

## **THE OHIO POWER SITING BOARD**

**IN THE MATTER OF THE APPLICATION OF  
HARDIN WIND LLC FOR A CERTIFICATE  
TO CONSTRUCT A WIND-POWERED  
ELECTRIC GENERATION FACILITY IN  
HARDIN AND LOGAN COUNTIES, OHIO.**

**CASE NO. 13-1177-EL-BGN**

### **ENTRY**

Entered in the Journal on April 4, 2019

#### **I. SUMMARY**

{¶ 1} The Ohio Power Siting Board dismisses this matter at the request of the applicant, Hardin Wind LLC.

#### **II. DISCUSSION**

{¶ 2} On March 17, 2014, the Ohio Power Siting Board (Board) issued its Opinion, Order, and Certificate granting the application of Hardin Wind LLC (Hardin or Applicant) for a certificate to construct a wind-powered electric generating facility (Facility) in Hardin and Logan counties, Ohio in Case No. 13-1177-EL-BGN. The Facility as originally certificated was authorized for 172 turbines and up to 82 miles of underground collection lines in support of the turbines. Through subsequent applications, the Facility is currently authorized for the construction of 105 turbines.

{¶ 3} On February 15, 2019, Applicant filed a modification to the Facility pursuant to Ohio Adm.Code 4906-4-09(A)(5)(c). The modification being proposed by the Applicant would reduce the number of collection lines and would reduce overall temporary disturbance during collection line installation from what was originally certificated in Case No. 13-1177-EL-BGN. In addition, to the extent practicable, underground collection routes were being shifted away from non-participating residential homes. In summary, Hardin maintained that, given the overall improvement in collection line design and significantly

reduced impacts, the design changes associated with this modification were minimal in nature and have been adequately addressed by the conditions of the certificate.

{¶ 4} Ohio Adm.Code 4906-4-09(A)(5) states that an applicant may seek review of a proposed modification by filing the proposed modification in the public docket of the certificate case and providing written notice of such filing to Board Staff and all landowners immediately adjacent to the site of the proposed modification(s). Board Staff or interested persons may file objections to the applicant's proposal within 21 days; however, if no objections are filed within the 21-day time frame, the applicant may proceed with the proposed modification(s). If objections are filed, Board Staff may subsequently docket its recommendation on the proposed modification(s). The Board will process proposed modification(s) under the suspension process set forth for accelerated applications pursuant to Ohio Adm.Code 4906-6-09.

{¶ 5} On March 6, 2019, a petition to intervene and objection to the notice of modification was filed by residents of Hardin and Logan counties, Ohio. Petitioners assert that they reside and/or own property within or near the footprint of the Facility. Petitioners' objections to the proposed modification(s) include that the relocation of collector lines constitutes a substantial change in the Facility and, therefore, constitutes an amendment of Hardin's certificate that now implicates the setback requirements of Amended Substitute House Bill 483 for wind turbines effective September 15, 2014.

{¶ 6} Pursuant to Ohio Adm.Code 4906-6-09, the administrative law judge determined in a March 8, 2019 Entry that the modification filed by Hardin on February 15, 2019, should be suspended to permit the Board to weigh in on the modification request, as well as the petition to intervene and objections filed by petitioners. The ALJ noted that the Board would act to approve, modify, or deny the modification request within 90 days after suspension.

{¶ 7} On March 8, 2019, Hardin filed a notice withdrawing the February 15, 2019 modification request.

{¶ 8} Petitioners Michael and Tina O'Brien filed a notice of withdrawal of their request to intervene on March 13, 2019.

{¶ 9} Hardin filed a memorandum contra the March 6, 2019 petition to intervene on March 20, 2019.

{¶ 10} Petitioners filed a memorandum in support of intervention on March 26, 2019.

{¶ 11} Hardin's request to withdraw the February 15, 2019 modification request is granted. The petition to intervene and objection filed by petitioners on March 6, 2019, is now moot and will not be further considered by the Board.

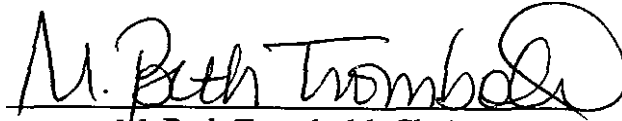
### III. ORDER

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That Hardin's request to withdraw the February 15, 2019 modification request be granted and the petition to intervene and objection is moot in accordance with Paragraph 10. It is, further,

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

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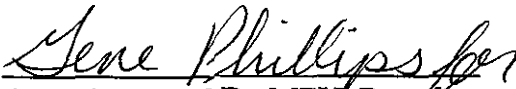
M. Beth Trombold, Chair  
Public Utilities Commission of Ohio



Lydia Mihalik, Board Member  
and Director of the Ohio  
Development Services Agency



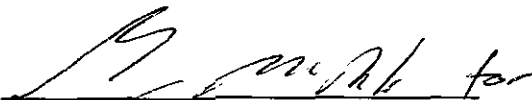
Mary Mertz, Board Member  
and Director of the Ohio  
Department of Natural Resources



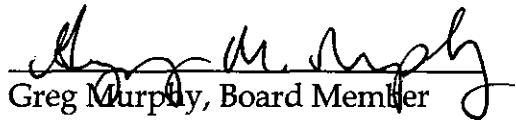
Amy Acton, M.D., MPH, Board  
Member and Director of the Ohio  
Department of Health



Laurie Stevenson, Board Member  
and Director of the Ohio  
Environmental Protection Agency



Dorothy Pelanda, Board Member  
and Director of the Ohio  
Department of Agriculture



Greg Murphy, Board Member  
and Public Member

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APR 04 2019



Tanowa Troupe  
Secretary