

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Seneca)	
Wind, LLC for a Certificate of Environmental)	
Compatibility and Public Need for a Wind-)	Case No. 18-488-EL-BGN
Powered Electric Generating Facility in)	
Seneca County, Ohio.)	

**MOTION TO SUSPEND THE STAFF REPORT FILING DEADLINE AND
REQUEST FOR EXPEDITED**

Pursuant to Ohio Administrative (“OAC”) Rule 4906-2-27(A) and (C), Seneca Wind, LLC (“Seneca Wind” or “Applicant”) hereby requests that the Ohio Power Siting Board (“OPSB” or “Board”), suspend the Staff Report filing deadline. Seneca Wind submits this motion to allow sufficient time for Seneca Wind to provide the Staff of the Ohio Power Siting Board (“Staff”) with information required for Staff to complete its Report of Investigation, currently due on July 3, 2019. Seneca Wind requests expedited treatment of this motion. Although one party (Steve Shuff) indicated that he is opposed to this motion, Seneca Wind request that this motion be granted without submittal of memoranda contra. In the alternative, if the OPSB is inclined to allow for potential memoranda contra, Seneca Wind requests a limited extension of July 3, 2019 Staff Report deadline to provide parties time to file memoranda contra.

Respectfully submitted,



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MEMORANDUM IN SUPPORT

On July 16, 2018, and as amended on July 20, 2018, and as modified thereafter, Seneca Wind filed an application with the Board for a certificate of environmental compatibility and public need to construct a wind-powered electric generating facility in Seneca County, Ohio. Under the current procedural schedule, the Staff Report is due on July 3, 2019. Pursuant to OAC Rule 4906-2-27, Seneca Wind requests that the Board suspend the Staff Report filing deadline.

Tolling of the current procedural schedule will provide Seneca Wind sufficient time to provide Staff the additional information that it needs to complete its investigation. This suspension of the Staff Report deadline will not negatively impact any parties to this proceeding. Once this information is provided to Staff's satisfaction, Seneca Wind will file a motion to re-open the procedural schedule.

Specifically, Seneca Wind is awaiting the final Determination of No Hazard ("DNH") from the U.S. Federal Aviation Administration ("FAA"). Seneca Wind expects to obtain this information needed to finalize Staff's investigation in the very near future. For example, the DNH circularization process, whereby various stakeholders have an opportunity to submit comments to the FAA, was recently completed. No comments were filed during the DNH

circularization process. This is the last major milestone prior the issuance of the DNH and indicates that Seneca Wind is on the eve of a determination from the FAA.

Seneca Wind does not know the exact date of when this information will become available. As such, Seneca Wind seeks to suspend the Staff Report deadline rather than establish another Staff Report deadline. Once the information is available and the Staff Report determines whether this information is sufficient, Seneca Wind will file a motion to re-open the procedural schedule.

This motion is not submitted for purposes of delay. Rather, Seneca Wind seeks suspension of the procedural schedule while it is waiting for the FAA determination.

Seneca Wind contacted the other parties in this proceeding regarding this motion. Steve Shuff indicated that he is opposed to the motion. Regardless, the OPSB should grant this motion to suspend the July 3, 2019 Staff Report deadline for the reasons mentioned above. Pursuant to O.A.C. 4906-2-27(C), if a party objects to the issuance of such an expedited ruling, a party may file a memorandum contra within seven days after the service of the motion. However, the OPSB can waive this rule and there is no automatic right to file a memorandum contra. Further, suspending the Staff Report deadline until a DNH is issued from the FAA does not prejudice Mr. Shuff. As such, the OPSB can and should grant this motion without waiting for submittal of memoranda contra.

In the alternative, if the OPSB is inclined to allow for memoranda contra, Seneca Wind requests a limited extension of the July 3, 2019 Staff Report deadline to provide parties time to file memoranda contra. Although Seneca Wind does not prefer this option, it would achieve two goals: (1) allow parties with alleged concerns regarding the motion to voice their opinions; and (2) avoid issuance of a Staff Report before the FAA process is complete.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion was served upon the following parties listed below by electronic mail, this 2nd day of July 2019.



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Summary: Motion of Seneca Wind, LLC to Suspend the Staff Report Filing Deadline and Request For Expedited electronically filed by Teresa Orahod on behalf of Devin D. Parram