

BEFORE  
THE OHIO POWER SITING BOARD

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

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**LIST OF CROSS-EXAMINATION ISSUES OF LOCAL RESIDENT INTERVENORS**

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Local Resident Intervenor Joseph & Diane Anderson, Denise Bell, Aaron & Carrie Boes, Richard & Linda Bollenbacher, Rob & Mary Chappell, Thomas & Kathleen Fries, Jeffrey & DeeAnne Hamilton, Mary Hassellbach, Duane & Deb Hay, Ethan & Crystal Hoepf, Gary & Dawn Hoepf, Jason & Michelle Hoepf, Taylor Hoepf, David P. Hoover, Jeffrey A. Hoover, Kenneth & Debra Hossler, Greg & Laura Jess, Leonard & Beverly Kubitz, Gary & Michelle Miller, Steven & Kelley Miller, Kim Mitchell, Charles & Linda Morsher, Patricia Motry, Steven & Linda Mulligan, Doug & Jennifer Myers, Linda Niederkohr, Kevin & Jennifer Oney, Nicholas & Michelle Reiter, Tom & Lori Scheele, Elaine Schultz, James & Victoria Seliga, Eugene & JoAnn Smith, James & Elaine Steinmetz, Herman & Patricia Studer, Christine Vogt, Mark Weber & Cindra Riley, Charles & Rhonda Weyer, Ann Wright, and Chris & Danielle Zeman (“Intervenor”) submit the following list of issues citing concerns about which they may pursue cross-examination of witnesses at the evidentiary hearing. The term “Facility” means the proposed Republic Wind Farm.

Intervenor may pursue cross-examination on the following issues:

1. The subject matter of any witness’ direct testimony.

2. The degree to which the Applicant's witnesses participated in either (a) the preparation of the Application and/or (b) the studies and investigations supporting the Application.
3. Whether the Staff members who participated in the review, evaluation, and/or investigation of, or recommendations associated with, actual or potential noise, health impacts, blade throw, ice throw, wildlife impacts, aviation impacts, and/or property value impacts associated with the Facility have the necessary training and experience to adequately handle those responsibilities.
4. Whether the Applicant has the necessary experience to safely construct and operate the Facility.
5. Whether complaints received, investigations performed, or other information received, by the Ohio Power Siting Board concerning noise, shadow flicker, adverse health impacts, wildlife impacts, ice throw, blade throw, or any other impacts or effects of any wind energy facility in Ohio justify additional or different conditions than recommended in the Staff Report.
6. Whether the conditions recommended in the Staff Report have been adequate to prevent problems caused by the operating wind projects in Ohio, as shown by any complaints received by operators, the Staff, or the Ohio Power Siting Board about operating wind projects, the process employed for the resolution of each such complaint, the outcome of said resolution process, and the findings of any investigations in response to said complaints.
7. Whether the Application and Staff Report adequately assess the threats of blade throw, blade breakage, blade damage, and blade flaws at the Facility.

8. Whether the Application and Staff Report contain adequate setbacks, facility maintenance, and other safeguards to protect the public against blade breakage, blade damage, blade throw, and flaws in the Facility's turbine blades.
9. Whether the Application's failure to identify the turbine model that will be installed in the Facility prevents the Ohio Power Siting Board from identifying the conditions necessary to protect the public.
10. Whether the Facility is economically viable without receiving governmental funding or incentives, such as tax abatement.
11. Whether the Applicant accurately measured and/or estimated the background noise level in the project area.
12. Whether the Applicant and Staff accurately or adequately assessed the noise levels or impacts that will be produced by the Facility, including noise from turbines and the substation.
13. Whether the Application adequately assesses the amount of low frequency noise and infrasound that will be produced by the Facility.
14. Whether the Staff Report includes adequate conditions and setbacks to protect the Facility's neighbors and their properties from noise, low frequency noise, and infrasound from the turbines and substation.
15. Whether the Facility's noise and infrasound will inflict the Facility's neighbors and their farm and domestic animals with annoyance, discomfort, sleep deprivation, and adverse health effects.

16. Whether the Applicant and Staff have adequately assessed, or provided for setbacks and other conditions to prevent, the ice throw hazards associated with the turbines within the Facility.
17. Whether the Applicant and Staff have adequately assessed the potential shadow flicker impacts associated with turbines within the proposed Facility.
18. Whether the Application and Staff Report adequately protect the neighbors from the potential shadow flicker impacts from turbines within the proposed Facility.
19. Whether the Application and Staff Report adequately address and require all available and feasible measures for mitigation of shadow flicker impacts associated with turbines within the proposed Facility, including but not limited to the range of alternative mitigation measures for affected landowners for whom a proposed mitigation measure is unacceptable.
20. Whether the Applicant and Staff Report adequately assess the potential aviation impacts or interference associated with turbines within the proposed Facility.
21. Whether the Application contains adequate information to demonstrate the Facility's compliance with the requirements of aviation laws and regulations.
22. Whether the Application and Staff Report provide for the adequate prevention and mitigation of adverse impacts to or interference with emergency response flights (such as Life Flight) and other aviation activities.
23. Whether the turbines will interfere with emergency communications through base and field (mobile) units for first responders and other organizations.
24. Whether the turbines will create interference with radio traffic between pilots and airports.

25. Whether the turbines will interfere with 911 dispatch services.
26. Whether the Application and Staff Report provide for specialized training or equipment to local firefighters or paramedics necessary to handle fires and other emergencies at the Facility.
27. Whether the turbines will interfere with or damage airport operations.
28. Whether the Application and Staff Report adequately address the impacts on the host community, such as increased insect populations, resulting from diminution of bird and bat populations as a consequence of the proposed Facility.
29. Whether the Application and Staff Report adequately address the potential impact of the proposed Facility on property values or housing demand (including the impairment of the attractiveness of rental properties to renters), and whether the Application and Staff Report provide for the adoption of available and feasible measures to mitigate said impacts.
30. Whether the Application accurately estimates the Facility's economic benefits and costs to the community and the state.
31. Whether the Application and Staff Report provide for or allow the Applicant to submit studies, plans, information, and reports to the Staff after issuance of a certificate that should have been included in the Application and subjected to cross-examination during the hearing on the certificate.
32. Whether the Application contains adequate information about the presence, numbers, and locations of birds and bats in and near the project area.

33. Whether the Application and Staff Report adequately address the potential impact of the proposed Facility on bats, birds, and other wildlife, as well as provide for all available and feasible measures to mitigate said impacts.
34. Whether the project area is located within a major migratory flyway for birds.
35. Whether the Facility will kill large numbers of birds and bats during migration and other times.
36. Whether the Applicant's studies of bird and bat impacts were adequate and appropriate to assess nocturnal migration utilizing the air column habitat of Seneca County.
37. Whether the Applicant's studies were adequate to discover the presence of endangered species such as the Kirtland's Warbler known to be present during migration.
38. Whether the Applicant's studies include a risk assessment for endangered species.
39. Whether the bat and bird studies in the Application support the conclusions in the Application and Staff Report about the Facility's potential impacts on bats and birds.
40. Whether the Application and Staff Report contain adequate requirements to monitor and mitigate the Facility's impacts on birds, bats, and other wildlife during operation.
41. Whether the Application and Staff Report contain adequate requirements to protect birds, bats, and other wildlife from the Facility's adverse impacts.
42. Whether the Application and Staff Report provide financial assurance provisions that are adequate to guarantee the proper decommissioning of the turbine sites.

43. Whether traffic from Facility construction deliveries will damage public roads and, if so, whether the Application and Staff Report contain adequate measures to fund repairs of the roads.
44. Whether traffic from Facility construction deliveries will interfere with the use of public roads by farmers and other local residents.
45. Whether the setbacks between the Facility's turbines and the homes and properties of non-participating landowners proposed in the Application and recommended in the Staff Report comply with all legal requirements and are adequate to protect the public from blade throw, shadow flicker, noise, ice throw, and other hazards.
46. Whether the Application and Staff Report provide for setbacks between the Facility's turbines and public roads that are adequate to protect the motorists and other members of the public from blade throw, shadow flicker, ice throw, or other hazards.
47. Whether the setbacks between the Facility's turbines and sensitive receptors and ecological resources proposed in the Application and recommended in the Staff Report comply with all legal requirements.
48. Whether the Application and Staff Report contain adequate conditions to protect television reception or require the Applicant to pay for the installation and monthly service costs of cable television hookups or direct broadcast satellite reception systems to restore television reception damaged by the Facility's operation.
49. Whether the Application and Staff Report consider the potential impact of electromagnetic radiation from the Facility on GPS devices such as those employed in agriculture.

50. Whether the Application and Staff Report adequately evaluate and provide adequate protections against adverse impacts from constructing (including blasting, operating heavy construction equipment on, grouting, and filling karst) and the presence wind turbines in karst areas, including collapsing, contaminating, impairing wildlife in, and causing other damage to karst formations, aquifers, underground and aboveground water supplies, caves and caverns (including Seneca Caverns), and geologically fragile areas.
51. Whether the Facility's construction, operation, or presence will contaminate or diminish springs, wells, underground water flows, and underground water supplies.
52. Whether the Facility will impair the scenic views in the community.
53. Whether the Application and Staff Report provide for the adequate mitigation of visual impacts to historic structures and the rural character of the area.
54. Whether the night lights on the turbines will interfere with flights, impair the community's views, or cause other harm.
55. Whether the construction or operation of the Facility has the potential to damage gas pipelines, the utility pipeline pump station along Ohio SR 19, or other natural gas facilities.
56. Whether the Facility poses a risk of fires and whether the Application and Staff Report contain adequate safeguards against fires.
57. Whether the Application, as amended, contains all of the information required by the Board's rules and applicable statutes.



58. The issues described in the Petition to Intervene of Seneca County Residents and the Petition to Intervene of Additional Local Residents, filed in this case on June 19, 2018 and August 17, 2018, respectively, and which are incorporated herein by reference.
59. Any and all issues contained in other parties' lists of issues, and any and all issues addressed in other parties' questioning of witnesses.
60. Cross-examination of witnesses to impeach their qualifications or testimony.
61. Since discovery is not finished in this proceeding, Intervenors reserve the option to add more concerns to this list as they are identified.

Respectfully submitted,

/s/ Jack A. Van Kley

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### **CERTIFICATE OF SERVICE**

On September 5, 2019, the docketing division's e-filing system will electronically serve notice of the filing of this document on the following counsel for the parties: Sally W. Bloomfield (sbloomfield@bricker.com), Dylan Borchers (dborchers@bricker.com), Joshua D. Clark (jclark@senecapros.org), Leah F. Curtis (lcurtis@ofbf.org), Chad A. Endsley (cendsley@ofbf.org), Miranda Leppla (mleppla@theoec.org), Amy M. Milam (amilam@ofbf.org), Mark Mulligan (mulligan\_mark@co.sandusky.oh.us), Devin D. Parram (dparram@bricker.com), Chris Tavenor (ctavenor@theoec.org), Trent Dougherty (theoec.org), Dane Stinson (dstinson@bricker.com), Derek Devine (dwd@senecapros.org), and Jodi Bair (jodi.bair@ohioattorneygeneral.gov). The undersigned counsel also served a courtesy copy of this filing on the above-listed counsel by electronic mail on September 5, 2019. The following unrepresented parties were served by email on September 5, 2019: Leslie and Dennis Hackenburg at Dennyh7@frontier.com, Allen Hassellbach at marybozanne@gmail.com, and Mike and Tiffany Kessler at mkessler7@gmail.com.

/s/ Jack A. Van Kley  
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**This foregoing document was electronically filed with the Public Utilities**

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

Summary: Notice of List of Issues for Joseph & Diane Anderson, Denise Bell, Aaron & Carrie Boes, Richard & Linda Bollenbacher, Rob & Mary Chappell, Thomas & Kathleen Fries, Jeffrey & DeeAnne Hamilton, Mary Hassellbach, Duane & Deb Hay, Ethan & Crystal Hoepf, Gary & Dawn Hoepf, Jason & Michelle Hoepf, Taylor Hoepf, David P. Hoover, Jeffrey A. Hoover, Kenneth & Debra Hossler, Greg & Laura Jess, Leonard & Beverly Kubitz, Gary & Michelle Miller, Steven & Kelley Miller, Kim Mitchell, Charles & Linda Morsher, Patricia Motry, Steven & Linda Mulligan, Doug & Jennifer Myers, Linda Niederkohr, Kevin & Jennifer Oney, Nicholas & Michelle Reiter, Tom & Lori Scheele, Elaine Schultz, James & Victoria Seliga, Eugene & JoAnn Smith, James & Elaine Steinmetz, Herman & Patricia Studer, Christine Vogt, Mark Weber & Cindra Riley, Charles & Rhonda Weyer, Ann Wright, and Chris & Danielle Zeman electronically filed by Mr. Jack A Van Kley on behalf of Local Resident Intervenors