

OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF
PAULDING WIND FARM IV LLC FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED TO
CONSTRUCT A TRANSMISSION LINE IN
PAULDING COUNTY, OHIO.

CASE NO. 18-1293-EL-BTX

ENTRY

Entered in the Journal on January 7, 2019

{¶ 1} Paulding Wind Farm IV LLC (Paulding or Applicant) is a person as defined in R.C. 4906.01.

{¶ 2} R.C. 4906.04 provides that no person shall construct a major utility facility without first having obtained a certificate from the Ohio Power Siting Board (Board). In seeking a certificate, applicants must comply with the filing requirements outlined in R.C. 4906.04, as well as Ohio Adm.Code Chapters 4906-2 and 4906-5.

{¶ 3} On August 20, 2018, Paulding filed a pre-application notification letter with the Board regarding its proposed 138-kilovolt transmission line to be located in Benton Township, Paulding County, Ohio (hereafter, the Project). The purpose of the transmission line is to support the Timber Road IV Wind Farm, which is currently pending before the Board in Case No. 18-91-EL-BGN. The proposed transmission line will run from the Timber Road IV Wind Farm substation to the existing Timber Road III generation lead line. The transmission line will be approximately 2.89 miles long.

{¶ 4} Thereafter, on October 17, 2018, Paulding filed an application (Application) with the Board for a Certificate of Environmental Compatibility and Public Need to construct the Project.

{¶ 5} Pursuant to Ohio Adm.Code 4906-3-06, within 60 days of receipt of an application for a major utility facility, the Chairman of the Board must either accept the application as complete and compliant with the content requirements of R.C. 4906.06 and

Ohio Adm.Code Chapters 4906-1 through 4906-7 or reject the application as incomplete. By letter dated December 17, 2018, the Board notified Paulding that its application was compliant and provided sufficient information to permit Staff to commence its review and investigation. Pursuant to Ohio Adm.Code 4906-3-06 and 4906-3-07, the Board's December 17, 2018 letter directed Paulding to serve appropriate government officials and public agencies with copies of the complete, certified application and to file proof of service with the Board. The letter further instructed Paulding to submit its application fee pursuant to R.C. 4906.06(F) and Ohio Adm.Code 4906-3-12.

{¶ 6} On December 17, 2018, Paulding filed a certificate of service of its accepted and complete application as required by Ohio Adm.Code 4906-3-07. And, in compliance with Ohio Adm.Code 4906-3-07(C), on December 17, 2018, Paulding filed proof that it submitted its application fee to the Treasurer of the State of Ohio.

{¶ 7} Ohio Adm.Code 4906-3-08(A) states that, once the applicant has complied with Ohio Adm.Code 4906-3-07, the Board or the administrative law judge (ALJ) shall file an entry indicating the date on which the accepted, complete application is deemed filed. Additionally, once the effective date is established, the ALJ must promptly fix the dates for public hearings. Under R.C. 4906.07(A), the public hearing must be held not less than 60 nor more than 90 days after the effective date.

{¶ 8} Therefore, the effective date of the Application shall be December 17, 2018. The ALJ finds that a local public hearing in this matter shall be held on March 5, 2019, at 6:00 p.m., at the Ohio State University Extension Building, 503 Fairground Drive, Paulding, Ohio 45879. The evidentiary hearing shall commence on March 19, 2019, at 10:00 a.m., in Hearing Room 11-D at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.

{¶ 9} Petitions to intervene in this proceeding will be accepted by the Board up to 30 days following the service of the notice required by Ohio Adm.Code 4906-3-09 or by January 31, 2019, whichever date is later.

{¶ 10} In accordance with Ohio Adm.Code 4906-3-09, Paulding should issue public notices of the application and hearings. Pursuant to the same rule, in addition to other required information, that notice 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 March 5, 2019, at 6:00 p.m., at the Ohio State University Extension Building, 503 Fairground Drive, Paulding, Ohio 45879.
- (b) An evidentiary hearing commencing on March 19, 2019, at 10:00 a.m., in Hearing Room 11-D at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.

{¶ 11} Further, under Ohio Adm.Code 4906-3-09, the initial notice shall include the following language:

Petitions to intervene in the adjudicatory hearing will be accepted by the Board up to 30 days following service of the notice required by Ohio Adm.Code 4906-3-09 or by January 31, 2019, whichever date is later. 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 Docketing Division, the Ohio Power Siting Board, 180 East Broad Street, Columbus, Ohio 43215-3793 and cite the above-listed case number.

{¶ 12} Ohio Adm.Code 4906-2-09 provides that the ALJ shall regulate the course of the hearing. In so doing, the ALJ may require expert or factual testimony to be offered at Board proceedings to be reduced to writing and filed with the Board. Accordingly, the ALJ establishes the following procedural schedule and process:

- (a) Pursuant to Ohio Adm.Code 4906-3-06(C), Staff shall file its report of investigation (Staff Report) on or before February 15, 2019.
- (b) On or before March 1, 2019, 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 Paulding shall be filed by March 8, 2019.
- (d) All expert and factual testimony to be offered by the intervenors and Staff shall be filed by March 14, 2019.
- (e) The parties are strongly encouraged to arrange for electronic service of testimony and other pleadings amongst themselves. If electronic service is agreed to, the parties are also directed to provide an electronic copy to the assigned ALJ.

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That the hearings in this matter be scheduled at the times and places designated in Paragraph 8. It is, further,

{¶ 15} ORDERED, That notices of the application and hearings be issued by Paulding in accordance with Paragraphs 10 and 11. It is, further,

{¶ 16} ORDERED, That Staff file its Staff Report pursuant to Paragraph 12. It is, further,

{¶ 17} ORDERED, That the parties file their issues lists and testimony in accordance with Paragraph 12. It is, further,

{¶ 18} ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE OHIO POWER SITING BOARD

/s/Lauren L. Augostini

By: Lauren L. Augostini
Administrative Law Judge

JRJ/hac

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in

Case No(s). 18-1293-EL-BTX

Summary: Administrative Law Judge Entry scheduling hearings and setting procedural schedule and process electronically filed by Heather A Chilcote on behalf of Lauren L. Augustini, Administrative Law Judge, Power Siting Board