

**BEFORE
THE OHIO POWER SITING BOARD**

IN THE MATTER OF THE OHIO POWER)	
SITING BOARD'S CONSIDERATION OF)	CASE NO. 19-778-GE-BRO
OHIO ADMINISTRATIVE CODE)	
CHAPTER 4906-4)	

**INITIAL COMMENTS SUBMITTED
BY LOCAL RESIDENT INTERVENORS**

I. INTRODUCTION

By Entry filed June 20, 2019 in this docket, the Ohio Power Siting Board (the "Board") invited public comments by all interested persons in response to the Board's consideration of:

(1) proposed rule revisions to make explicit that economically significant wind farms and major utility facilities consisting of wind-powered generation adhere to local building codes for non-generating plant facilities and (2) proposed rule revisions requiring wind turbine operators to timely report defined "incidents" to the Board and to suspend facility operations pending Staff investigation. Initial Comments are due by July 11, 2019 with Reply Comments due by July 26, 2019.

The "Local Resident Intervenor" as described below, submit these Initial Comments strongly supporting the Board's proposed rule revisions.

II. INTEREST OF THE "LOCAL RESIDENT INTERVENORS"

The "Local Resident Intervenor" are residents of Erie, Huron, Seneca, and Sandusky Counties in Ohio who have been granted intervention in the following wind-farm siting certification cases presently pending before the Board.

- In Re Republic Wind Farm - Case No. 17-2295-EL-BGN (Seneca and Sandusky Counties)
- In Re Seneca Wind Farm - Case No. 18-0488-EL-BGN (Seneca County)

- In Re Emerson Creek Wind Farm - Case No. 18-1607-EL-BGN (Erie and Huron Counties)

The Local Resident Intervenors are residents, property owners, taxpayers and electricity consumers who are, or will be, adversely impacted by the proposed wind-farms and who own property located in, abutting or in close proximity to the various project areas and proposed wind generation facilities. The Local Resident Intervenors were granted intervention in the above listed cases and are identified in the public record in those cases. Attached as Exhibits A-E are the Board's entries in the above cases granting intervention of the identified individuals.

The Local Resident Intervenors are interested persons for purposes of submitting comments in this docket in that the Local Resident Intervenors are parties to pending proceedings before the Board which are governed by the Board's rules and regulations and have an interest in the protection and preservation of the public health and safety which these proposed rule revisions are intended to promote.

III. THE PROPOSED RULE REVISIONS ARE IN THE PUBLIC INTEREST AND SHOULD BE ADOPTED BY THE BOARD.

A. Adherence to Local Building Codes

The proposed revisions to OAC 4906-4-09(A)(1) simply make it explicit that an applicant for a siting certificate for a proposed wind farm shall comply with state building code regulations for structures not involved in the generation or transmission of electricity. These structures would not be "major utility facilities" otherwise subject to the Board's jurisdiction and would be subject to state building code regulations.

The Local Resident Intervenors support these revisions which state the obvious and should not be controversial.

B. Notice And Reports Of Incidents Involving Wind Farm Facilities

Attached as Exhibit F is a map published by the Board which depicts pending, approved, under construction and operational wind farms in Ohio. There are currently 327 operational wind turbines in Ohio with a total capacity of 669.8 MW. Additionally, there are 681 wind turbines approved or pending with a total capacity of 1,721.5 MW. These facilities tend to be sited in rural, but inhabited, areas in the northwest, north-central and central part of the state which are conducive to prevailing wind conditions for generation. Proposed wind farms in the north-central part of the state are sited in Seneca, Erie, Huron and Sandusky Counties and are located in close proximity or adjacent to each other.

The Board has proposed rule revisions to require turbine operators to report defined wind farm "incidents" in light of recent weather -related incidents involving wind turbines in Ohio. (Entry, 6/20/19, ¶3). At least some of these incidents were addressed at the Workshop Proceedings in this case held on April 30, 2019. Instances of blade failures in 2012 and 2018 occurred at the Blue Creek Wind Farm in Van Wert County, the Hog Creek Wind Farm in Hardin County and the Timber Road Wind Farm in Paulding County. (Tr., p. 7). Significant debris from these failures were thrown as far as 1500 feet from the tower base in certain instances. (Tr., pp. 7-11). These blade failures were attributed to both manufacturing defect as well as weather related events. (Id.). The failures related to a variety of facilities and operations. (Id.).

The Board is justified in its concern with recent wind-farm incidents in Ohio and nationally and the potential adverse impact on public health and safety. The proposed rule revisions are a sound first step in reporting and documenting wind-farm incidents and in requiring Staff investigation before continued operation of facilities.

Proposed Rule 4906-4-10 is a new rule requiring notice and reports of incidents involving wind-farm facilities. Wind farm "incidents" properly include, but are not limited to, events such as tower collapse, turbine failure, thrown blade or hub, collector or feeder line failure, damaging ice throw, nacelle fire or injury to any person. (OAC 4906-4-10(A)(2)).

Pursuant to the proposed rule, wind farm operators must initially notify the Board and local law enforcement and first responders of any wind farm incident thirty (30) minutes after discovery. (OAC 4906-4-10(A)). Written reports must be filed within sixty (60) days. (OAC 4906-4-10(B)). The written reports properly require detail including cause of the incident, date and time, debris distances, a narrative description of the incident, extent of damage, remediation steps, extent of property damage or personal injury and description of steps taken to prevent future incidents. (OAC 4906-4-10(C)).

Just as importantly, 4906-4-10(D) requires a Staff investigation of every incident that results in a written report. Critically, a wind farm operator shall not restart facilities involved in a reportable incident until the restart is approved by the Board. OAC 4906-4-10(D)(2).

These proposed rules for the first time require timely and adequate notice and reporting of wind farm incidents. Further, the rules establish uniform reporting standards and an investigation process. The Local Resident Intervenors support these requirements and recommend the Board also consider these further clarifications and procedures:

1. The written reports required by OAC Rule 4906-4-10(B) should be a matter of public record, filed with the Board and filed with local enforcement and government officials.
2. Notice of the filing of the written report should be published in a newspaper of general circulation in the area with a description of the process to obtain a copy.
3. The written report should be served on all residents within a reasonably defined distance from the incident event.

4. The written report should be documented in a common data base so all incidents occurring at all wind farms in Ohio are available in a single format and at a single location.

5. The Staff investigation report required by OAC 4906-4-10(D) should also be filed with the Board and a matter of public record. There should be opportunity for a public hearing and impact from the affected residents. Again, effective notice of the filing of the Staff report should be published in a newspaper of general circulation.

6. All the requirements of OAC 4906-4-10 should be addressed in certification proceedings and compliance should be a condition of any certificate granted.

IV. CONCLUSION

The proposed rule revisions are in the public interest and should be adopted by the Board. The Local Resident Intervenors commend the Board's interest and affirmative action in this important matter of public interest, health and safety. The Local Resident's Intervenors support the Board's action and respectfully urge consideration of the additional measures recommended.

Respectfully submitted,

/s/ John F. Stock
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing *Initial Comments* was electronically filed in this docket this 11th day of July, 2019.

/s/ John F. Stock
John F. Stock (0004921)

Attorneys for the Local Resident Intervenors

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF
REPUBLIC WIND, LLC FOR A
CERTIFICATE TO SITE WIND-POWERED
ELECTRIC GENERATION FACILITIES IN
SENECA AND SANDUSKY COUNTIES,
OHIO.

CASE No. 17-2295-EL-BGN

ENTRY

Entered in the Journal on August 21, 2018

I. SUMMARY

{¶ 1} The administrative law judge grants the motions to intervene filed by Duane and Deb Hay, Gary and Dawn Hoepf, Greg and Laura Jess, Mike and Tiffany Kessler, Kevin and Jennifer Oney, Tom and Lori Scheele, David P. Hoover, Jeffrey A. Hoover, Doug and Jennifer Myers, Chris and Danielle Zeman, the Ohio Farm Bureau Federation, Adams Township, Pleasant Township, Reed Township, Scipio Township, and York Township, but denies intervention to Carol Burkholder, Rita and Jerry Cantu, Duane Robinson, and John and Lisa Wilson.

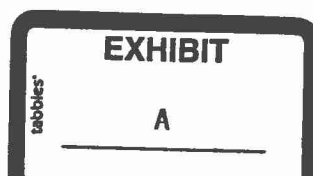
II. DISCUSSION

A. *Procedural History*

{¶ 2} Republic Wind, LLC (Republic or Applicant) is a person as defined in R.C. 4906.01.

{¶ 3} R.C. 4906.04 provides that no person shall construct a major utility facility in the state without obtaining a certificate for the facility from the Ohio Power Siting Board (Board).

{¶ 4} On November 13, 2017, Republic filed a pre-application notification letter with the Board regarding its proposed windfarm with up to 200 megawatt (MW) electric generating capacity in Seneca and Sandusky counties, Ohio. According to the letter, the proposed site will consist of approximately 35,000 acres of leased land in Adams, Pleasant,



Reed, Scipio, and Thompson townships in Seneca County and York Township in Sandusky County.

{¶ 5} On February 2, 2018, as amended on March 27, 2018, Republic filed an application with the Board for a certificate of environmental compatibility and public need to construct between 55 and 58 wind turbine generators, each with a nameplate capacity rating of 3.3 MW to 3.63 MW, depending on the final turbine model selected. The total generating capacity of the facility will not exceed 200 MW.

{¶ 6} On May 30, 2018, Republic filed its certificate of service of its accepted and complete application, in accordance with the requirements of Ohio Adm.Code 4906-3-07. On June 25, 2018, Republic submitted the application fee to the Board, pursuant to Ohio Adm.Code 4906-3-12.

{¶ 7} By Entry issued on July 18, 2018, a procedural schedule was established for this matter including an intervention deadline of 30 days following publication of the notice required by Ohio Adm.Code 4906-3-09.

B. *Motions to Intervene*

{¶ 8} An administrative law judge (ALJ) may grant intervention, pursuant to Ohio Adm.Code 4906-2-12, upon a showing of good cause, which the Board has historically held is shown when the person has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties. *In re Black Fork Wind LLC*, Case No. 09-546-EL-BGN, Entry (Mar. 2, 2010). Further, R.C. 4903.08(A) and Ohio Adm.Code 4906-2-12(B) provide that, in deciding whether to permit timely intervention, the following factors may be considered: the nature and extent of the prospective intervenor's interest; the extent to which the prospective intervenor's interest is represented by existing parties; the prospective intervenor's potential contribution to a just and expeditious resolution of the issues involved

in the proceeding; the legal position advanced by the prospective intervenor and its probable relation to the merits of the case; and whether the intervention by the prospective intervenor will unduly delay the proceeding or unjustly prejudice an existing party. Pursuant to Ohio Adm.Code 4906-2-12(B), the ALJ may grant an untimely filed petition to intervene only upon a showing of extraordinary circumstances and good cause, in addition to the petitioner agreeing to be bound by matters previously decided in the proceeding and providing a statement of good cause for failing to timely file its petition.

1. SENECA COUNTY RESIDENTS' MOTION TO INTEVENE

{¶ 9} On June 19, 2018, as amended on June 22, 2018, the following Seneca County residents filed a motion to intervene in this proceeding: Chris and Danielle Zeman, Carol Burkholder, Duane and Deb Hay, Gary and Dawn Hoepf, David Hoover, Jeff Hoover, Greg and Laura Jess, Mike and Tiffany Kessler, Doug and Jenifer Myers, Kevin and Jennifer Oney, Duane Robinson, John and Lisa Wilson, Rita and Jerry Cantu, and Tom and Lori Scheele (collectively, Seneca County Residents).

{¶ 10} Seneca County Residents contend that they have a real and substantial interest in this proceeding and that their interests are not already adequately represented by existing parties in this proceeding. They submit that their intervention will contribute to a just and expeditious resolution of issues raised in this proceeding and that their intervention will neither delay this proceeding nor prejudice parties.

{¶ 11} According to Seneca County Residents, they seek to intervene in this proceeding in order to protect their personal interests that they allege will be detrimentally affected if Republic is permitted to construct its proposed project in close proximity to their homes. Specifically, Seneca County Residents represent that they are long-time residents who own property and live in Seneca County. They contend that their homes will be subjected to excessive noise and shadow flicker caused by Republic's wind turbines. Additionally, they assert that birds, bats, and bald eagles will be harmed and killed as a

result of the wind turbines. Further, Seneca County Residents opine that the proposed project will negatively impact the local viewshed and diminish the value of their homes.

{¶ 12} In support of their motion to intervene, Seneca County Residents allege that more than 560 non-participating residences, including many of their own, may be subject to continual noise from Republic's wind turbines at volumes exceeding the World Health Organization's 40 dBA threshold for nighttime noise that causes deleterious health effects. According to Seneca County Residents, this is especially true when a 3 dBA margin of error is added to Republic's own sound modeling calculations. Additionally, Seneca County Residents contend that Republic manipulated its measurement of the average ambient nighttime noise to inflate its existing average ambient nighttime noise level in the project area.

{¶ 13} Seneca County Residents opine that the boundaries of the project area are artificial in nature and represent nothing more than the exterior boundary lines of the properties for which Republic has obtained a lease to site proposed turbines. While recognizing that some of the movants do not reside within the project area, Seneca County Residents argue that some of these individuals may live closer to the proposed wind turbines than residents within the project area. Additionally, Jeff Hoover, David Hoover, Chris and Danielle Zeman, and Doug and Jennifer Myers live immediately adjacent to the project area. Seneca County Residents submit that each of them live in close proximity to the proposed wind turbines and will be adversely affected by the noise and shadow flicker created by the turbines and the negative impact on their viewshed and wild life. Finally, Seneca County Residents state that because they are all represented by the same counsel, the granting of intervention of those outside the project area will not unduly delay this proceeding.

{¶ 14} Seneca County Residents also opine that the cost of electricity generated by the proposed project will be higher than competitively-bid electricity sold to the PJM system from other generators, notwithstanding the use of taxpayer funds to subsidize construction

of the project. Seneca County Residents submit that this market distortion harms all ratepayers including themselves.

{¶ 15} On July 3, 2018, Republic filed its memorandum contra Seneca County Residents' motion to intervene. According to Republic, only those property owners who will experience legitimate impacts from the project have standing to raise concerns in this proceeding. Republic contends that none of the residents should be allowed to raise generalized claims regarding potential impacts without showing that their particular property is affected. Republic submits that living in the same county as the proposed project area is not sufficient to establish a legitimate interest in this proceeding. It therefore opposes the intervention of Jennifer and Doug Myers, Danielle and Chris Zeman, Lisa and John Wilson, Duane Robinson, Carol Burkholder, David Hoover, Jeffrey Hoover, and Rita and Jerry Cantu based on the assertion that the properties are not located within the project area near the proposed turbine locations and, therefore, will not experience any appreciable impacts due to the proposed project.

{¶ 16} In support of its position, Republic states that a number of these residents live a substantial distance away from any of the proposed turbine locations. In particular, Republic submits that Carol Burkholder lives approximately two miles from any of the proposed turbine locations. The Wilsons and Duane Robinson live over one mile from any proposed turbine. Jennifer and Doug Myers, Danielle and Chris Zeman, and Jeffrey Hoover live over one-half mile from any proposed turbine location. David Hoover lives almost a half mile from any proposed turbine location. Republic posits that because the identified residents do not live in the project area and do not live near any of the proposed turbine sites, they should not be allowed to intervene to raise theoretical concerns that do not actually impact their interests.

{¶ 17} In the event that these residents living outside the project area have any interests in this proceeding, Republic opines that the concerns can be addressed by other parties in this proceeding or through the Board Staff's investigation.

{¶ 18} To the extent that intervention is granted, Republic opines that the permitted scope should be limited so that arguments regarding alleged increases in the cost of electricity from the operation of the proposed facility are not allowed. In support of its position, Republic points out that the potential cost of electricity is not part of the Board's consideration under R.C. 4906.10, and has no bearing on the potential environmental impacts of the proposed facility.

{¶ 19} In response to Republic's request for limiting the scope of intervention to prevent the introduction of evidence regarding the price of electricity, Seneca County Residents state that the request should be denied inasmuch as it is seeking a premature ruling on the admissibility of evidence before it has been developed and proffered at hearing. Further, Seneca County Residents reference R.C. 4906.10(A)(4) to support its position that one of the factors that the Board must consider is whether the proposed facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving the state and interconnected utility systems and that the facility will serve the interests of electric system economy and reliability.

{¶ 20} The ALJ notes that the Board has previously found that living in the county of a proposed project is not enough on its own to warrant intervention. *In re South Field Energy LLC*, Case No. 15-1716-EL-BGN, Opinion, Order, and Certificate (Sept. 22, 2016) (where the Board stated that the general concerns as citizens and ratepayers are better represented by the intervening local governments representing their citizens). While the Board's standard is generally construed in favor of intervention, a more defined nexus must be present. *In re Icebreaker Windpower Inc.*, Case No. 16-1871-EL-BGN, Entry (May 23, 2018). The Board has granted petitions to intervene when the petitioner can demonstrate an individual, direct interest is at stake in the outcome of a proceeding. *In re Black Fork Wind LLC*, Case No. 09-546-EL-BGN, Entry (Mar. 2, 2010) (where the Board granted intervention to individuals with property that abuts directly with the proposed project site). In this case, this nexus has been established by Duane and Deb Hay, Gary and Dawn Hoepf, Greg and Laura Jess, Mike and Tiffany Kessler, Kevin and Jennifer Oney, and Tom and Lori Scheele, all of whom reside

inside the project area. Additionally, this nexus has been established by David P. Hoover, Jeffrey A. Hoover, Doug and Jennifer Myers, and Chris and Danielle Zeman stemming from the fact that their property abuts the project area, which results in them being directly impacted by the proposed project. Therefore, the motions to intervene shall be granted for these individuals.

{¶ 21} Specific to Carol Burkholder, Rita and Jerry Cantu, Duane Robinson, and John and Lisa Wilson, these individuals reside outside of the project area and do not have property that abuts the project area. Therefore, they have failed to demonstrate a sufficiently direct interest at stake in the outcome of this case and the ALJ finds that their motion to intervene should be denied. The ALJ further notes that the interests of these Seneca County Residents may be raised during the local public hearing, currently scheduled for October 2, 2018, for the Board's consideration.

{¶ 22} As noted above, Republic requests that to the extent that intervention is granted to any of the Seneca County Residents, the scope of the permitted intervention should be limited so that arguments regarding alleged increases in the cost of electricity from the operation of the proposed facility are not permitted. The ALJ finds that the question of admissibility of evidence is premature at this point in the proceeding. Therefore, scope of intervention will not be limited at this time. In reaching this determination, the ALJ is not opining on the ultimate admissibility of any specific information. Further, the ALJ recognizes that the Board's authority is to evaluate a proposed facility's effect on environmental values. Determinations regarding the price a customer must pay for electric service and concerns regarding reliability of service are vested with the Commission. *In re Columbus Southern Power Co. and Ohio Power Co.*, Case No. 06-309-EL-BTX, Entry (Nov. 20, 2006).

2. MOTIONS TO INTERVENE FILED BY THE OHIO FARM BUREAU, AND ADAMS TOWNSHIP, PLEASANT TOWNSHIP, REED TOWNSHIP, SCIPIO TOWNSHIP, AND YORK TOWNSHIP.

{¶ 23} On June 19, 2018, the Ohio Farm Bureau Federation (OFBF) filed a motion to intervene in this proceeding. OFBF states that it has a real and substantial interest in this matter that is not represented by existing parties. Further, OFBF states that its involvement will contribute to a just and expeditious resolution of the issues involved in this proceeding and will not unduly delay the proceedings or unjustly prejudice an existing party.

{¶ 24} In support of its motion, OFBF avers that it is a non-profit organization representing agricultural interests at the state and local levels with member families in every county, including hundreds of families in Seneca and Sandusky counties. OFBF represents that its members support a diversified energy portfolio, including renewable energy sources such as wind energy development. OFBF notes that farmers engaged in wind leasing agreements want to make sure that construction activities on their property adhere to procedures ensuring soil and water conservation and air quality, as well as ensuring appropriate consideration of drainage infrastructure on agricultural land.

{¶ 25} While OFBF is not taking a specific side relative to the proposed project, it wants to ensure that if the project goes forward, landowners and their corresponding land are protected and have appropriate recourse for needed repairs or remediation. It is guided by policy resolutions from the OFBF's 2018 State Policies.

{¶ 26} Additionally, OFBF states that its involvement will contribute to a just and expeditious resolution of the issues involved in the proceeding and will not unduly delay the proceedings or unjustly prejudice an existing party.

{¶ 27} On June 20, 2018, and June 21, 2018, Adams Township, Pleasant Township, Reed Township, and Scipio Township, Seneca County, each filed notices of intervention in this case. Each township represents that the proposed facility will be located, at least in part, in its boundaries.

{¶ 28} On June 28, 2018, as amended on August 14, 2018 and August 17, 2018, York Township, Sandusky County, filed a petition to intervene as a party to this proceeding. The township represents it is part of the area in which the proposed facility will be constructed. Additionally, the township states that it has a real and substantial interest in this matter that is not adequately represented by existing parties. Further, the township represents that its involvement will contribute to a just and expeditious resolution of the issues raised and that its intervention will not unduly delay the proceedings.

{¶ 29} No memoranda contra were filed in response to the intervention motions of the OFBF or the townships.

{¶ 30} The ALJ finds that the unopposed motions to intervene filed by the OFBF and the townships demonstrate good cause for permitting intervention and, therefore, should be granted.

{¶ 31} It is, therefore,

{¶ 32} ORDERED, That the motions for intervention be granted in part and denied in part as set forth in this Entry. It is, further,

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

THE OHIO POWER SITING BOARD

/s/ Jay S. Agranoff

By: Jay S. Agranoff
Administrative Law Judge

JRJ/hac/mef

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 17-2295-EL-BGN

Summary: Administrative Law Judge Entry granting in part and denying in part the motions for intervention electronically filed by Ms. Mary E Fischer on behalf of Jay S. Agranoff, Administrative Law Judge, Ohio Power Siting Board

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF
REPUBLIC WIND, LLC FOR A
CERTIFICATE TO SITE WIND-POWERED
ELECTRIC GENERATION FACILITIES IN
SENECA AND SANDUSKY COUNTIES,
OHIO.

CASE No. 17-2295-EL-BGN

ENTRY

Entered in the Journal on February 15, 2019

I. SUMMARY

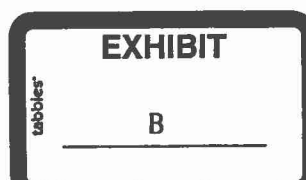
{¶ 1} The administrative law judge grants the motions to intervene filed by: Joseph and Diane Anderson, Denise Bell, Aaron and Carrie Boes, Richard and Linda Bollenbacher, Rob and Mary Chappell, Thomas and Kathleen Fries, Leslie and Denise Hackenburg, Jeffrey and DeeAnne Hamilton, Allen and Mary Hassellbach, Ethan and Crystal Hoepf, Jason and Michelle Hoepf, Taylor Hoepf, Kenneth and Debra Hossler, Leonard and Beverly Kubitz, Gary and Michelle Miller, Steven and Kelley Miller, Kim Mitchell, Charles and Linda Morsher, Patricia Motry, Steven and Linda Mulligan, Linda Niederkohr, Nicholas and Michelle Reiter, Elaine Schultz, James and Victoria Seliga, Eugene and JoAnn Smith, James and Elaine Steinmetz, Herman and Patricia Studer, Christine Vogt, Mark Weber and Cindra Riley, Charles and Rhonda Weyer, and Ann Wright; the Ohio Environmental Council and Environmental Defense Fund; the Board of County Commissioners of Seneca County, Ohio; and, The Seneca County Park District.

II. DISCUSSION

A. *Procedural History*

{¶ 2} Republic Wind, LLC (Republic or Applicant) is a person as defined in R.C. 4906.01.

{¶ 3} R.C. 4906.04 provides that no person shall construct a major utility facility in the state without obtaining a certificate for the facility from the Ohio Power Siting Board (Board).



{¶ 4} On November 13, 2017, Republic filed a pre-application notification letter with the Board regarding its proposed windfarm with up to 200 megawatt (MW) electric generating capacity in Seneca and Sandusky counties, Ohio. According to the letter, the proposed site will consist of approximately 35,000 acres of leased land in Adams, Pleasant, Reed, Scipio, and Thompson townships in Seneca County and York Township in Sandusky County.

{¶ 5} On February 2, 2018, as amended on March 27, 2018, Republic filed an application with the Board for a certificate of environmental compatibility and public need to construct between 55 and 58 wind turbine generators, each with a nameplate capacity rating of 3.3 MW to 3.63 MW, depending on the final turbine model selected. The total generating capacity of the facility will not exceed 200 MW.

{¶ 6} On May 30, 2018, Republic filed its certificate of service of its accepted and complete application, in accordance with the requirements of Ohio Adm.Code 4906-3-07. On June 25, 2018, Republic submitted the application fee to the Board, pursuant to Ohio Adm.Code 4906-3-12.

{¶ 7} By Entry issued on July 18, 2018, a procedural schedule was established for this matter including an intervention deadline of 30 days following publication of the notice required by Ohio Adm.Code 4906-3-09.

{¶ 8} By Entry issued on September 4, 2018, the procedural schedule was tolled at the request of Republic.

{¶ 9} On December 26 and 27, 2018, Republic filed an amended application. According to Republic, its amended application reduces the size of the project area, which involves no new parcels outside of the existing project area. The Applicant represents that the majority of the turbine shifts involve minor distances and remain on the same parcels. Additionally, Republic states that the new turbine model being proposed will reduce the

number of turbine sites and the total amount of access roads, meteorological towers, and collector lines.

B. *Motions to Intervene*

{¶ 10} An administrative law judge (ALJ) may grant intervention, pursuant to Ohio Adm.Code 4906-2-12, upon a showing of good cause, which the Board has historically held is shown when the person has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties. *In re Black Fork Wind LLC*, Case No. 09-546-EL-BGN, Entry (Mar. 2, 2010). Further, R.C. 4906.08(A) and Ohio Adm.Code 4906-2-12(B) provide that, in deciding whether to permit timely intervention, the following factors may be considered: the nature and extent of the prospective intervenor's interest; the extent to which the prospective intervenor's interest is represented by existing parties; the prospective intervenor's potential contribution to a just and expeditious resolution of the issues involved in the proceeding; the legal position advanced by the prospective intervenor and its probable relation to the merits of the case; and, whether the intervention by the prospective intervenor will unduly delay the proceeding or unjustly prejudice an existing party.

{¶ 11} On June 19, 2018, as amended on June 22, 2018, the following Seneca County residents filed a motion to intervene in this proceeding: Chris and Danielle Zeman, Carol Burkholder, Duane and Deb Hay, Gary and Dawn Hoepf, David Hoover, Jeff Hoover, Greg and Laura Jess, Mike and Tiffany Kessler, Doug and Jenifer Myers, Kevin and Jennifer Oney, Duane Robinson, John and Lisa Wilson, Rita and Jerry Cantu, and Tom and Lori Scheele (collectively, Seneca County Residents). These motions to intervene were filed prior to Republic's amended application filing on December 26 and 27, 2018.

{¶ 12} On June 19, 2018, the Ohio Farm Bureau Federation (OFBF) filed a motion to intervene in this proceeding.

{¶ 13} On June 20 and 21, 2018, Adams Township, Pleasant Township, Reed Township, and Scipio Township, Seneca County, each filed notices of intervention in this case.

{¶ 14} On June 28, 2018, as amended on August 14 and 17, 2018, York Township filed a petition to intervene as a party to this proceeding.

{¶ 15} Pursuant to the Entry of August 21, 2018, the ALJ granted intervention to Duane and Deb Hay, Gary and Dawn Hoepf, Greg and Laura Jess, Mike and Tiffany Kessler, Kevin and Jennifer Oney, and Tom and Lori Scheele due to the fact that they live inside the project area. Additionally, the ALJ granted intervention to David P. Hoover, Jeffrey A. Hoover, Doug and Jennifer Myers, and Chris and Daniele Zeman due to the fact that their property abuts the project area. Further, the ALJ granted intervention to OFBF, Adams Township, Pleasant Township, Reed Township, Scipio Township, and York Township.

{¶ 16} On January 25, 2019, Pleasant Township filed a notice indicating that it was withdrawing its notice of intervention due to the fact that, as a result of Republic's amended application, the Applicant was no longer seeking to site turbine locations in Pleasant Township.

1. ADDITIONAL SENECA COUNTY AND SANDUSKY RESIDENTS' MOTION TO INTEVENE

{¶ 17} On August 17, 2018, prior to the filing of Republic's amended application, the following additional Seneca and Sandusky County residents filed a motion to intervene in this proceeding: Joseph and Diane Anderson, Denise Bell, Aaron and Carrie Boes, Richard and Linda Bollenbacher, Rob and Mary Chappell, Keith and Jane Fox, Thomas and Kathleen Fries, Leslie and Denise Hackenburg, Jeffrey and DeeAnne Hamilton, Allen and Mary Hassellbach, Ethan and Crystal Hoepf, Jason and Michelle Hoepf, Taylor Hoepf, Kenneth and Debra Hossler, Leonard and Beverly Kubitz, Randall and Louise Ladd, Gary and Michelle Miller, Steven and Kelley Miller, Kim Mitchell, Charles and Linda Morsher, Patricia Motry, Steven and Linda Mulligan, Linda Niederkohr, Nicholas and Michelle

Reiter, Elaine Schultz, James and Victoria Seliga, Jason Smith, Eugene and JoAnn Smith, James and Elaine Steinmetz, Herman and Patricia Studer, Christine Vogt, Robert Voska, Mark Weber and Cindra Riley, J. Dian West Executor of the Estate of Ellen A. Gibson, Charles and Rhonda Weyer, and Ann Wright (collectively, "Additional Local Residents").

{¶ 18} Additional Local Residents contend that they have a real and substantial interest in this proceeding and that their interests are not already adequately represented by existing parties in this proceeding. They submit that their intervention will contribute to a just and expeditious resolution of issues raised in this proceeding and that their intervention will neither delay this proceeding nor prejudice parties.

{¶ 19} According to Additional Local Residents, they seek to intervene in this proceeding in order to protect their personal interests that they allege will be detrimentally affected if Republic is permitted to construct its proposed project in close proximity to their homes. Specifically, Additional Local Residents represent that they are long-time residents who own property and live in Seneca and Sandusky counties near the vicinity of Republic's proposed wind turbines. They contend that their homes will be subjected to excessive noise and shadow flicker caused by Republic's wind turbines. They also assert that birds, bats, and bald eagles will be harmed and killed as a result of the wind turbines. Further, Additional Local Residents opine that the proposed project will negatively impact the local viewshed and diminish the value of their homes. Finally, Additional Local Residents state that they are interested in preserving affordable and reliable electricity supplies for consumers in Seneca and Sandusky counties.

{¶ 20} Specific to the Fox and Ladd families, Additional Local Residents state that the families live on the west side of State Route 269, adjacent to the project site. Specifically, Additional Local Residents submit that the Fox's property abuts a parcel that is leased to Republic for its project. Further, they assert that the Fox and Ladd families satisfy the intervention standards set forth in R.C. 4906.08(A) and Ohio Adm.Code 4906-2-12(B)(1), as well as the standards set forth in the Entry of August 21, 2018. Further, Additional Local

Residents aver that, as a result of the proposed windfarm, the Fox and Ladd families will be subjected to excessive, continuous noise and shadow flicker during the afternoon and evening hours.

{¶ 21} On September 4, 2018, Republic filed its memorandum contra Additional Local Residents' motion to intervene. Republic states that it does not oppose Additional Local Residents' motion to intervene with the exception of Keith and Jane Fox, Randall and Louise Ladd, Jason Smith, Robert Voska, and J. Dian West, Executor of the Estate of Ellen A. Gibson.

{¶ 22} Consistent with the ALJ's Entry of August 21, 2018, Republic states that these particular residents should be denied intervention. In support of its position, Republic submits that, except for adding new local residents, the current motion to intervene is the same as the motion to intervene filed by Seneca County Residents on June 19, 2018, as amended on June 22, 2018. Republic notes that the prior motion to intervene was addressed in the ALJ Entry of August 21, 2018. Specifically, Republic references the previous determination that intervention should not be extended to those individuals who either reside outside the project area or do not have property that abuts the project area.

{¶ 23} Based on the map of the project area attached to its memorandum contra, Republic contends that Keith and Jane Fox, Randall and Louise Ladd, Jason Smith, Robert Voska, and J. Dian West, Executor of the Estate of Ellen A. Gibson, neither live in the project area nor do their properties abut the project boundary. Further, Republic states that these Additional Local Residents live a substantial distance away from any of the proposed turbine locations. Specifically, Republic states that Jason Smith lives more than two miles and Robert Voska lives over one mile away from any proposed turbine location. Additionally, Republic states that J. Dian West, Executor of the Estate of Ellen A. Gibson, also lives more than a mile away from any proposed turbine location and that both the Fox and Ladd families live approximately half a mile from any proposed turbine location. Due

to these distances, Republic contends that these residents do not have a direct interest in this proceeding.

{¶ 24} Republic contends that the Additional Local Residents who do not live in the project area will not contribute to a just and expeditious resolution of the issues involved in the proceeding and will result in irrelevant, duplicative evidence, which will only serve to delay the proceeding

{¶ 25} Republic submits that, to the extent that residents who reside outside the project area have concerns regarding the project, these residents can voice their concerns at the local public hearing. Additionally, Republic opines that these concerns can be addressed by other parties (e.g., governmental entities) in this proceeding or through the Board Staff's investigation of the environmental impacts of the project.

{¶ 26} The Board has previously found that living in the county of a proposed project is not enough, on its own, to warrant intervention. *In re South Field Energy LLC*, Case No. 15-1716-EL-BGN, Opinion, Order, and Certificate (Sept. 22, 2016) (where the Board stated that the general concerns as citizens and ratepayers are better represented by the intervening local governments representing their citizens). While the Board's standard is generally construed in favor of intervention, a more defined nexus must be present. *In re Icebreaker Windpower Inc.*, Case No. 16-1871-EL-BGN, Entry (May 23, 2018). The Board has granted petitions to intervene when the petitioner can demonstrate an individual, direct interest is at stake in the outcome of a proceeding. *In re Black Fork Wind LLC*, Case No. 09-546-EL-BGN, Entry (Mar. 2, 2010) (where the Board granted intervention to individuals with property that abuts directly with the proposed project site). Based on this standard, the Commission, in its Entry of August 21, 2018, granted intervention to the individuals as denoted in paragraph 15.

{¶ 27} In this case, this nexus has been established by Joseph and Diane Anderson, Denise Bell, Aaron and Carrie Boes, Richard and Linda Bollenbacher, Rob and Mary Chappell, Thomas and Kathleen Fries, Leslie and Denise Hackenburg, Jeffrey and DeeAnne

Hamilton, Allen and Mary Hassellbach, Ethan and Crystal Hoepf, Jason and Michelle Hoepf, Taylor Hoepf, Kenneth and Debra Hossler, Leonard and Beverly Kubitz, Gary and Michelle Miller, Steven and Kelley Miller, Kim Mitchell, Charles and Linda Morsher, Patricia Motry, Steven and Linda Mulligan, Linda Niederkohr, Nicholas and Michelle Reiter, Elaine Schultz, James and Victoria Seliga, Eugene and JoAnn Smith, James and Elaine Steinmetz, Herman and Patricia Studer, Christine Vogt, Mark Weber and Cindra Riley, Charles and Rhonda Weyer, and Ann Wright. All of which either reside inside the project area or their property abuts the project area, which results in them being directly impacted by the proposed project. Therefore, the motions to intervene shall be granted for these individuals.

{¶ 28} Specific to Keith and Jane Fox, Randall and Louise Ladd, Jason Smith, Robert Voska, and J. Dian West, Executor of the Estate of Ellen A. Gibson, based on the record, these individuals reside outside of the project area and do not have property that abuts the project area. Therefore, they have failed to demonstrate a sufficient direct interest at stake in the outcome of this case, and the ALJ finds that their requests to intervene should be denied. The ALJ further notes that the interests of these Seneca County residents may be raised during the local public hearing to be scheduled in this matter.

2. MOTIONS TO INTERVENE FILED BY THE OHIO ENVIRONMENTAL COUNCIL AND ENVIRONMENTAL DEFENSE FUND; THE BOARD OF COUNTY COMMISSIONERS OF SENECA COUNTY, OHIO; AND THE SENECA COUNTY PARK DISTRICT.

{¶ 29} On August 23, 2018, the Ohio Environmental Council (OEC) and the Environmental Defense Fund (EDF) jointly filed a motion to intervene in this proceeding. OEC explains that it is a not-for-profit organization devoted to ensuring Ohioans have access to clean water, clean air, and a healthy environment. EDF is a not-for-profit organization whose purpose is to link science, economics, and law to create innovative, equitable, and cost-effective solutions to society's most urgent environmental problems. The EDF is headquartered in New York with 9,590 members located in Ohio.

{¶ 30} In support of its motion, OEC and EDF believe that this case is significant, inasmuch as the proposed facility is the first major onshore wind project proposed in Ohio since 2014, and represents the reemergence of wind power as an expanding clean energy technology in the state of Ohio. OEC and EDF state that they have a long involvement in cases related to Ohio's electricity generation mix, and have been actively involved in numerous past cases pertaining to the implementation of Ohio's renewable energy and energy efficiency standards, electric security plans, and other cases related to electric generation.

{¶ 31} OEC and EDF submit that the organizations and its members have a substantial interest in the outcome of this case, and that they represent interests separate from those of existing parties. Specifically, OEC and EDF represent that they have a responsibility to ensure that the clean energy benefit from the proposed Republic project is not outweighed by any potential detriment to the ecosystems of Seneca and Sandusky counties. According to OEC and EDF, their contribution will lead to a just and expeditious resolution of the issues involved in this proceeding and a full development and equitable resolution of the factual issues in this case without causing undue delay.

{¶ 32} On September 10, 2018, as amended on September 19, 2018, and January 25, 2019, the Board of County Commissioners of Seneca County (Seneca County Commission) filed a motion for intervention. In support of its motion, Seneca County Commission states that it is a duly elected body authorized to represent Seneca County, a county where part of the proposed wind farm will be sited. Seneca County Commission submits that it has unique interests that are directly affected by the proposed project and that no other parties can represent its interests. Further, Seneca County Commission states that the granting of intervention will contribute to a just and expeditious resolution of the issues involved in the proceeding and will not unduly delay the proceeding or unjustly prejudice an existing party.

{¶ 33} Seneca County Commission explains that although the August 27, 2018 intervention deadline has passed, its filing should be considered as timely filed due to the delayed notice from its statutory counsel, the Seneca County Prosecutor, stating that they would be unable to represent the Seneca County Commission in this proceeding and that outside counsel would need to be retained.

{¶ 34} On January 29, 2019, the Seneca County Park District (Park District) filed a motion to intervene. In support of its motion, the Park District states that it has extensive interest in the proposed facility, inasmuch as the proposed project will be located near nature preserves maintained by the Park District. According to the Park District, its interest cannot be represented by any other party, that its participation is essential to a just and expeditious resolution of the issues involved in the proceeding, and that its involvement will not unduly delay the proceeding or unjustly prejudice an existing party.

{¶ 35} No memoranda contra were filed in response to the motions to intervene of OEC and EDF, the Seneca County Commission, and the Park District.

{¶ 36} The ALJ finds that the unopposed motions to intervene filed by OEC and EDF, the Seneca County Commission, and the Park District demonstrate good cause for permitting intervention and, therefore, should be granted.

III. ORDER

{¶ 37} It is, therefore,

{¶ 38} ORDERED, That the motions for intervention be granted in part and denied in part as set forth in this Entry. It is, further,

{¶ 39} ORDERED, That, consistent with paragraph 16, Pleasant Township be removed as an intervenor in this proceeding. It is, further,

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

THE OHIO POWER SITING BOARD

/s/ Jay S. Agranoff

By: Jay S. Agranoff
Administrative Law Judge

JRJ/hac/mef

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2/15/2019 2:45:15 PM

in

Case No(s). 17-2295-EL-BGN

Summary: Administrative Law Judge Entry granting in part and denying in part motions for intervention and removing Pleasant Township as an intervenor electronically filed by Heather A Chilcote on behalf of Jay S. Agranoff, Administrative Law Judge, Ohio Power Siting Board

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF
SENECA WIND, LLC FOR A CERTIFICATE
TO SITE WIND-POWERED ELECTRIC
GENERATION FACILITIES IN SENECA
COUNTY, OHIO.

CASE NO. 18-488-EL-BGN

ENTRY

Entered in the Journal on March 27, 2019

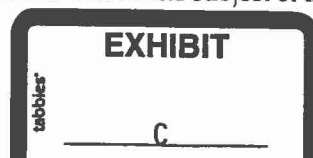
{¶ 1} Seneca Wind, LLC (Seneca Wind or Applicant) is a person, as defined in R.C. 4906.01.

{¶ 2} R.C. 4906.04 provides that no person shall construct a major utility facility in the state without first obtaining a certificate for the facility from the Ohio Power Siting Board (Board).

{¶ 3} On July 16, 2018, as amended and supplemented on July 20, 2018, September 14, 2018, December 3, 2018, December 10, 2018, and January 2, 2019, Seneca Wind filed an application with the Board for a certificate of environmental compatibility and public need to construct, own, and operate a wind generation facility (project). As proposed, the project will have a total nameplate capacity of 212 megawatts and consist of up to 77 wind turbine generators, access roads, electrical collector cables, laydown yards, an operations and maintenance facility, meteorological towers, a substation, and a 138-kilovolt (kV) electric generation transmission line to connect to AEP Ohio Transmission Company's existing Melmore Substation.¹ The project site includes approximately 56,900 acres of leased land in Seneca County, consisting primarily of existing farmland.

{¶ 4} Pursuant to Ohio Adm.Code 4906-3-06, within 60 days after receipt of an application for a major utility facility, the Chairman of the Board shall notify an applicant

¹ The substation and 138-kV transmission line will be the subject of a separate filing with the Board.



of the acceptance or rejection of the application as complete. Accordingly, the Chairman's letter was to be filed by September 14, 2018.

{¶ 5} On September 14, 2018, Seneca Wind filed a motion to extend the time for the Board to determine whether the application is complete, until October 15, 2018, and a request for an expedited ruling on the motion. By Entry issued September 18, 2018, Seneca Wind's motion for an extension was granted.

{¶ 6} By letter filed on October 15, 2018, the Board notified Seneca Wind that its application was sufficiently complete to permit Staff to commence its review and investigation of the application. Further, in the letter, the Board directed Seneca Wind, pursuant to Ohio Adm.Code 4906-3-07, 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 also directed Seneca Wind, pursuant to R.C. 4906.06(F) and Ohio Adm.Code 4906-3-12, to submit the requisite application fee.

{¶ 7} On October 22, 2018, Seneca Wind filed its certificate of service of its accepted and complete application, in accordance with the requirements of Ohio Adm.Code 4906-3-07. On October 23, 2018, Applicant also submitted the application fee to the Board, pursuant to Ohio Adm.Code 4906-3-12.

{¶ 8} R.C. 4906.07(A) provides that, upon receipt of an application complying with R.C. 4906.06, the Board must promptly fix a date for a public hearing not less than 60 nor more than 90 days after such receipt, and shall conclude the proceeding as expeditiously as practicable.

{¶ 9} By Entry issued December 7, 2018, the effective date of the filing of the Seneca Wind application was established as December 10, 2018, and the administrative law judge (ALJ) established a procedural schedule.

{¶ 10} On December 16, 2018, Seneca Wind published notice of the proposed project and filed proof of the publication in this docket on December 18, 2018.

{¶ 11} On January 29, 2019, Seneca Wind and Staff (Movants) filed a joint motion to toll the procedural schedule. Movants requested that a new procedural schedule be established and proposed a revised schedule.

{¶ 12} By Entry issued February 1, 2019, the ALJ granted Movants' motion to suspend the procedural schedule, and subsequent Entries issued on February 7, 2019, and February 8, 2019, reestablished and clarified dates for the public and adjudicatory hearings.

{¶ 13} Notices of intervention were timely filed by Eden Township, Venice Township, Reed Township, and Scipio Township. In accordance with Ohio Adm.Code 4906-2-12(A)(1), Eden, Venice, Reed, and Scipio townships will be considered interveners in this matter.

{¶ 14} Pursuant to Ohio Adm.Code 4906-2-12, an ALJ may grant a timely request for intervention upon a showing of good cause, which the Board has historically held is shown when the person has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties. *In re Black Fork Wind LLC*, Case No. 09-546-EL-BGN, Entry (Mar. 2, 2010). Further, R.C. 4903.08(A) and Ohio Adm.Code 4906-2-12(B) provide that, in deciding whether to permit timely intervention, the following factors may be considered: the nature and extent of the prospective intervenor's interest; the extent to which the prospective intervenor's interest is represented by existing parties; the prospective intervenor's potential contribution to a just and expeditious resolution of the issues involved in the proceeding; the legal position advanced by the prospective intervenor and its probable relation to the merits of the case; and whether the intervention by the prospective intervenor will unduly delay the proceeding or unjustly prejudice an existing party. Pursuant to Ohio Adm.Code 4906-2-12(C), the ALJ may grant an untimely filed petition to intervene only upon a showing of extraordinary circumstances and good cause, in addition

to the petitioner agreeing to be bound by matters previously decided in the proceeding and providing a statement of good cause for failing to timely file its petition.

A. Local Residents' Motion to Intervene

{¶ 15} On November 13, 2018, the following Seneca County residents filed a timely motion to intervene in this proceeding: Christopher and Jena Lyn Aichholz, Anthony and Tamra Andrews, Nate Blaser, Justin and Tori Brenner, Colton and Haley Carrick, Don and Wendy Carrick, Dave Clark, Tim Cornett, Jim Dillingham, Charles and Jodi Gaietto, Steve Gitcheff, David and Joann Graham, Charles and Kimberly Groth, John and Terri Hampshire, Debra and Duane Hay, Joseph and Diane Hudok, Bob and Sandy Kennard, Randy Kuhn, Mark and Donna Lambert, Brandon and Danette Martin, Michael and Christal McCoy, Jeff and Marnie Miller, Nate and Steph Miller, Richard and Gail Miller, Tom and Beth Nahm, Jeffrey and Evelyn Phillips, Jason and Shanna Price, Eric Reis, Gregory and Janeen Smith, Tom and Shelley Smith, Chris and Kristie Theis, Mike and Carol Theis, Don and Kim Thompson, Jacob and Ashley Tidaback, Robert and Judith Watson, Rod and Nancy Watson, and Bonnie Wright (collectively, Local Residents). Local Residents contend that they have a real and substantial interest in this proceeding and that their interests are not already adequately represented by existing parties in this proceeding. They submit that their intervention will contribute to a just and expeditious resolution of issues raised in this proceeding and that their intervention will neither delay this proceeding nor prejudice parties.

{¶ 16} Additionally, Local Residents seek to intervene in this proceeding in order to protect their personal interests that they allege will be detrimentally affected if Seneca Wind is permitted to construct its proposed project in close proximity to their homes. Specifically, the vast majority of Local Residents represent that they own and live in homes within the project area, and are long-time residents of Seneca County. Local Residents aver that their homes will be subjected to excessive noise and shadow flicker caused by Seneca Wind's wind turbines. In addition, Local Residents assert that birds, bats, and bald eagles will be harmed and killed as a result of the wind turbines. Local Residents claim that the

groundwater they consume may be contaminated by Seneca Wind's proposed project, and further assert that Seneca Wind's excavation at the project site may destroy or damage cultural artifacts buried in Seneca County. Moreover, Local Residents claim that Seneca Wind's project will contribute to global warming. Lastly, Local Residents opine that the proposed project will negatively impact the local viewshed and diminish the value of their homes.

{¶ 17} Local Residents opine that they would be the only parties to this proceeding who actually reside in Seneca County and the only parties who would be required to live every day of their lives surrounded by Applicant's 650-foot wind turbines. Absent intervention, Local Residents claim that they will have no effective means to protect their vital interests in this proceeding.

{¶ 18} On November 28, 2018, Seneca Wind filed its response to Local Residents' motion to intervene. In its response, Seneca Wind states that, while the Local Residents raised a number of arguments regarding their opposition to the proposed project, it does not oppose intervention of the Local Residents.

{¶ 19} No memoranda contra were filed in response to Local Residents' motion to intervene.

{¶ 20} The ALJ notes that the Board has previously found that living in the county of a proposed project is not enough on its own to warrant intervention. *In re South Field Energy LLC*, Case No. 15-1716-EL-BGN, Opinion, Order, and Certificate (Sept. 22, 2016) (where the Board stated that the general concerns as citizens and ratepayers are better represented by the intervening local governments representing their citizens). While the Board's standard is generally construed in favor of intervention, a more defined nexus must be present. *In re Icebreaker Windpower Inc.*, Case No. 16-1871-EL-BGN, Entry (May 23, 2018). The Board has granted petitions to intervene when the petitioner can demonstrate that an individual, direct interest is at stake in the outcome of a proceeding. *In re Black Fork Wind LLC*, Case No. 09-

546-EL-BGN, Entry (Mar. 2, 2010) (where the Board granted intervention to individuals with property that abuts directly with the proposed project site).

{¶ 21} In this case, this nexus has been established by Christopher and Jena Lyn Aichholz, Anthony and Tamra Andrews, Nate Blaser, Justin and Tori Brenner, Colton and Haley Carrick, Don and Wendy Carrick, Dave Clark, Tim Cornett, Jim Dillingham, Charles and Jodi Gaietto, Steve Gitcheff, David and Joann Graham, Charles and Kimberly Groth, John and Terri Hampshire, Debra and Duane Hay, Joseph and Diane Hudok, Bob and Sandy Kennard, Mark and Donna Lambert, Brandon and Danette Martin, Michael and Christal McCoy, Nate and Steph Miller, Richard and Gail Miller, Tom and Beth Nahm, Jeffrey and Evelyn Phillips, Jason and Shanna Price, Eric Reis, Gregory and Janeen Smith, Tom and Shelley Smith, Chris and Kristie Theis, Mike and Carol Theis, Don and Kim Thompson, Jacob and Ashley Tidaback, Robert and Judith Watson, Rod and Nancy Watson, and Bonnie Wright, all of whom reside inside the project area.

{¶ 22} Additionally, this nexus has been established by Randy Kuhn and Jeff and Marnie Miller stemming from the fact that their property abuts the project area. Therefore, the motions to intervene shall be granted for these individuals.

B. Ohio Farm Bureau Federation's Motion to Intervene

{¶ 23} On November 13, 2018, the Ohio Farm Bureau Federation (OFBF) filed a timely motion to intervene in this proceeding. OFBF states that it has a real and substantial interest in this matter that is not represented by existing parties. Further, OFBF states that its involvement will contribute to a just and expeditious resolution of the issues involved in this proceeding and will not unduly delay the proceedings or unjustly prejudice an existing party.

{¶ 24} In support of its motion, OFBF avers that it is a non-profit organization representing agricultural interests at the state and local levels with member families in every county, including hundreds of families in Seneca and Sandusky counties. OFBF represents

that its members support a diversified energy portfolio, including renewable energy sources such as wind energy development. OFBF notes that farmers engaged in wind leasing agreements want to make sure that construction activities on their property adhere to procedures ensuring soil and water conservation and air quality, as well as ensuring appropriate consideration of drainage infrastructure on agricultural land. No memoranda contra were filed in response to OFBF's petition to intervene.

C. Seneca East Local School District

{¶ 25} On November 15, 2018, Seneca East Local School District filed a timely petition for leave to intervene as a party in this proceeding. Seneca East Local School District represents that the proposed facility will be located, at least in part, within its territory. No memoranda contra were filed in response to Seneca East Local School District's petition to intervene.

D. Steve Shuff's Petition to Intervene

{¶ 26} Also on November 15, 2018, Steve Shuff (Mr. Shuff) filed a timely petition, on behalf of himself, for leave to intervene as a party in this proceeding. In support of his motion, Mr. Shuff represents that he has a real and substantial interest in the proceeding. Specifically, Mr. Shuff states that his personal residence is within the proposed project area, and he has a financial interest in the Ironwood Steakhouse located within or directly abutting the proposed project area. Mr. Shuff avers that he intends to produce, as a witness, a wildlife expert to address the environmental impact of the proposed project. Mr. Shuff opines that he meets the intervention standards required by Ohio Adm.Code 4906-2-12(A)(2) and 4906-2-12(B)(1) and that his interests are not already adequately represented by existing parties. Furthermore, Mr. Shuff avers that he will contribute to a just and expeditious resolution of the issues involved and will not unduly delay the proceeding or unjustly prejudice an existing party. No memoranda contra were filed in response to Mr. Shuff's petition to intervene.

{¶ 27} Subsequently, on January 24, 2019, Mr. Shuff filed a response to Seneca Wind's first set of interrogatories and requests for production of documents. In his response, Mr. Shuff states that he is not currently a party and declines to respond to any discovery requests until he is a party to this proceeding. The ALJ notes that, under Ohio Adm.Code 4906-2-14(H), the term "party" includes any person who has filed a notice or petition to intervene which is pending at the time a discovery request or motion is to be served or filed. Therefore, all persons awaiting a decision on a motion to intervene, including Mr. Shuff, are subject to discovery for the purposes of this proceeding.

E. Black Swamp Bird Observatory's Petition to Intervene

{¶ 28} On November 15, 2018, the Black Swamp Bird Observatory (BSBO) filed a timely petition for leave to intervene as a party to this proceeding. BSBO avers that it satisfies the intervention requirements prescribed in Ohio Adm.Code 4906-2-12(B). In support of its petition, BSBO states that it is an Ohio non-profit corporation formed for the specific purpose of fostering the "appreciation, enjoyment and conservation of birds and their habitats through research, education, and outreach" and has a unique interest in birds, bats, and their habitats that no other party can adequately protect. BSBO states that 40-50 of their 2,000 members reside in Seneca County and are active birdwatchers and conservationists. Furthermore, BSBO opines that there is an active migratory pathway located through Seneca County and alleges that this pathway is one of the preeminent and most important migration routes for birds in North America. BSBO states that it will provide the Board with scientific information about nocturnal migration, bats, diurnal raptor migration, and the bald eagle population, among other issues. BSBO further opines that its scientific expertise will be beneficial in this proceeding and granting BSBO's petition will not unduly delay the proceeding or cause unjust prejudice to Applicant. No memoranda contra were filed in response to BSBO's petition to intervene.

F. Seneca County Commissioners' Notice of Intervention

{¶ 29} On November 27, 2018, the Seneca County Board of Commissioners (Seneca County) filed an untimely notice to intervene as a party to this proceeding. In its notice, Seneca County acknowledged that it did not meet the deadline to file a notice of intervention; however, Seneca County supplemented its notice with minutes from its November 20, 2018 board meeting explaining that it made efforts to work with other Seneca County townships to achieve consensus on intervention. Ultimately, a resolution was put forth regarding Seneca County's intervention in this proceeding during a November 13, 2018 board meeting, but failed to garner the necessary votes to pass. The minutes further reveal that the issue of Seneca County's intervention was voted on again at the November 20, 2018 meeting, and consequently passed with a two-thirds vote. Seneca County requests that the Board accept its untimely notice of intervention based on the fact that it invested additional time in an attempt to receive input and achieve consensus among interested stakeholders.

{¶ 30} Seneca County avers that the proposed facility is to be located at least in part in Seneca County, Ohio, and that it intends to intervene in this proceeding on the grounds that it has an absolute right to intervene and extensive interest in the proceedings as the elected representatives of the citizens of Seneca County. Further, Seneca County states that the county's interest is not and cannot be represented by another party and that its intervention would not unduly delay the proceeding or unjustly prejudice an existing party.

{¶ 31} Ohio Adm.Code 4906-2-12(C) provides that the Board or the ALJ may, in extraordinary circumstances and for good cause shown, grant a petition for leave to intervene in subsequent phases of the proceeding, filed by a person who failed to file a timely notice of intervention or petition for leave to intervene. Any petition untimely filed under Ohio Adm.Code 4906-2-12(C) must contain a statement of good cause for failing to timely file the notice or petition and shall be granted only upon a finding that extraordinary circumstances justify the granting of the petition and the intervenor agrees to be bound by agreements, arrangements, and other matters previously made in the proceeding

{¶ 32} R.C. 4906.08 provides, in pertinent part: (A) The parties to a certification proceeding shall include*** (2) Each person entitled to receive service of a copy of the application under division (B) of section 4906.06 of the Revised Code, if the person has filed with the power siting board a notice of intervention as a party, within thirty days after the date it was served with a copy of the application.

{¶ 33} The ALJ notes that the Seneca County Commissioners are some of those persons entitled to receive service of a copy of the application under division (B) of R.C. 4906.06. Moreover, Applicant's October 22, 2018 proof of service indicates that each of the Seneca County Commissioners were served a copy of the application on October 16, 2018. Seneca County had 30 days after the date of the service of the application – that is, until November 15, 2018 – to file their notice of intervention. The November 20, 2018 board meeting minutes reflect that the Seneca County Commissioners met with other township trustees on October 22, 2018, and the community on November 7, 2018, to discuss intervention. Further, a regularly scheduled board meeting took place on November 13, 2018, but the proposed resolution regarding intervention in this proceeding was tabled, and the tabled resolution failed to garner the necessary votes to pass on November 20, 2018. Seneca Wind will not be prejudiced, nor will the proceedings be unduly delayed, by Seneca County's intervention in this case, given the fact that, while its notice of intervention was filed on November 27, 2018, the current procedural schedule was not issued until February 7, 2019, and all parties will have adequate time to prepare for the evidentiary hearing scheduled in May. No memoranda contra were filed in response to Seneca County's notice to intervene.

{¶ 34} In granting this petition, the Board maintains the authority to evaluate petitions to intervene filed in proceedings before it, pursuant to the guidelines set forth in R.C. 4903.08 and Ohio Adm.Code 4906-2-12, and the ALJ notes that any requests in future proceedings will be determined on a case-by-case basis, consistent with these guidelines and Board precedent. As such, the ALJ finds that Seneca County has shown good cause and the existence of extraordinary circumstances; thus, their motion to intervene should be granted.

However, the ALJ notes that Seneca County will be bound by matters previously decided in the proceeding, as set forth in Ohio Adm.Code 4906-2-12(C).

{¶ 35} The ALJ finds that the unopposed petitions to intervene filed by OFBF, Seneca East Local School District, Steve Shuff, and BSBO demonstrate good cause for intervention and, therefore, should be granted. Further, in accordance with Ohio Adm.Code 4906-2-12(A)(1), Eden, Venice, Reed, and Scipio townships will be considered interveners in this matter. The ALJ finds that the untimely notice of intervention filed by Seneca County demonstrates good cause for its untimely filing, and therefore, should be accepted.

{¶ 36} It is, therefore,

{¶ 37} ORDERED, That the motions for intervention be granted for Local Residents, the OFBF, Seneca East Local School District, Steve Shuff, and BSBO. It is, further,

{¶ 38} ORDERED, That the notices of intervention filed by Eden, Venice, Reed, and Scipio townships be accepted as timely, and the untimely notice by Seneca County also be accepted for good cause shown. It is, further,

{¶ 39} 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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3/27/2019 2:46:49 PM

in

Case No(s). 18-0488-EL-BGN

Summary: Administrative Law Judge Entry granting motions to intervene, accepting notices of intervention as timely, and accepting untimely notice of intervention for good cause shown electronically filed by Heather A Chilcote on behalf of Lauren L. Augostini, Administrative Law Judge, Power Siting Board

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF
FIRELANDS WIND, LLC FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED TO
CONSTRUCT A WIND-POWERED
ELECTRIC GENERATION FACILITY IN
HURON AND ERIE COUNTIES, OHIO.

CASE NO. 18-1607-EL-BGN

ENTRY

Entered in the Journal on June 25, 2019

I. SUMMARY

{¶ 1} The administrative law judge grants the motions to intervene filed by: Rosemary Clifford, Thomas and Lori Collins, Patricia and Alvin Didion, John and Missy Eberle, Keith and Jane Fox, Jeff and Jenny Geary, Marvin and Theresa Hay, Joseph and Pam Jenkins, Randall and Della Ladd, Jim and Catherine Limbird, Sally Norman, Patricia Olsen, Walt and Sheila Poffenbaugh, John and Christina Popa, Daniel and Lori Riedy, Cindy Riley, Charles Rogers, Kevin Rospert, Patrick and Julie Ruffing, Dennis and Sharon Schreiner, William and Donna Seaman, Matthew Sostakowski, John Wagner, Mark Weber, Kenneth and Deborah Weisenauer, and Gerard Wensink.

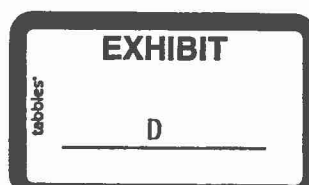
II. DISCUSSION

A. *Procedural History*

{¶ 2} Firelands Wind, LLC (Firelands or Applicant) is a person as defined in R.C. 4906.01.

{¶ 3} R.C. 4906.04 provides that no person shall construct a major utility facility in the state without obtaining a certificate for the facility from the Ohio Power Siting Board (Board).

{¶ 4} On October 26, 2018, Firelands, a wholly-owned subsidiary of Apex Clean Energy Holdings, Inc., filed a pre-application notification letter with the Board regarding its



proposed windfarm with up to 298.2 megawatt (MW) wind-powered electric generating capacity in Huron, Erie, and Seneca counties, Ohio.

{¶ 5} On November 15, 2018, Applicant held a public informational meeting at the Bronson-Norwalk Conservation League, in Norwalk, Ohio to discuss the proposed project with interested persons and property owners.

{¶ 6} On January 31, 2019, as supplemented on March 18, 2019, and April 11, 2019, Firelands filed its application with the Board for a certificate of environmental compatibility and public need to construct and operate a wind-powered electric generation facility (Project) in Huron and Erie counties, Ohio. Applicant explained that the information presented in the pre-application notification letter had been revised to reflect that the Project will be located in Huron and Erie counties only and that no facilities are now proposed for Seneca County. Specifically, Firelands states that the Project will be located within approximately 32,000 acres of leased land in Groton and Oxford townships in Erie County and Lyme, Norwich, Richmond, Ridgefield, and Sherman townships in Huron County. The Project will consist of up to 87 turbine generators,¹ each with a nameplate capacity rating of 4.2 to 4.5 MW, which results in the Project generating up to 297.66 MW rather than the 298.2 MW listed in the pre-application notification letter.

{¶ 7} By letter docketed on March 6, 2019, the Board's Executive Director found that substantial changes had been made in the January 31, 2019 application after the initial informational meeting and, therefore, recommended that another public informational meeting be held by the Applicant.

{¶ 8} By Entry issued March 7, 2019, the administrative law judge (ALJ) agreed that substantial changes, as outlined in Ohio Adm.Code 4906-3-03(B), had occurred in the Project

¹ Although the application evaluates 87 proposed turbine sites, Firelands asserts that only 66-71 turbines will actually be constructed depending on the model of turbine selected. However, to allow for flexibility on final site selection, Applicant seeks approval for 87 turbine sites.

from the time of the public informational meeting to when the application had been filed to require another public informational meeting.

{¶ 9} Pursuant to the Entry of March 29, 2019, the ALJ determined the completeness deadline would be extended until April 17, 2019. The completeness letter was filed by the Executive Director on April 17, 2019.

B. Motions to Intervene

{¶ 10} An ALJ may grant intervention, pursuant to Ohio Adm.Code 4906-2-12, upon a showing of good cause, which the Board has historically held is shown when the person has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties. *In re Black Fork Wind LLC*, Case No. 09-546-EL-BGN, Entry (Mar. 2, 2010). Further, R.C. 4906.08(A) and Ohio Adm.Code 4906-2-12(B) provide that, in deciding whether to permit timely intervention, the following factors may be considered: the nature and extent of the prospective intervenor's interest; the extent to which the prospective intervenor's interest is represented by existing parties; the prospective intervenor's potential contribution to a just and expeditious resolution of the issues involved in the proceeding; the legal position advanced by the prospective intervenor and its probable relation to the merits of the case; and, whether the intervention by the prospective intervenor will unduly delay the proceeding or unjustly prejudice an existing party.

{¶ 11} On May 17, 2019, the following individuals filed a joint motion to intervene in this proceeding: Chris and Amy Bauer, Krista Beck, Rosemary Clifford, Thomas and Lori Collins, Patricia and Alvin Didion, John and Missy Eberle, Scott and Heather Eisenhauer, Terry and Bertha Eisenhauer, Keith and Jane Fox, Jeff and Jenny Geary, Marvin and Theresa Hay, Joseph and Pam Jenkins, Randall and Della Ladd, Jim and Catherine Limbird, Jane and Mark Motley, Sally Norman, Patricia Olsen, Walt and Sheila Poffenbaugh, John and Christina Popa, Daniel and Julie Riedy, Cindy Riley, Jesse Roeder, Charles Rogers, Kenneth

Rospert, Patrick and Julie Ruffing, Dan and Renee Schoen, Dennis and Sharon Schreiner, William and Donna Seaman, Tim and Vicki Smythe, Matthew Sostakowski, John Wagner, Kevin and Beth Wagner, Mark Weber, Kenneth and Deborah Weisenauer, and Gerard and Denise Wensink (collectively, "Local Residents").

{¶ 12} Local Residents state that they are long-time residents of Erie, Huron, and Seneca counties and that they each own property and live in either Erie, Huron, or Seneca County. Further, Local Residents represent that they pay Erie, Huron, or Seneca County property taxes and that they are consumers of electricity. Local Residents submit that their property is either located in, abuts, or is in close proximity to the project area and that none of them are participating property owners who have entered into leases for the project or have entered into agreements waiving the statutory setbacks with respect to their property.

{¶ 13} Local Residents contend to have a real and substantial interest in this proceeding and that their interests are not already adequately represented by existing parties in this proceeding. According to Local Residents, their intervention will contribute to a just and expeditious resolution of issues raised in this proceeding and that their intervention will neither delay this proceeding nor prejudice existing parties.

{¶ 14} Local Residents seek to intervene in this proceeding in order to protect their personal interests that they allege will be detrimentally affected if Firelands is permitted to construct its proposed project in close proximity to their homes. Specifically, Local Residents contend that their homes will be subjected to excessive noise and shadow flicker caused by Firelands' wind turbines. They also assert that birds, bats, and bald eagles will be harmed and killed as a result of the wind turbines. Further, Local Residents opine that the proposed project will negatively impact the local viewshed and diminish the value of their homes. Finally, Local Residents state that they are interested in preserving affordable and reliable electricity supplies for consumers in Erie, Huron, and Seneca counties.

{¶ 15} On June 3, 2019, Firelands filed a memorandum contra the joint motion to intervene. While Firelands states that it does not object to the motion for intervention in its

entirety, it does object to the following 21 individuals: Chris and Amy Bauer, Tom and Vicki Smythe, Jane and Mark Motley, Scott and Heather Eisenhauer, Krista Beck, Jesse Roeder, Terry and Bertha Eisenhauer, Dan and Renee Schoen, Gerard and Denise Wensink, Kevin and Beth Wagner, John Wagner, and Jim and Catherine Limbird.

{¶ 16} Specific to Tom and Vicki Smythe, Jane and Mark Motley, Scott and Heather Eisenhauer, Krista Beck, Jesse Roeder, Terry and Bertha Eisenhauer, Dan and Renee Schoen, Gerard and Denise Wensink, Kevin and Beth Wagner, John Wagner, and Jim and Catherine Limbird, Firelands asserts that these individuals are not within or do not abut the project area. Specifically, Firelands states that these individuals are between 0.4 and 1.9 miles away from the nearest turbine. Therefore, Firelands contends that the motions to intervene of these individuals should be denied for lack of good cause.

{¶ 17} Firelands avers that the Local Residents who do not live in the project area will not contribute to a just and expeditious resolution of the issues involved in the proceeding and will result in irrelevant, duplicative evidence, which will only serve to delay the proceeding. Additionally, Firelands believes that many of their concerns can be addressed by other parties in this proceeding or through the Board Staff's investigation of the environmental impacts of the project.

{¶ 18} Specific to Chris and Amy Bauer, Firelands states that they are "participating property owners" as they reside on property that is obligated pursuant to a 2014 contract filed with the Huron County Recorder's Office that "runs with the land."

{¶ 19} On June 10, 2019, Local Residents filed their reply memorandum. Specifically, Local Residents assert that although the residence of Jim and Catherine Limbird is neither in nor abutting the project area, they do own three additional properties that do abut the project site. Similarly, with respect to Gerard and Denise Wensink, Local Residents state that although their residence is neither in nor abutting the project area, Gerard is part owner of three additional properties in Erie County, all of which abut the project site.

{¶ 20} The Board has previously found that living in the county of a proposed project is not enough, on its own, to warrant intervention. *In re South Field Energy LLC*, Case No. 15-1716-EL-BGN, Opinion, Order, and Certificate (Sept. 22, 2016) (where the Board stated that the general concerns as citizens and ratepayers are better represented by the intervening local governments representing their citizens). While the Board's standard is generally construed in favor of intervention, a more defined nexus must be present. *In re Icebreaker Windpower Inc.*, Case No. 16-1871-EL-BGN, Entry (May 23, 2018). The Board has granted petitions to intervene when the petitioner can demonstrate an individual, direct interest is at stake in the outcome of a proceeding. *In re Black Fork Wind LLC*, Case No. 09-546-EL-BGN, Entry (Mar. 2, 2010) (where the Board granted intervention to individuals with property that abuts directly with the proposed project site).

{¶ 21} In this case, this nexus has been established by Rosemary Clifford, Thomas and Lori Collins, Patricia and Alvin Didion, John and Missy Eberle, Keith and Jane Fox, Jeff and Jenny Geary, Marvin and Theresa Hay, Joseph and Pam Jenkins, Randall and Della Ladd, Jim and Catherine Limbird, Sally Norman, Patricia Olsen, Walt and Sheila Poffenbaugh, John and Christina Popa, Daniel and Lori Riedy, Cindy Riley, Charles Rogers, Kevin Rospert, Patrick and Julie Ruffing, Dennis and Sharon Schreiner, William and Donna Seaman, Matthew Sostakowski, John Wagner, Mark Weber, Kenneth and Deborah Weisenauer, and Gerard Wensink. All of these individuals either reside or own property inside the project area or their property abuts the project area, which results in them being directly impacted by the proposed project. Therefore, the motions to intervene shall be granted for these individuals.

{¶ 22} Specific to Krista Beck, Scott and Heather Eisenhauer, Jim and Catherine Limbird, Jane and Mark Motley, Jesse Roeder, Dan and Renee Schoen, Tom and Vicki Smythe, Kevin and Beth Wagner, and Denise Wensink, based on the record, these individuals reside outside of the project area and do not have property that abuts the project area. Therefore, they have failed to demonstrate a sufficient direct interest at stake in the outcome of this case. Therefore, the ALJ finds that their requests to intervene should be

denied. The ALJ further notes that the interests of those residents denied intervention may be raised during the local public hearing to be scheduled in this matter.

{¶ 23} Specific to Chris and Amy Bauer, the motion to intervene should be denied. In reaching this determination, the ALJ finds that the Bauers are participating property owners as a result of the lease agreement entered into by the prior landowner in 2014. Pursuant to such agreement, the landowners and their respective successors and assigns, which includes the Bauers, agreed to participate in the project for a 30-year term.

III. ORDER

{¶ 24} It is, therefore,

{¶ 25} ORDERED, That the motions for intervention be granted in part and denied in part, as set forth in this Entry. It is, further,

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

THE OHIO POWER SITING BOARD

/s/ Jay S. Agranoff

By: Jay S. Agranoff
Administrative Law Judge

JRJ/mef

This foregoing document was electronically filed with the Public Utilities

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6/25/2019 2:55:25 PM

in

Case No(s). 18-1607-EL-BGN

Summary: Administrative Law Judge Entry granting in part and denying in part the motions for intervention electronically filed by Ms. Mary E Fischer on behalf of Jay S. Agranoff, Administrative Law Judge, Ohio Power Siting Board

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF
FIRELANDS WIND, LLC FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED TO
CONSTRUCT A WIND-POWERED
ELECTRIC GENERATION FACILITY IN
HURON AND ERIE COUNTIES, OHIO.

CASE NO. 18-1607-EL-BGN

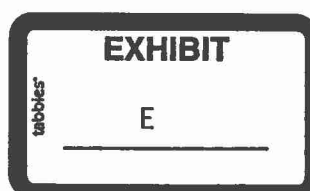
ENTRY

Entered in the Journal on June 26, 2019

{¶ 1} Firelands Wind, LLC is a person as defined in R.C. 4906.01.

{¶ 2} On May 17, 2019, the following individuals filed a joint motion to intervene in this proceeding: Chris and Amy Bauer, Krista Beck, Rosemary Clifford, Thomas and Lori Collins, Patricia and Alvin Didion, John and Missy Eberle, Scott and Heather Eisenhauer, Terry and Bertha Eisenhauer, Keith and Jane Fox, Jeff and Jenny Geary, Marvin and Theresa Hay, Joseph and Pam Jenkins, Randall and Della Ladd, Jim and Catherine Limbird, Jane and Mark Motley, Sally Norman, Patricia Olsen, Walt and Sheila Poffenbaugh, John and Christina Popa, Daniel and Julie Riedy, Cindy Riley, Jesse Roeder, Charles Rogers, Kenneth Rospert, Patrick and Julie Ruffing, Dan and Renee Schoen, Dennis and Sharon Schreiner, William and Donna Seaman, Tim and Vicki Smythe, Matthew Sostakowski, John Wagner, Kevin and Beth Wagner, Mark Weber, Kenneth and Deborah Weisenauer, and Gerard and Denise Wensink.

{¶ 3} Pursuant to the Entry of June 25, 2019, the motion to intervene was granted in part and denied in part. The administrative law judge (ALJ) now clarifies that the Entry of June 25, 2019, should reflect that the motion to intervene relative to Terry and Bertha Eisenhauer is denied in as much as they reside outside the project area and do not have property that abuts the project area. Therefore, they have failed to demonstrate a sufficient direct interest at stake in the outcome of this case.



{¶ 4} Additionally, the Entry of June 25, 2019, is clarified to reflect that the motion to intervene relative to Jim and Catherine Limbird is granted inasmuch as they own property that abuts the project area, which results in them being directly impacted by the proposed project.

{¶ 5} It is, therefore,

{¶ 6} ORDERED, That the Entry of June 25, 2019, is clarified in accordance with Paragraphs 3 and 4. It is, further,

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

THE OHIO POWER SITING BOARD

/s/Jay S. Agranoff

By: Jay S. Agranoff
Administrative Law Judge

JRJ/mef

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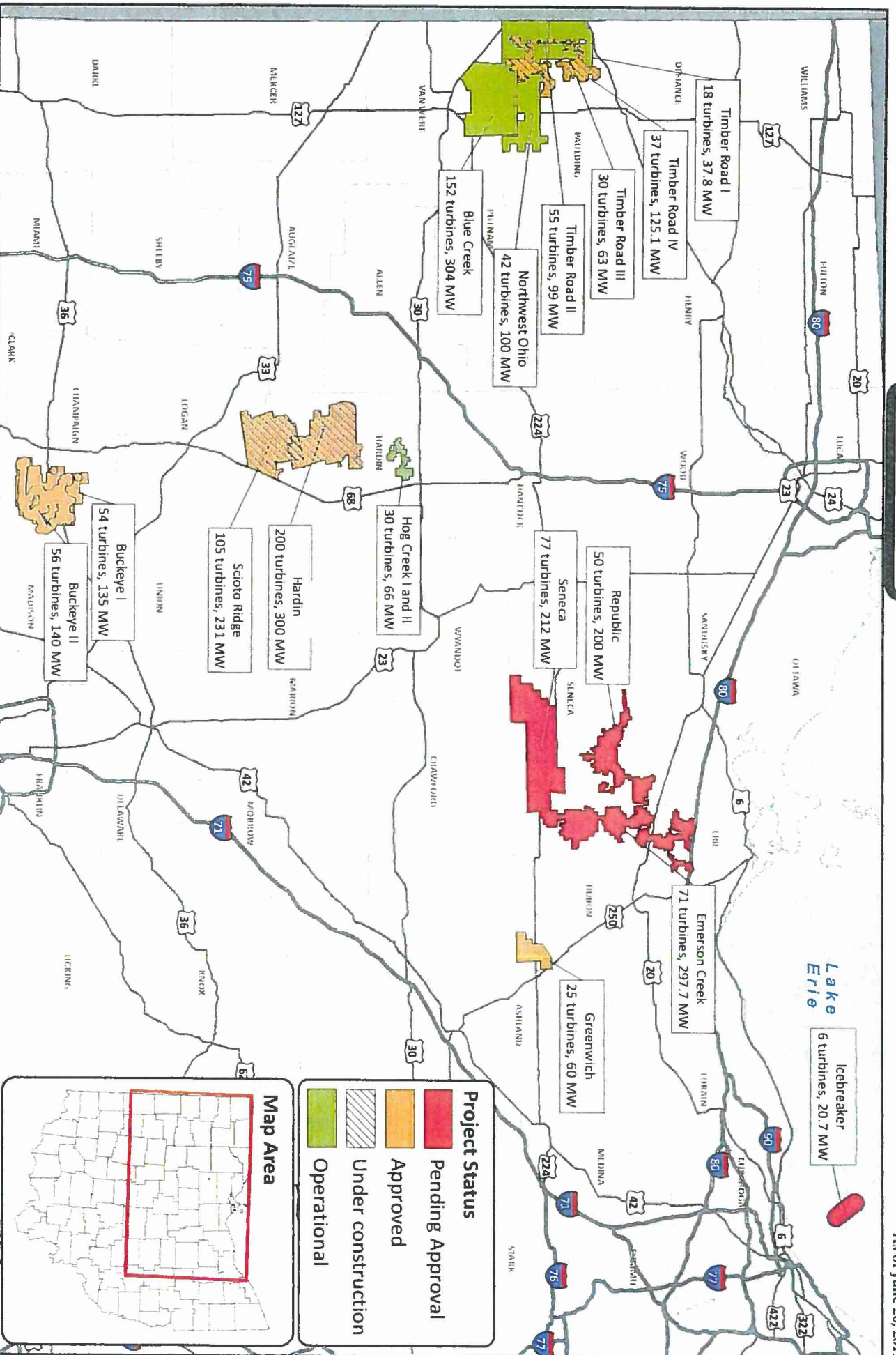
in

Case No(s). 18-1607-EL-BGN

Summary: Administrative Law Judge Entry clarifying 6/25/19 Entry as to approved/denied parties electronically filed by Ms. Mary E Fischer on behalf of Jay S. Agranoff, Administrative Law Judge, Ohio Power Siting Board

Power Siting Wind Case Status

As of June 20, 2019



Notes: Project area boundaries are provided by applicants. Case and construction status is determined by the case filings. The nameplate capacity shown is the maximum capacity that could be built based on the number of approved turbines and the highest nameplate capacity of the approved turbine models.

Operational Wind Facilities			Potential Wind Facilities (Approved, Pending and Pre-application)			
Operational Megawatts (MW):		669.8	Potential Megawatts (MW):		1,721.5	
Operational Turbines:		327	Potential Turbines:		681	
Case Number	Related Cases	Project Name	Online Date	County	Turbines	MW
09-1066-EL-BGN	11-1995-EL-BGA 11-3644-EL-BGA	Blue Creek	6/14/12	Paulding, Van Wert	152	304
09-0980-EL-BGN	15-2031-EL-BGA	Timber Road I	12/8/16	Paulding	18	37.8
10-0369-EL-BGN	10-3128-EL-BGA	Timber Road II	7/19/11	Paulding	55	99
10-0369-EL-BGN	15-2030-EL-BGA	Timber Road III	12/8/16	Paulding	30	63
09-0277-EL-BGN	11-0757-EL-BGA 11-5542-EL-BGA 16-1422-EL-BGA	Hog Creek I	12/19/17	Hardin	30	66
10-0654-EL-BGN	11-3543-EL-BGA 16-1423-EL-BGA 17-0627-EL-BGA	Hog Creek II	withdrawn			
13-0197-EL-BGN	16-0343-EL-BGA 16-1687-EL-BGA 17-1099-EL-BGA	Northwest Ohio	9/10/18 withdrawn 9/10/18	Paulding	42	100
TOTALS:					327	669.8
Case Number	Related Cases	Project Name	Approval Date	County	Turbines	MW
08-0868-EL-BGN	13-0360-EL-BGA 17-2516-EL-BGN	Buckeye I	3/22/10 2/18/14 pending	Champaign	54	135
09-0479-EL-BGN	11-3448-EL-BGA 14-1030-EL-BGA 16-0469-EL-BGA 16-2404-EL-BGA 18-0677-EL-BGA	Hardin ¹	3/22/10 12/5/16 withdrawn 2/2/17 3/2/17 6/21/2018	Hardin	200	300
12-0160-EL-BGN	17-2517-EL-BGA	Buckeye II	5/28/13 pending	Champaign	56	140
13-0990-EL-BGN	15-1921-EL-BGA	Greenwich	8/25/14 5/19/16	Huron	25	60
13-1177-EL-BGN	14-1557-EL-BGA 16-0725-EL-BGA 16-1717-EL-BGA 17-0759-EL-BGA 17-2108-EL-BGA 18-1473-EL-BGA	Scioto Ridge ¹	3/17/14 11/12/15 5/19/16 10/25/16 7/6/17 3/15/18 withdrawn	Hardin, Logan	105	231
18-0091-EL-BGN		Timber Road IV ¹	2/21/2019	Paulding	37	125.1
TOTALS:					477	991.1
¹ under construction						
Case Number	Project Name	Pending Wind Facilities	Filing Date	County	Turbines	MW
16-1871-EL-BGN	Icebreaker		2/1/2017	Cuyahoga	6	20.7
17-2295-EL-BGN	Republic		2/2/2018	Seneca, Sandusky	50	200
18-0486-EL-BGN	Seneca		7/16/2018	Seneca	77	212
18-1607-EL-BGN	Emerson Creek		1/31/2019	Erie, Huron	71	297.5
TOTALS:					204	730.4

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Case No(s). 19-0778-GE-BRO

Summary: Comments Initial Comments Submitted By Local Resident Intervenors
electronically filed by John F Stock on behalf of Stock, John and Local Residents