

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of 6011)
Greenwich Windpark, LLC for a)
Certificate to Construct a Wind-Powered) Case No. 13-990-EL-BGN
Electric Generation Facility in Huron)
County, Ohio.)

ENTRY

The administrative law judge finds:

- (1) On December 23, 2013, December 24, 2013, and December 27, 2013, 6011 Greenwich Windpark, LLC (Greenwich or Applicant) filed an application with the Ohio Power Siting Board (Board) pursuant to the requirements of Ohio Adm.Code Chapter 4906-17. The proposed project will consist of up to 25 wind turbine generators, access roads, underground electrical interconnection, an interconnection substation, a laydown yard for construction staging, an operations and maintenance facility and two meteorological towers (Greenwich project). Each turbine will have a nameplate capacity of 2.4 megawatts (MW), for a total generating capacity of 60 MW. The wind facility is expected to operate at an average annual capacity factor of 40 percent, collectively generating approximately 210,000 MW of electricity per year. The Greenwich project will be located on approximately 4,650 acres of leased land in Greenwich Township, Huron County.
- (2) On April 19, 2013, Greenwich filed with the Board a motion for waivers of four specific provisions of Ohio Adm.Code Chapter 4906-17. By Entry issued June 17, 2013, the request for waivers was granted.
- (3) On January 9, 2014, the Ohio Farm Bureau Federation (Farm Federation) filed a motion to intervene. In its request for intervention, the Farm Federation states that it is a state-wide, nonprofit organization with over 1,300 families in Huron County. Its members include residents, farms, and small businesses in Huron County. Further, the Farm Federation states that many of its members are in farm and agribusiness activities, with some in large industries and some in small

business enterprises. The Farm Federation states that its members have an interest in effective wind energy development, wind leasing agreements, and assurances that project construction activities adhere to applicable soil and water conservation and air quality standards, as well as other environmental considerations. Further, Farm Federation states that it has extensive experience gathering input, addressing the needs of and representing farm, small business, and rural residents concerning energy development, which is a perspective that cannot be provided by another existing party. Finally, Farm Federation states that its participation in this case will not cause undue delay, will not unjustly prejudice any existing party and will contribute to a just and quick resolution of the issues and concerns raised in this case.

- (4) The administrative law judge (ALJ) finds that, pursuant to Ohio Adm.Code 4906-7-04, the Farm Federation has a substantial and direct interest in the proposed project and will contribute to the just and expeditious resolution of the issues in this matter. Accordingly, the Farm Federation's motion for intervention is reasonable and should be granted.
- (5) Pursuant to Ohio Adm.Code 4906-5-05, within 60 days after receipt of an application for a major utility facility, the Chairman of the Board shall notify an applicant of the acceptance or rejection of the application as complete.
- (6) By letter filed on February 19, 2014, the Board notified the Applicant that its application was sufficiently complete to permit Staff to commence its review and investigation of the application. Further, the letter directed the Applicant to serve appropriate government officials and public agencies with copies of the application.
- (7) On February 21, 2014, Greenwich filed a certificate of service of its accepted and complete application, in accordance with the requirements of Ohio Adm.Code 4906-5-07. Greenwich submitted the application fee to the Board, pursuant to Ohio Adm.Code 4906-5-11, on February 27, 2014. The effective date of the filing of the application shall be March 6, 2014.
- (8) R.C. 4906.07(A) provides that, upon receipt of an application complying with R.C. 4906.06, the Board must promptly fix a

date for a public hearing not less than 60 nor more than 90 days after such receipt, and shall conclude the proceeding as expeditiously as practicable.

- (9) Accordingly, the local public hearing in this case will be held on May 6, 2014, at 6:00 p.m., at South Central High School, 3305 Greenwich Angling Road, Greenwich, Ohio 44837. The adjudicatory hearing will commence on May 19, 2014, at 10:00 a.m., 11th floor, Hearing Room 11-C, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.
- (10) Additionally, the ALJ finds that petitions to intervene in this proceeding will be accepted by the Board up to 30 days following publication of the notice required by Ohio Adm.Code 4906-5-08(C)(1), or by April 18, 2014, whichever is later.
- (11) The Applicant should issue public notices of the application and hearings in accordance with Ohio Adm.Code 4906-5-08. As part of the information to be included in the notices, as required by Ohio Adm.Code 4906-5-08, the Applicant shall include a statement that the public hearing in this case shall consist of two parts:
 - (a) A local public hearing, pursuant to R.C. 4906.08(C), where the Board shall accept written or oral testimony from any person, on May 6, 2014, at 6:00 p.m., at South Central High School, 3305 Greenwich Angling Road, Greenwich, Ohio 44837.
 - (b) An adjudicatory hearing to commence on May 19, 2014, at 10:00 a.m., 11th floor, Hearing Room 11-C, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.
- (12) Further, regarding the initial public notice required under Ohio Adm.Code 4906-5-08(C)(1), Greenwich 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 Ohio Adm.Code 4906-5-08(C)(1), 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 but by no later than April 18, 2014. Petitions should be addressed to Docketing Division, the Ohio Power Siting Board, 180 East Broad Street, Columbus, Ohio 43215-3793 and cite the above-listed case number.

- (13) Ohio Adm.Code 4906-7-01 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 procedural schedule and process should be implemented:
- (a) Pursuant to Ohio Adm.Code 4906-5-05(D), Staff shall file its report of investigation (Staff Report) on or before April 21, 2014.
 - (b) On or before April 29, 2014, each party shall file a list of issue(s) citing specific concerns about which they may be interested in pursuing cross-examination of witnesses at the evidentiary hearing.
 - (c) All expert and factual testimony to be offered by Greenwich shall be filed by May 9, 2014.
 - (d) All expert and factual testimony to be offered by interveners and Staff shall be filed by May 13, 2014.
 - (e) The parties are strongly 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 an electronic copy to the ALJ assigned to this proceeding.

It is, therefore,

ORDERED, That the Farm Federation's motion to intervene be granted. It is, further,

ORDERED, That the hearings in this matter be scheduled at the times and places designated in Finding (9). It is, further,

ORDERED, That notices of the application and hearings be published by Greenwich in accordance with Findings (11) and (12). It is, further,

ORDERED, That Staff file its Staff Report pursuant to Finding (13). It is, further,

ORDERED, That the parties file their issues list and testimony in accordance with Finding (13). 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

s/ Greta See

By: Greta See
Administrative Law Judge

jrj/vrm

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in

Case No(s). 13-0990-EL-BGN

Summary: Administrative Law Judge Entry granting Ohio Farm Bureau Federation's motion to intervene, scheduling this matter for a local public hearing on May 6, 2014, at 6:00 p.m., at South Central High School, 3305 Greenwich Angling Road, Greenwich, Ohio and an adjudicatory hearing on May 19, 2014, at 10:00 a.m., at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio and establishing a procedural schedule; electronically filed by Vesta R Miller on behalf of Greta See, Administrative Law Judge, Ohio Power Siting Board