

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of Hardin)
Wind LLC for a Third Modification to its)
Certificate Issued in Case No. 13-1177-EL-) Case No. 16-1717-EL-BGA
BGN.)

ORDER ON CERTIFICATE

The Ohio Power Siting Board, in considering the above-entitled matter, having determined that a hearing is not necessary, and being otherwise fully advised, hereby grants the application filed by Hardin Wind LLC to use the 2.2 megawatt version of the Vestas V110 wind turbine model previously approved for the wind-powered electric generation facility in Hardin and Logan counties.

OPINION:

I. Procedural History

All proceedings before the Ohio Power Siting Board (Board) are conducted according to the provisions of R.C. Chapter 4906 and Ohio Adm.Code Chapter 4906.

On March 17, 2014, the Board granted applications filed by Hardin Wind LLC (Hardin Wind) for certificates to construct a wind-powered generation facility, a substation, and a transmission line in Hardin and Logan counties, Ohio (Scioto Ridge Wind Farm). *In re Hardin Wind LLC*, Case Nos. 13-1177-EL-BGN, et al., (*Hardin I Case*), Opinion, Order and Certificates (Mar. 17, 2014). The Board granted Hardin Wind's applications pursuant to a joint stipulation filed by Hardin Wind, the Ohio Farm Bureau Federation (OFBF), and Staff, subject to 28 conditions.

On September 11 and 12, 2014, as revised on December 12, 2014, in Case No. 14-1557-EL-BGA (*Certificate Modification Case I*), Hardin Wind filed an application pertaining to the certificates issued in the *Hardin I Case*. In its application in the *Certificate Modification Case I*, Hardin Wind proposed to change the location of one meteorological tower, five access roads, six collection lines, and the collector substation; add two new access roads and six new collection lines; and add two new turbine models to the list of possible models to be used. Thereafter, in the *Certificate Modification Case I*, the administrative law judge (ALJ) found that the relocation and addition of certain facilities resulted in a substantial change in location of all or a portion of the certified facilities, requiring a hearing pursuant to R.C. 4906.07, which was held on September 29, 2015. On November 12, 2015, the Board granted Hardin Wind's application, subject to the conditions set forth in the *Hardin I Case* Order and other revisions agreed to by Hardin Wind at the September 29, 2015 hearing.

Certificate Modification Case I, Case No. 14-1557-EL-BGA, Order on Certificate (Nov. 12, 2015).

On April 8, 2016, Hardin Wind filed an application in Case No. 16-725-EL-BGA (*Certificate Modification Case II*) proposing a capacity increase from 2.0 megawatt (MW) to 2.5 MW for a previously certificated turbine model in the *Hardin I Case*. As in the *Certificate Modification Case I*, on May 19, 2016, the Board issued an Order on Certificate approving the application, subject to the conditions set forth in the *Hardin I Case*, the *Certificate Modification Case I*, and additional conditions set forth in the Order on Certificate.

Thereafter, on August 16, 2016, Hardin Wind filed an application in the above-captioned case proposing an additional change to the certificate approved in the *Hardin I Case* and modified in *Certificate Modification Cases I and II*. In its application, the sole modification Hardin Wind seeks is to use the 2.2 megawatt (MW) version of the Vestas V110 wind turbine previously approved in the *Hardin I Case*. Contemporaneously, in the above-captioned case, Hardin Wind filed a motion for a waiver from Ohio Adm.Code 4906-3-11(B)(2)(a)(iii), which requires an applicant to serve a copy of the application upon any property owners along the new route. No party filed memoranda contra Hardin Wind's motion for a waiver, and the ALJ granted the waiver on September 9, 2016.

On August 17, 2016, Hardin Wind filed proof of service of the application. Further, on September 2, 2016, Hardin Wind filed proofs of publication of the notice of the application that was published in the *Bellefontaine Examiner* and *The Kenton Times*, newspapers of general circulation in Logan and Hardin counties, respectively. Thereafter, on October 7, 2016, Staff filed a report evaluating the application.

II. Motion to Intervene

On September 16, 2016, the OFBF filed a motion to intervene in this proceeding. In its memorandum in support, OFBF asserts that it has a real and substantial interest in this matter. More specifically, OFBF asserts that it is a non-profit organization representing agricultural and rural community interests, and includes as members over 800 families in the Hardin County Farm Bureau and over 850 families in the Logan County Farm Bureau. OFBF asserts that its members have an interest in effective wind energy development in order to enhance their income and ensure construction activities adhere to proper procedures and address environmental considerations. No party filed memoranda contra OFBF's motion to intervene. In accordance with Ohio Adm.Code 4906-2-12, the Board finds the motion to intervene filed by OFBF is reasonable and should be granted. Additionally, on October 14, 2016, OFBF filed correspondence stating that it reviewed Staff's report and supports approval of the application as set forth in Staff's recommended findings.

III. Summary of Ohio Revised Code and Ohio Administrative Code

Hardin Wind is a corporation and a person under R.C. 4906.01(A) and is certificated to construct, operate, and maintain a major utility facility, in the form of a wind-powered electric generation facility, under R.C. 4906.10 in accordance with the Board's Order in the *Hardin I Case*.

Pursuant to R.C. 4906.10, the Board's authority applies to major utility facilities and provides that such facilities must be certified by the Board prior to the commencement of construction. In accordance with R.C. Chapter 4906, the Board promulgated rules, which are set forth in Ohio Adm.Code Chapter 4906, prescribing regulations regarding applications for wind-powered electric generation facilities.

IV. Description of Application and Staff's Investigation

A. Summary of Hardin Wind's Application

In its application, Hardin Wind proposes a capacity increase to the already-approved Vestas V110 turbine model. Hardin Wind explains that the manufacturer has made technological improvements to the turbine model, allowing the capacity increase from 2.0 MW to 2.2 MW. Hardin Wind further states that the turbine model's dimensions, including rotor diameter and hub height, remain the same. Hardin Wind specifies that both the approved 2.0 MW model and the proposed 2.2 MW model have a 95 meter hub height and a rotor diameter of 110 meters. Hardin Wind further explains that the proposed 2.2 MW model has the same operational maximum sound power output as the approved 2.0 MW model. Thus, the only change to the project is the use of the V110 turbine model at a 2.2 MW capacity rather than a 2.0 MW capacity. Hardin Wind further notes that no other aspects of the approved project are being modified. (Application for a Third Certificate Modification at 3-4.)

B. Summary of the Staff Report

Staff reviewed the pending application and filed a Staff Report on October 7, 2016. The Staff Report reviews Hardin Wind's proposed modification to the certificate issued in the *Hardin I Case*, as modified by the *Certificate Modification Cases I and II*. Specifically, Staff notes that Hardin Wind will adhere to Condition 4 contained in the certificate issued in the *Hardin I Case*, and will submit the safety manual for the turbine model selected for the project to Staff prior to construction. Staff further states that Conditions 1, 4, and 17 of the certificate issued in the *Hardin I Case* adequately address safety considerations. Staff also finds that, with no change to turbine dimensions and blade velocities, the potential for impacts such as shadow flicker, blade shear and ice throw will remain unchanged, and, further, that noise impacts will not change, as the turbine models have essentially the same operations sound output levels. Staff also notes that there is no proposal to revise any

turbine locations in the pending application. Staff concludes that, considering the proposed change in capacity, the original conditions for the certificate in the *Hardin I Case* are adequate. (Staff Report at 1-3.)

In conclusion, Staff recommends that the Board approve the increase in capacity from 2.0 MW to 2.2 MW for the previously certificated Vestas V110 turbine model, provided the Board conditions approval on Hardin Wind adhering to all conditions set forth in the *Hardin I Case* Order (Staff Report at 3).

V. Conclusion

Initially, the Board notes that, in the *Hardin I Case* Order, after thoroughly considering all of the evidence of record, we determined that the stipulation entered into between the stipulating parties satisfied the criteria set forth in R.C. Chapter 4906, promoted the public interest and necessity, and did not violate any important regulatory principle or practice. Therefore, the Board approved the stipulation in the *Hardin I Case*, authorizing Hardin Wind to construct the Scioto Ridge Wind Farm in Hardin and Logan counties, Ohio.

Further, the Board notes that, in the *Certificate Modification Case I* Order, the Board approved an application to modify Hardin Wind's certificate granted in the *Hardin I Case*, to include two new turbine models, a change in location of a meteorological tower, five access roads, six collection lines, and the collector substation, and the addition of two new access roads and six new collection lines, subject to the conditions set forth in the *Hardin I Case* Order as well as the revisions agreed to by Hardin Wind at the *Certificate Modification Case I* hearing. Thereafter, in the *Certificate Modification Case II* Order, the Board approved an application to permit an increase capacity from 2.0 MW to 2.5 MW for the previously certificated Gamesa G114 turbine model.

The application in the above-captioned proceeding would permit the increase in capacity from 2.0 MW to 2.2 MW for the previously certificated Vestas V110 turbine model. The Board finds that Hardin Wind properly filed this case for our review and consideration, thereby providing for the necessary notice and due process afforded to applications regarding certificates issued by the Board.

The Board finds that, as set forth in the application before us, and verified in the Staff Report, there is no material increase in any environmental impact of the facility and no change in any portion of the facility's location, including the location of the individual turbines, from what was originally certificated in the *Hardin I Case*, as modified by the *Certificate Modification Cases I and II* (Application for a Third Certificate Modification at 3-4; Staff Report at 1-3). Therefore, a hearing was not necessary to consider those factors. Moreover, the increase in capacity of the Vestas V110 turbine model does not affect our conclusion from the *Hardin I Case* that the project satisfies the criteria set forth in R.C.

Chapter 4906, promotes the public interest, and does not violate any important regulatory principle or practice.

As set forth in the application and verified in the Staff Report, the application merely seeks to permit the increase in capacity from 2.0 MW to 2.2 MW for the previously certificated Vestas V110 turbine model in order to take advantage of a technological improvement. Further, as set forth in the application and verified in the Staff report, the proposed turbine's dimensions and maximum sound power output remain the same as the certificated model. (Application for a Third Certificate Modification at 3-4; Staff Report at 1-3.) Additionally, according to the Staff Report, both models include the same safety features to address potential issues in the event of high wind speeds, there will be no change to potential for impacts such as shadow flicker, blade shear, and ice throw, and no change to noise impacts. Further, the Staff Report finds that Hardin Wind's adherence to the conditions set forth in the *Hardin I Case* Order will adequately address safety considerations. Further, no other aspects of the approved project are sought to be modified by the application. (Staff Report at 1-3.)

Upon our deliberation of the specific request proposed by Hardin Wind in this application, as well as the recommendations set forth in the Staff Report, the Board finds that, based on the facts of this case, the application should be approved, subject to the conditions set forth in the *Hardin I Case* Order, and that the conditions set forth in the *Hardin I Case* Order will adequately address the increase in capacity from 2.0 MW to 2.2 MW for the previously certificated Vestas V110 turbine model. In making the determination in this matter, the Board notes that the current application merely seeks a capacity increase from 2.0 MW to 2.2 MW for the previously approved Vestas V110 turbine model. Moreover, the Board highlights that a similar application approving a capacity increase was adopted in the *Certificate Modification Case II* (Case No. 16-725-EL-BGA) on May 19, 2016. As was the case in the earlier *Certificate Modification Case II*, the only intervenor in the case, the OFBF, filed a statement in support of the capacity increase application. Accordingly, based upon the circumstances presented by this case, the Board approves the application of Hardin Wind seeking approval of the increase in capacity to use the Vestas V110 2.2 MW version of the turbine model for the Scioto Ridge Wind Farm project.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

- (1) Hardin Wind is a corporation and a person under R.C. 4906.01(A).
- (2) Hardin Wind's electric generation facility is a major utility facility under R.C. 4906.01(B)(1).
- (3) On April 8, 2016, Hardin Wind filed an application in this proceeding regarding the certificate issued in the *Hardin I Case*,

as modified in the *Certificate Modification Case I* and the *Certificate Modification Case II*.

- (4) As revised, the proposed application would permit the increase in capacity from 2.0 MW to 2.2 MW for the previously certificated Vestas V110 turbine model.
- (5) On August 16, 2016, Hardin Wind filed proof of service of the application in this case. Public notice of the proposed application was published in newspapers of general circulation in Logan and Hardin counties, Ohio, and proof of publication was filed with the Board on September 2, 2016.
- (6) On September 16, 2016, OFBF filed a motion to intervene.
- (7) On October 7, 2016, Staff filed its report of investigation of the application.
- (8) The proposed changes to the certificated facility do not result in a substantial change in the location of the facility or any material increase in any social or environmental impact. Therefore, an evidentiary hearing is not necessary.
- (9) Based on the record, and in accordance with R.C. Chapter 4906, the application regarding the certificate of environmental compatibility and public need for Hardin Wind's electric generation facility issued in the *Hardin I Case*, as modified in the *Certificate Modification Case I* and the *Certificate Modification Case II*, filed by Hardin Wind on August 16, 2016, should be approved, subject to the conditions set forth in the Order in the *Hardin I Case*.

ORDER:

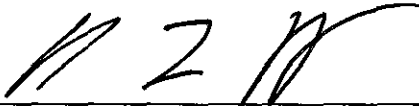
It is, therefore,

ORDERED, That the motion to intervene filed by OFBF be granted. It is, further,

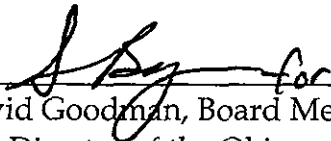
ORDERED, That Hardin Wind's application filed on August 16, 2016, be approved subject to the conditions set forth in the Order in the *Hardin I Case*. It is, further,

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

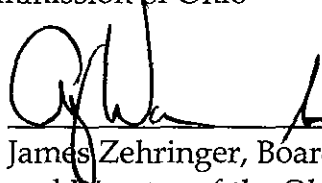
THE OHIO POWER SITING BOARD



Asim Z. Haque, Chairman
Public Utilities Commission of Ohio



David Goodman, Board Member
and Director of the Ohio
Development Services Agency



James Zehringer, Board Member
and Director of the Ohio
Department of Natural Resources



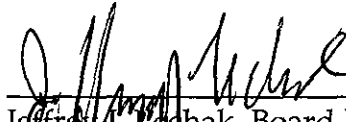
Richard Hodges, Board Member
and Director of the Ohio
Department of Health



Craig Butler, Board Member
and Director of the Ohio
Environmental Protection Agency



David Daniels, Board Member
and Director of the Ohio
Department of Agriculture

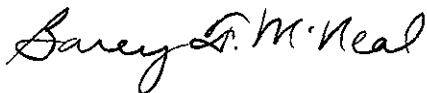


Jeffrey J. Lechak, Board Member
and Public Member

NW/vrm

Entered in the Journal

OCT 25 2016



Barcy F. McNeal
Secretary