

**BEFORE  
THE OHIO POWER SITING BOARD**

In the Matter of the Application of **REPUBLIC WIND, LLC** for a Certificate of Environmental Compatibility and Public Need for a Wind-Powered Electric Generating Facility in Seneca and Sandusky Counties, Ohio )  
 )  
 ) Case No. 17-2295-EL-BGN  
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**MOTION OF REPUBLIC WIND, LLC TO  
FILE NOTICE OF PROJECT MODIFICATION**

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Republic Wind, LLC (“Republic Wind”) moves for leave to file and introduce at the adjudicatory hearing a Notice of Project Modification concerning the location of Turbine 42. If this motion is granted, the Notice of Project Modification will be introduced as an exhibit at the adjudicatory hearing.

On July 25, 2019, the Ohio Power Siting Board (“OPSB”) Staff filed its initial Staff Report of Investigation, which recommended Condition 43 to the project certificate: “The Applicant shall not construct turbine 42 as proposed, because it does not meet the setback to an existing pipeline.”<sup>1</sup> After further analysis and correspondence with OPSB Staff on the source mapping for the pipeline location, Republic Wind identified that a small shift in the location of Turbine 42—approximately 17 meters to the northwest—will enable that turbine to meet the setback.

On October 21, 2019 Republic Wind filed the pre-filed direct testimony of Dalton Carr. In this testimony, Mr. Carr indicated that:

Republic Wind intends to file [a] brief Notice of Project Modification that will show that a small shift in the turbine’s location will meet the setback. This filing

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<sup>1</sup> Staff Report at p. 67.

will demonstrate that the shift creates no additional environmental impacts. The distance in the shift is also minor enough that the Federal Aviation Administration's ("FAA") determination of no hazard ("DNH") for turbine 42 remains unaffected.

Republic Wind now seeks leave to submit this Notice of Project Modification.

There is good cause for the motion to be granted. The OPSB's rules expressly contemplate this type of modification to the facility footprint introduced during the adjudicatory hearing. Specifically, O.A.C. 4906-3-11(A)(6) states that "[u]nless otherwise ordered by the board or administrative law judge, modifications to the footprint of an electric power generation facility that are introduced into the record . . . during the hearing process shall not be considered amendments if such modifications do not create further impacts for each property owner or within the planned site. . . ." The Notice of Project Modification presents no additional impacts to property owners and creates no additional environmental impacts within the planned site.

The introduction of the Notice of Project Modification resolves an issue between Republic Wind and OPSB Staff without any additional adverse impacts. The introduction of the modification also ensures a more complete and transparent record. In many cases, small adjustments and modifications to portions of electric generating facilities are made to projects after the certificate is granted, as part of the preconstruction design refinements.<sup>2</sup> The OPSB's own rules also allow certain project modifications after the certificate has been granted *without a separate amendment filing* "if such modification(s) would be minimal in nature, and would be adequately addressed by the conditions of a certificate." O.A.C. 4906-4-09(5)(b). Here, the modification will be subject to review in the adjudicatory hearing and will be part of the case record, as opposed to being made after the proceeding via O.A.C. 4906-4-09(5)(b).

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<sup>2</sup> See, e.g., "Engineering Design Technical Changes" by North Coast Gas Transmission LLC in Case. No. 14-1754-GA-BLN (Nov. 6, 2015) (noticing the OPSB of seven engineering design technical changes in advance of the pre-construction conference, *after the certificate was granted*, including shifts in the pipeline location without additional environmental impacts).

No party is prejudiced by the introduction of this modification. Again, no additional adverse impacts will be created by the minor turbine shift. The proposed modification will be presented in the hearing, and, if desired, parties will have the opportunity to question the relevant Republic Wind witnesses about the modification.

For these reasons, Republic Wind respectfully requests that this motion be granted.

Respectfully submitted on behalf of  
REPUBLIC WIND, LLC



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## **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was served upon the following parties of record via regular or electronic mail this 1<sup>st</sup> day of November, 2019.



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Summary: Motion Motion of Republic Wind, LLC to File Notice of Project Modification electronically filed by Teresa Orahoud on behalf of Devin D. Parram