required under Rule 4906-5-08(C)(1), O.A.C., Black Fork shall include the following statement as a 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 the 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.

- (9) Rule 4906-7-01, O.A.C., provides that the ALJ shall regulate the course of the hearing including requiring that expert or factual testimony to be offered in Board proceedings be reduced to writing and filed with the Board, according to a schedule established by the ALJ. Accordingly, the ALJ finds that the following process should be implemented:
- (a) Pursuant to Rule 4906-5-05(D), O.A.C., the Staff shall file its report of investigation (Staff Report) on or before September 1, 2011.
  - (b) On or before September 5, 2011, the applicant and intervenors shall file a list of issue(s) citing specific section(s) of the Staff Report for which they may be interested in pursuing cross-examination of the Staff at the evidentiary hearing.
  - (c) All expert and factual testimony to be offered by the applicant shall be filed by September 8, 2011.
  - (d) All expert and factual testimony to be offered by intervenors and the Staff shall be filed by September 15, 2011.
  - (e) 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 ALJ.

It is, therefore,

ORDERED, That the hearings in this matter be scheduled at the times and places designated in finding (6). It is, further,

ORDERED, That notices of the application and hearings be published by Black Fork in accordance with findings (7) and (8). It is, further,

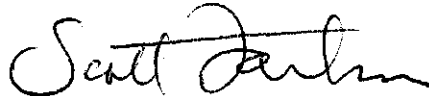
ORDERED, That Staff file its Staff Report pursuant to finding (9). It is, further,

ORDERED, That the applicant and intervenors identify issues pertaining to the Staff Report in accordance with finding (9). It is, further,

ORDERED, That all parties file their expert and factual testimony in accordance with finding (9). It is, further,

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

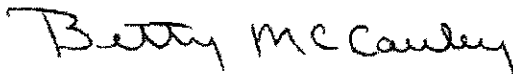
THE OHIO POWER SITING BOARD



By: Scott Farkas  
Administrative Law Judge

gef /sc

Entered in the Journal  
JUN 22 2011



Betty McCauley  
Secretary