

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of)
Trishe Wind Ohio, LLC for a)
Modification of its Certificate to Install) Case No. 16-1687-EL-BGA
and Operate a Wind-Powered Electric)
Generation Facility in Paulding)
County, Ohio.)

ORDER ON CERTIFICATE

The Ohio Power Siting Board, in considering the above-entitled matter grants the application filed by Trishe Wind Ohio, LLC seeking to (1) add three new turbine models to the list of turbine models that are suitable for the wind-powered electric generation facility located in Paulding County, Ohio, (2) consider two different tower designs for some of the new turbine models, and (3) increase the output for a previously approved turbine model.

OPINION:

I. Procedural History of this Case

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 December 16, 2013, the Board granted the application of Northwest Ohio Wind Energy, LLC (Northwest Ohio) for a certificate to construct a wind-powered electric generation facility located in Paulding County, Ohio. *In re Northwest Ohio Wind Energy LLC*, Case No. 13-197-EL-BGN (*Northwest Ohio Certification Case*), Opinion, Order, and Certificate (Dec. 16, 2013). The Board granted Northwest Ohio's application pursuant to a stipulation filed by Northwest Ohio, the Ohio Farm Bureau Federation (Farm Federation), and the Board Staff (Staff), subject to 40 conditions set forth in the stipulation. Northwest Ohio was approved to construct a major utility facility in the form of a wind-powered electric generation facility with up to 60 wind turbines with a combined generation capacity of up to 100 megawatts (MW). The project area is located in Paulding County and encompasses Blue Creek and Latty townships and the village of Haviland. The project area is approximately 21,000 acres and includes approximately 12,750 acres of leased land. Land use within the project area is almost exclusively agricultural. *Northwest Ohio Certification Case*, Opinion, Order, and Certificate (Dec. 16, 2013) at 3.

On November 24, 2014, in the *Northwest Ohio Certification Case* the Board approved Trishe Wind Ohio, LLC's (Trishe or Applicant) application to transfer the certificate from Northwest Ohio to Trishe.

On February 2, 2016, in Case No. 16-343-EL-BGA (16-343), the Applicant filed an application to modify the original certificate. On August 5, 2016, the Applicant filed a notice of withdrawal of the application. On September 22, 2016, the Board issued an Entry to dismiss the case. *In re Trishe Wind Ohio, LLC*, Case No. 16-343-EL-BGA, Entry (Sept. 22, 2016).

On August 5, 2016, the Applicant filed this application regarding the certificate issued in the *Northwest Ohio Certification Case*. As explained further below in the summary of the application, Trishe is requesting to add three turbine models for potential operation of this project and is considering two different tower designs for two of the turbine models. The Applicant also proposes to increase the output for a previously approved turbine model. (Application at 5-8; 17; Staff Report at 1-2.)

On August 15, 2016, Trishe filed proof of service of the application in this case. Notice of Trishe's application was published on August 10, 2016, in the *Paulding County Progress*, a newspaper of general circulation in Paulding County. Trishe filed proof of publication with the Board on August 16, 2016. On January 31, 2017, Staff filed a staff report of investigation evaluating the application (Staff Report).

II. Motion to Intervene

On September 9, 2016, the Farm Federation filed a motion to intervene, in accordance with Ohio Adm.Code 4906-2-12(B). The organization has 190,000 member families statewide, including 490 families in the Paulding County Farm Bureau. According to Farm Federation, its members are involved in farm and agribusiness activities and have an interest in effective wind energy development. In particular, farmers engaged in wind leasing agreements want to make sure that construction activities on their property adhere to procedures to ensure soil and water conservation as well as air quality.

The Farm Federation avers that it has extensive experience gathering input, addressing the needs of and representing farm, small business, and rural residents concerning energy development and that this perspective cannot be provided by an existing party. Farm Federation notes that it was previously granted intervention in the *Northwest Ohio Certification Case* and had requested intervention in 16-343. The Farm Federation also submits that its participation in this proceeding will not cause undue delay and will not unjustly prejudice any existing party. Further, Farm Federation states that it will contribute to the just and quick resolution of the issues and concerns raised in this case. Based on its members experience with energy development issues

and support for collaboration, the Farm Federation submits that good cause exists to grant leave to intervene in this proceeding.

In accordance with Ohio Adm.Code 4906-2-12, the Board finds that the motion to intervene filed by Farm Federation is reasonable to the extent it addresses the Applicant's request to add new turbine models to the list of suitable turbine models for the project and the related request regarding tower designs, as well as the requested increased output of one of the proposed turbine models. Therefore, the Board finds that the motion to intervene should be granted to the extent of these specific issues.

III. Summary of Ohio Revised Code and Ohio Administrative Code

Trishe is an Ohio limited liability company 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 *Northwest Certification 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. The Board promulgated rules as set forth in Ohio Adm.Code Chapter 4906 prescribing regulations regarding applications for wind-powered electric generation facilities.

IV. Summary of Application and Staff's Investigation

In its August 5, 2016 application, the Applicant proposes to add the General Electric (GE) 2.3-116 (2.3 MW), the Vestas V110 (2.1 MW), and the Vestas V126 (3.45 MW) turbine models. The Applicant is also considering two different tower designs for both the GE 2.3-116 turbine model and the Vestas V110 turbine model. The different tower designs would result in the GE 2.3-116 turbine model with a hub height of either 80 or 94 meters and the Vestas V110 turbine model with a hub height of either 80 or 95 meters. Additionally, the Applicant proposes to increase the originally approved Gamesa G114 (2.0 MW) turbine model from 2.0 MW to 2.1 MW because of a software upgrade. The dimensions of the Gamesa G114 turbine model would not change. The output of the proposed turbine models would be an increase over the output of the previously certificated Vestas 100 (1.8 MW), GE 1.7-100 (1.7 MW), and the Gamesa G114 (2.0 MW) turbine models. The 100 MW nameplate capacity for the project would not change. Because of the increased output for each individual turbine, the Applicant would only construct between 29 and 50 turbines within the 60 approved sites, depending on the turbine model chosen. The turbine locations and location of the project's associated facilities - access roads, collector lines, substations, transmission tie-in, concrete batch plant, and the operation and maintenance facility- would remain the same. (Staff Report at 1-2.)

Staff reviewed the pending application and filed a Staff Report on January 31, 2017. In its report, Staff determines that the proposed addition of the turbine models to the list of authorized turbine models and the upgrade in capacity of one previously approved turbine model would not require a change in location of any turbine sites or non-turbine associated facilities (Staff Report at 7). Staff concludes that, with addition of the proposed turbine models, the original conditions for the certificate as modified are adequate (Staff Report at 7).

Accordingly, Staff recommends that the Board approve the application related to the three proposed wind turbine models and the upgrade in capacity of one previously approved turbine model, provided that the certificate continues to include the 40 conditions specified in the original certificate issued in the *Northwest Ohio Certification Case*, including the Applicant's compliance with the applicable statutory setback requirements (Staff Report at 7).

V. Conclusion

Initially, the Board notes that, in our Order in the *Northwest Ohio Certification Case*, we determined that the stipulation entered into between the stipulating parties satisfies the criteria set forth in R.C. Chapter 4906, promotes the public interest and necessity, and does not violate any important regulatory principle or practice. Therefore, the Board approved the stipulation in that case.

As stated previously, the stipulation in the *Northwest Ohio Certification Case* established 40 conditions. Consistent with the *Northwest Ohio Certification Case*, the acceptable turbine types for the project would be the Vestas V100 (1.8 MW), GE 1.7-100 (1.7 MW), and the Gamesa G114 (2.0 MW). The application in the above-captioned case would add the GE 2.3-116 (2.3 MW) (80 m and 94 m), the Vestas V110 (2.1 MW) (80 m and 95 m), and the Vestas V126 (3.45 MW) turbines to the list of acceptable models to be used for the project. The Board finds that the Applicant 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's review of this application is concentrated solely on the Applicant's request to add new turbine models to the list of possible models to be used in this project and what effect, if any, such request might have on our previous consideration of the statutory requirements set forth in R.C. Chapter 4906 and, in particular, R.C. 4906.10, as well as the conditions established in the *Northwest Ohio Certification Case*.

The Board finds that, as attested to 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 approved by the Board in the *Northwest*

Ohio Wind Certification. Therefore, the Board finds that a hearing is not necessary under the circumstances presented in this case. Moreover, the addition of the new turbine models does not affect our conclusions from the *Northwest Ohio Certification 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 as verified in the Staff Report, this application merely permits Trishe to add three turbine models for potential operation in this project and the upgrade in capacity of one previously approved turbine model in order to take advantage of the latest technological advancements. As indicated in the Staff Report, none of the requirements established in the certificate will be changed or violated as a result of the proposals set forth in this application. Therefore, after review of the conditions delineated in the *Northwest Ohio Certification Case*, we agree with the determinations in the Staff Report and conclude that the conditions of the original certificate are adequate to ensure that adverse environmental impacts resulting from the proposal will be minimized. Moreover, we find that the additional condition proposed by Staff in this case is reasonable and should also be approved. Therefore, Trishe's certificate shall include the following condition recommended by Staff:

- (1) The Applicant shall continue to adhere to all conditions of the Opinion, Order, and Certificate for the Northwest Wind Farm Project in case number 13-197-EL-BGN, and as modified by the application, with the GE 2.3-116 (including 80 and 94 meter hub heights), Vestas V110 (including 80 and 95 meter hub heights), Vestas V126, and upgraded Gamesa G114 turbine models to be added as acceptable turbine models.

As stated previously, the modifications proposed by Trishe's application required the Board's review and consideration. Upon review of the specific request proposed by Trishe in this application, as well as the recommendations set forth in the Staff Report, the Board concludes that the conditions required by our Order in the *Northwest Ohio Certification Case* continue to apply to the turbines for this project. Accordingly, the Board finds that, pursuant to R.C. Chapter 4906, based on the record in this proceeding, Trishe's application should be approved, subject to the conditions set forth in the Orders in the *Northwest Ohio Certification Case* and the condition set forth in this Order.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

- (1) Trishe is a person under R.C. 4906.01(A).
- (2) Trishe's electric generation facility is a major utility facility under R.C. 4906.01(B)(1).

- (3) On August 5, 2016, Trishe filed an application in this proceeding regarding the certificate issued in the *Northwest Ohio Certification Case*.
- (4) The proposed application would add the Gamesa G114 (2.1 MW), the GE 2.3-116 (2.3 MW) (80 m and 94 m), the Vestas V110 (2.1 MW) (80 m and 95 m), and the Vestas V126 (3.45 MW) turbines as turbine models suitable for the project.
- (5) On August 15, 2016, Trishe filed proof of service of the application in this case. Public notice of the proposed application was published in Paulding County, Ohio on August 10, 2016, and filed with the Board on August 16, 2016.
- (6) On September 9, 2016, Farm Federation filed a motion to intervene.
- (7) On January 31, 2017, Staff filed a report evaluating 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 Trishe's electric generation facility, issued in the *Northwest Ohio Certification Case*, should be approved, subject to the conditions set forth in the *Northwest Ohio Certification Case*, and the additional condition recommended by Staff in this proceeding.

ORDER:

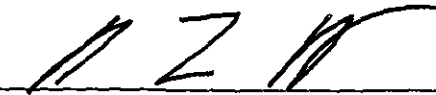
It is, therefore,

ORDERED, That Trishe's application be approved subject to the conditions set forth in the Orders in the *Northwest Ohio Certification Case* and this proceeding. It is, further,

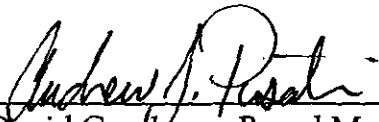
ORDERED, That the motion to intervene filed by Farm Federation be granted, to the extent set forth herein. It is, further,

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

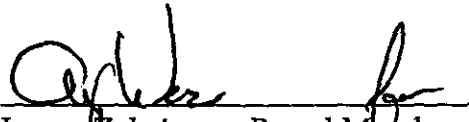
THE OHIO POWER SITING BOARD



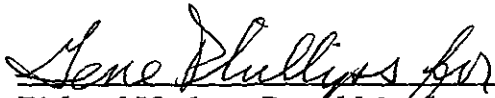
Asim Z. Haque, Chairman
Public Utilities Commission of Ohio



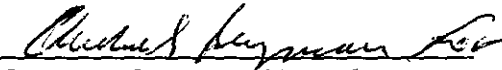
David Goodman, Board Member
and Director of the Ohio
Development Services Agency



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

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Entered in the Journal

MAR 02 2017



Barcy F. McNeal
Secretary