

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of)	
Republic Wind, LLC for a Certificate to)	Case No. 17-2295-EL-BGN
Site Wind-Powered Electric Generation)	
in Seneca and Sandusky Counties, Ohio)	

**LOCAL RESIDENTS' REPLY IN SUPPORT OF MOTION FOR A CONTINUANCE OF
THE ADJUDICATORY HEARING DATE**

The Local Residents¹ submit this reply in support of their Motion for a Continuance of the Adjudicatory Hearing Date (“Motion”) to address the issues raised in applicant Republic Wind, LLC’s (the “Applicant”) memorandum contra, and to correct the record.

As described in the Motion, the Local Residents request the continuance because otherwise, their chosen lead counsel of record, John F. Stock, will not be able to participate in the adjudicatory hearing. Applicant misleadingly states it is not clear which Benesch attorney has the travel conflict, but the Motion clearly states that it is “counsel of record,” and identifies Mr. Stock as that “counsel of record” on the signature block. (Motion at 4.) Regardless, Applicant knew before filing its memorandum that Mr. Stock has the traveling conflict, because Mr. Haffke, co-counsel for the Local Residents, had specifically emailed this information to Applicant’s counsel before filing the Motion. Furthermore, Local Residents did not, as Applicant suggests, wait “two weeks” to request the continuance: the new procedural order was entered on Friday, February 15, and on Tuesday, February 26, counsel for the Local Residents informed Staff and the Applicant of

¹ Duane & Deb Hay, Gary & Dawn Hoepf, Greg & Laura Jess, Mike & Tiffany Kessler, Kevin & Jennifer Oney, Tom & Lori Scheele, David P. Hoover, Jeffery A. Hoover, Doug & Jennifer Meyers, Chris & Daniele Zeman, Joseph & Diane Anderson, Denise Bell, Aaron & Carrie Boes, Richard & Linda Bollenbacher, Rob & Mary Chappell, Thomas & Kathleen Fries, Leslie & Denise Hackenburg, Jeffrey & DeeAnne Hamilton, Allen & Mary Hassellbach, Ethan & Crystal Hoepf, Jason & Michelle Hoepf, Taylor Hoepf, Kenneth & Debra Hossler, Leonard & Beverly Kubitz, Gary & Michelle Miller, Steven & Kelley Miller, Kim Mitchell, Charles & Linda Morsher, Patricia Motry, Steven & Linda Mulligan, Linda Niederkohr, Nicholas & Michelle Reiter, Elaine Schultz, James & Victoria Seliga, Eugene & JoAnn Smith, James & Elaine Steinmetz, Herman & Patricia Studer, Christine Vogt, Mark Weber & Cindra Riley, Charles & Rhonda Weyer, and Ann Wright.

the travel conflict, and asked for their consent to the continuance. Indeed, Staff replied that it has no objections to the continuance, and in fact requested that we seek to start the adjudicatory hearing on Tuesday, June 25, 2019, instead Monday, June 24, which the Local Residents originally proposed.

Applicant's fundamental complaint is that a "delay in the adjudicatory hearing could negatively impact Republic's project schedule, which may have an adverse impact on the viability of the project." (Memorandum Contra at 1.) However, Applicant does not explain how a two week delay could possibly undermine the viability of the project, particularly considering that Applicant recently stayed these proceedings for a full four months. Instead, Applicant simply objects that a two week continuance could negatively impact its unilateral project schedule set forth in the amended application. But that project schedule itself anticipates that the certificate could be issued in the third quarter of 2019 and construction could commence in second quarter of 2020. It is not clear why a two week continuance renders this impossible. Applicant should not be permitted to ram through the regulatory process simply because of its naked assertion that the viability of this project somehow rises and falls on a two week continuance of the adjudicatory hearing.

Applicant now uses the Local Residents' scheduling conflict to request an earlier adjudicatory hearing date, but the ALJ has already rejected Applicant's request for an earlier date, in light of Staff's request for more time. And, as Applicant acknowledges, the Local Residents have already informed Applicant that a June 3, 2019 hearing date is unworkable. (See Memorandum Contra at 1.) An earlier date in May does not work for the Local Residents either. Counsel for the Local Residents are also representing certain local residents who are opposing the nearby Seneca Wind Farm advanced by Seneca Wind, LLC, whose application is currently before

the Board in OPSB Case No. 18-488-EL-BGN (the “Seneca Wind Case”). The adjudicatory hearing for the Seneca Wind Case is scheduled to commence before the OPSB on Thursday, May 16, 2019, and is expected to last more than a week. (See OPSB Case No. 18-0488-FL-BGN February 8, 2019.) It would be wholly inequitable to both the Local Residents in this case, and the local residents in the Seneca Wind Case, to require their counsel to prepare for and litigate both actions at the same time.

For the forgoing reasons, and for the reasons set forth in the Motion, the Local Residents respectfully request that the OPSB or its ALJ grant their request for a continuance.

Respectfully submitted,

/s/ John F. Stock

John F. Stock (0004921) (*counsel of record*)

Mark D. Tucker (0036855)

BENESCH, FRIEDLANDER, COPLAN &
ARONOFF LLP

41 S. High St., 26th Floor

Columbus, Ohio 43215

(614) 223-9300

FAX: (614) 223-9330

Robert E. Haffke (0082451)

BENESCH, FRIEDLANDER, COPLAN &
ARONOFF LLP

200 Public Square, Suite 2300

Cleveland, Ohio 44114-2378

Telephone: 216.363.4500

Facsimile: 216.363.4588

Email: rhaffke@beneschlaw.com

Attorneys for the Local Residents

CERTIFICATE OF SERVICE

The Ohio Power Siting Board's e-filing system will electronically serve notice of the filing of this document on the parties referenced in the service list of the docket card who have electronically subscribed to this case. In addition, the undersigned certifies that a copy of the foregoing document also is being served upon the persons below via electronic mail this 6th day of March, 2019.

/s/ John F. Stock
John F. Stock (004921)

Counsel:

sbloomfield@bricker.com
dparram@bricker.com
dborchers@bricker.com
cendsley@ofbf.org
amilam@ofbf.org
lcurtis@ofbf.org
jclark@senecapros.org
mleppla@theoec.org
tdougherty@theoec.org
ctavenor@theoec.org
jvankley@vankleywalker.com
cwalker@vankleywalker.com
william.wright@ohioattorneygeneral.gov
jodi.bair@ohioattorneygeneral.gov
mjsettineri@vorys.com
glpetrucci@vorys.com
mwtaylor@vorys.com

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Summary: Reply LOCAL RESIDENTS' REPLY IN SUPPORT OF MOTION FOR A CONTINUANCE OF THE ADJUDICATORY HEARING DATE electronically filed by John F Stock on behalf of Local Residents