

**BEFORE  
THE OHIO POWER SITING BOARD**

In the Matter of the Application of	)	
6011 Greenwich Windpark, LLC for a	)	
Certificate to Construct a Wind-Powered	)	Case No. 13-990-EL-BGN
Electric Generation Facility in	)	
Huron County, Ohio.	)	

---

**MOTION OF GREENWICH NEIGHBORS UNITED  
FOR LEAVE TO INTERVENE AND MEMORANDUM IN SUPPORT**

---

Matthew R. Pritchard (Reg. No. 0088070)  
(Counsel of Record)  
MCNEES WALLACE & NURICK LLC  
21 East State Street, 17<sup>TH</sup> Floor  
Columbus, OH 43215  
Telephone: (614) 719-2842  
Telecopier: (614) 469-4653  
mpritichard@mcneeslaw.com  
(willing to accept service via email)

**AUGUST 26, 2019**

**ATTORNEY FOR GREENWICH NEIGHBORS UNITED**

**BEFORE  
THE OHIO POWER SITING BOARD**

In the Matter of the Application of	)	
6011 Greenwich Windpark, LLC for a	)	
Certificate to Construct a Wind-Powered	)	Case No. 13-990-EL-BGN
Electric Generation Facility in	)	
Huron County, Ohio.	)	

---

**MOTION OF GREENWICH NEIGHBORS UNITED  
FOR LEAVE TO INTERVENE**

---

Greenwich Neighbors United (“GNU”) moves the Ohio Power Siting Board (“Board”) to grant GNU leave to intervene in a subsequent phase of this proceeding pursuant to Rule 4906-2-12(C), Ohio Administrative Code (“O.A.C.”). GNU was a party in the amendment case related to this proceeding, and good cause exists to grant GNU’s motion to intervene in this phase of the proceeding. GNU also agrees to be bound by the prior agreements, arrangements, and other matters previously made in the proceeding.

Specifically, one such prior agreement was a Stipulation and Recommendation (“Stipulation”) filed on May 16, 2014, which was approved on August 25, 2014 through an Opinion, Order and Certificate. These contained certain certificate conditions that among other things required 6011 Greenwich Windpark, LLC (“Windpark”) to begin a continuous course of construction within five (5) years of the issuance of the certificate or it would become void, and a number of other conditions that were a prerequisite to the commencement of any construction.

As discussed in the attached memorandum in support, and more fully demonstrated in a separate motion filed concurrently with this motion, the prerequisites

to the commencement of construction have not been satisfied and therefore the five-year deadline of August 25, 2019 to have begun a continuous course of construction was not met.

GNU has a direct, real, and substantial interest in the issues and matters involved in the proceeding and is so situated that the disposition of this proceeding may, as a practical matter, impair or impede its ability to protect that interest. GNU believes that its participation will not unduly prolong or delay this proceeding and that it will significantly contribute to the full development and equitable resolution of the factual and other issues in the proceeding. The interests of GNU will not be adequately represented by other parties to the proceeding and, as such, GNU is entitled to intervene with the full powers and rights granted by the Board, specifically by statute and by the provisions of the Ohio Administrative Code, to intervening parties.

Respectfully submitted,

/s/ Matthew R. Pritchard

Matthew R. Pritchard (Reg. No. 0088070)

(Counsel of Record)

MCNEES WALLACE & NURICK LLC

21 East State Street, 17<sup>TH</sup> Floor

Columbus, OH 43215

Telephone: (614) 719-2842

Telecopier: (614) 469-4653

mpritchard@mcneeslaw.com

**BEFORE  
THE OHIO POWER SITING BOARD**

In the Matter of the Application of	)	
6011 Greenwich Windpark, LLC for a	)	
Certificate to Construct a Wind-Powered	)	Case No. 13-990-EL-BGN
Electric Generation Facility in	)	
Huron County, Ohio.	)	

---

**MEMORANDUM IN SUPPORT**

---

The Board's rules specifically contemplate the ability of a party to intervene "in subsequent phases of the proceeding," in extraordinary circumstances and for good cause shown.<sup>1</sup> GNU meets this standard.

GNU is an association and an Ohio non-profit corporation (and was created after the intervention deadline established in this proceeding) that includes owners of real property located adjacent to the property which has been or will be leased by Windpark, a proposed wind-powered electric generation facility located in Huron County. GNU's members will be affected by the proposed wind farm, if it is in fact built and operated. To this end, the Board has already considered GNU's interests in the *Amendment Case*, Case No 15-1921-EL-BGA, and determined that GNU is entitled to intervention in cases regarding this wind farm.<sup>2</sup>

Good cause exists to grant this motion. Initially, GNU is already a party in the *Amendment Case* and therefore may not even need to be granted party status in the

---

<sup>1</sup> Rule 4906-2-12, O.A.C.

<sup>2</sup> *Amendment Case*, Order on Certificate at 3 (May 19, 2016).

*Certificate Case*, Case No. 13-990-EL-BGN, to raise the issue of whether the certificate has become invalid under its own terms. Moreover, as the Board is aware, adjacent property owners and other local residents affected by the proposed wind farm did not fully grasp the scope and legal consequences of this proceeding until after the intervention deadline. That is not to say, however, that adjacent property owners did not seek to participate in this matter. As the public comments sections of this docket readily identifies, adjacent property owners sought assistance from the Board and expressed their comments, concerns, and largely opposition to the proposed wind farm. Accordingly, even though adjacent property owners, such as GNU, were not formally granted intervention status in this proceeding, they have been participating in this proceeding since its infancy.

Furthermore, this phase of the proceeding is very limited in scope. Windpark has a certificate that is only valid if Windpark commenced a continuous course of construction by August 25, 2019. As GNU demonstrates in a separate motion filed contemporaneously with this motion, GNU does not believe that Windpark commenced a continuous course of construction by August 25, 2019; nor does GNU believe that Windpark satisfied all of the certificate conditions that were a prerequisite to the lawful commencement of any type of construction activity. It would be an extraordinary disregard for this Board's authority if Windpark sought to construct and operate a wind farm under a certificate that became invalid. Moreover, given the decades-long construction, operational, and decommissioning life cycle of the proposed wind farm, GNU and its members would face extraordinary injury if it had to suffer the decades-long consequences of an unlawfully constructed and operated wind farm.

On the other hand, the resolution of the validity of Windpark's certificate is not an overly complicated endeavor. Windpark need only set forth evidence that demonstrates that it complied with the 15 certificate conditions that are a prerequisite to construction, certificate conditions it agreed to and the Board adopted, and that it has lawfully commenced a continuous course of construction. The Board's Staff can then confirm or deny the veracity of those claims. Other items, such as an executed interconnection agreement, are independently verifiable and, to date, PJM's website does not reflect a signed interconnection agreement.

Moreover, neither Windpark nor Staff have filed anything in the *Certificate Case* or *Amendment Case* indicating whether any of the certificate conditions have been satisfied. Thus, without intervention and action by GNU, it is not apparent whether this matter would otherwise be brought to the Board's attention.

GNU has a direct, real, and substantial interest in resolving whether Windpark's certificate became invalid on August 26, 2019 thereby eliminating Windpark's right to construct or operate the proposed wind farm under its certificate. GNU's participation in this limited phase of the proceeding will not unduly prolong or delay this proceeding and GNU will significantly contribute to the full development and equitable resolution of the factual and other issues in the case. There are extraordinary circumstances and good cause to grant this motion.

For the reasons stated herein, GNU urges the Board to grant the foregoing Motion  
for Leave to Intervene.

Respectfully submitted,

/s/ Matthew R. Pritchard

Matthew R. Pritchard (Reg. No. 0088070)

(Counsel of Record)

McNEES WALLACE & NURICK LLC

21 East State Street, 17<sup>TH</sup> Floor

Columbus, OH 43215

Telephone: (614) 719-2842

Telecopier: (614) 469-4653

mpritchard@mcneeslaw.com

## **CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing *Motion of Greenwich Neighbors United for Leave to Intervene and Memorandum in Support* has been served via electronic mail upon the following parties of record this 26<sup>th</sup> day of August 2019.

/s/ Matthew R. Pritchard

Matthew R. Pritchard

Sally Bloomfield  
Dylan Borchers  
Bricker & Eckler LLP  
100 South Third Street  
Columbus OH 43215-4291  
Phone: 614.227-2368  
Fax: 614.227.2390  
sbloomfield@bricker.com  
dborchers@bricker.com

### **ATTORNEYS FOR 6011 GREENWICH WINDPARK, LLC**

Chad A. Endsley (Reg. No. 0080648)  
Chief Legal Counsel  
Leah F. Curtis (0086257)  
Amy M. Milam (0082375)  
Ohio Farm Bureau Federation  
280 North High Street  
PO Box 182383  
Columbus, OH 43218-2383  
cendsley@ofbf.org  
lcurtis@ofbf.org  
amilam@ofbf.org

### **ATTORNEYS FOR OHIO FARM BUREAU FEDERATION**

John H. Jones  
Assistant Attorney General  
Chief, Public Utilities Section  
Office of the Attorney General  
30 East Broad Street, 16<sup>th</sup> Floor  
Columbus, OH 43215  
john.jones@ohioattorneygeneral.gov

Sarah Anderson  
Assistant Attorney General  
Environmental Enforcement Section  
Office of the Attorney General  
30 East Broad Street, 25<sup>th</sup> Floor  
Columbus, OH 43215  
Sarah.anderson@ohioattorneygeneral.gov

### **ATTORNEYS FOR STAFF OF THE OHIO POWER SITING BOARD**

Greta See  
Attorney Examiner  
Public Utilities Commission of Ohio  
180 East Broad Street, 12<sup>th</sup> Floor  
Columbus, OH 43215  
Greta.See@puc.state.oh.us

### **ATTORNEY EXAMINERS**



**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**8/26/2019 1:42:56 PM**

**in**

**Case No(s). 13-0990-EL-BGN**

Summary: Motion of Greenwich Neighbors United for Leave to Intervene and Memorandum in Support electronically filed by Mr. Matthew R. Pritchard on behalf of Greenwich Neighbors United