

FILE

**PUCO EXHIBIT FILING**

Date of Hearing: November 4, 2019

Case No. 17-2295-EL-BGN

PUCO Case Caption: 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

List of exhibits being filed:

Volume I

Applicant 15

Local Residents 3

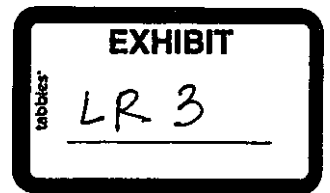
Reporter's Signature: Carolyn M. Burke

Date Submitted: 11/21/2019

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Technician

FILE



BEFORE  
THE OHIO POWER SITING BOARD

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

**REPUBLIC WIND, LLC'S RESPONSE TO LOCAL RESIDENTS'**  
**THIRD SET OF INTERROGATORIES AND REQUESTS**  
**FOR PRODUCTION OF DOCUMENTS**

PUCO

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RECEIVED-DOCKETING

Republic Wind, LLC ("Republic Wind") submits the following responses to the Intervening Local Residents (the "Local Residents") third set of interrogatories and requests for production of documents. These responses reflect Republic Wind's present knowledge of the matters covered by the discovery requests and its best efforts to respond thereto. Republic Wind's efforts, however, are continuing, and it reserves the right to amend and/or supplement the responses contained herein as may be necessary or appropriate in the future.

**GENERAL OBJECTIONS AND RESERVATIONS**

1. Republic Wind objects to the discovery requests to the extent they require disclosure of information beyond the permissible scope of discovery. Republic Wind's responses and any identification of documents included in said responses shall not waive or prejudice any objection Republic Wind may later assert, including, but not limited to, objections to the admissibility of any of the answers or responses hereto, or to the admissibility of documents or categories of documents at trial.

2. Republic Wind objects to each request and part thereof to the extent that they call for information protected by: (a) the attorney-client privilege; (b) the attorney work product doctrine; (c) any privilege relating to confidential trade secrets or confidential communications; (d) the right of privacy; or (e) any other privilege. Republic Wind reserves the right to redact from

the documents it produces or information it provides any confidential or proprietary business information or trade secrets not relevant to the subject matter of this proceeding. Any inadvertent identification subject to such privilege shall not waive those privileges.

3. Republic Wind objects to the discovery requests to the extent they are not relevant to the subject matter of this action nor proportional to the needs of the case.

4. Republic Wind objects to the discovery requests to the extent that are not reasonably calculated to lead to the discovery of admissible evidence.

5. Republic Wind does not waive any objection to the admissibility, competency, relevancy, materiality, confidentiality or privilege attaching to any document, communication or information, supplied, nor to the right to object to additional discovery relating to the subject matter of the discovery requests herein.

6. Republic Wind objects to the discovery requests to the extent they request that Republic Wind produce information in the possession and control of individuals or entities over whom Republic Wind has no control or right of control. The following responses are made on behalf of Republic Wind and not on behalf of any other entities or persons.

7. Republic Wind objects to the discovery requests to the extent they request information that is otherwise available through public documents to which the Local Residents have access.

8. Republic Wind reserves the right to object to any additional discovery procedures initiated by the Local Residents and/or to file a Motion for Protective Order to the extent that any

such subsequent discovery proceedings involve the subject matter or substantially the same areas of inquiry covered by these discovery requests.

9. Republic Wind reserves the right to add to, subtract from, or clarify any objections or responses which they give in response to the discovery requests. Republic Wind further notes that investigation of the areas of inquiry touched upon by the discovery requests shall continue through the time of trial, all of which may necessitate further action as described above.

10. Republic Wind objects to all discovery requests that are objectionable as to form.

11. Republic Wind objects to the discovery requests to the extent that they purport to call for information not known to Republic Wind and that is not reasonably ascertainable by Republic Wind.

12. Republic Wind objects to the discovery requests to the extent that they purport to call for legal conclusions or expert opinions or require Republic Wind to perform legal research for the Local Residents.

13. Republic Wind objects to the discovery requests to the extent that they are overly broad, unduly and unreasonably burdensome and oppressive in that the burden of obtaining the information purportedly called for substantially outweighs any probative value to the information it has.

14. Republic Wind objects to the discovery requests to the extent that they purport to call for answers that are dependent in whole or in part on information to be obtained by Republic Wind from the Local Residents or another person in the course of discovery.

15. Republic Wind objects to each of the discovery requests to the extent such are not reasonably limited in scope and time.

16. Republic Wind objects to each discovery request that seeks the production of documents or information that is confidential, proprietary, financially sensitive, or of a confidential nature that outweighs any arguable relevance the information could have to this proceeding.

17. These general objections are incorporated by reference into each specific answer made by Republic Wind to the Local Residents' discovery requests answered below.

### **INTERROGATORIES**

**INTERROGATORY 1:** Provide the following information with respect to the sound monitoring station designed as the "Busy Roadway" site in the background sound study contained in the Application:

- a. The name of all owners of the land on which the monitoring station was placed;
- b. The county parcel number for the parcel of land on which the monitoring station was placed;
- c. State whether or not a turbine or any other component of the Facility is proposed by the Application to be placed on that parcel of land;
- d. State whether or not the location on which the microphone of the monitoring station was placed is located within any setback for the Facility;
- e. If it is, identify the setback (e.g., the setback between the turbine and the property line of the nearest adjacent property);
- f. The distance between the microphone of the monitoring station and the proposed location for the base of the nearest proposed turbine in the Republic Facility.

**ANSWER: Objection.** Republic Wind restates and incorporates herein the foregoing General Objections. Republic Wind also objects to this Request to the extent it seeks information that is protected from discovery by the attorney-client privilege, work-product doctrine, or other applicable privileges or immunities. In addition, the request is vague and ambiguous because it fails to define terms such as "setbacks" and "base of the nearest proposed turbine." As such, it

unclear what information is being sought. Further, Republic Wind objects to requests that would require Republic Wind to perform new studies and conduct additional analysis that has not already been performed in support of the application. Republic Wind objects to this Request to the extent it seeks discovery in a manner or at time inconsistent with applicable rules and orders. Subject to and without waiving its objections, Republic Wind states the following:

- a. The name of all owners of the land on which the monitoring station was placed;

**ANSWER:** Flat Rock Homes

**Answer by: Isaac Old**

**Objection by: Counsel**

- b. The county parcel number for the parcel of land on which the monitoring station was placed;

**ANSWER:** Parcel No. N46005766180000

**Answer by: Isaac Old**

**Objection by: Counsel**

- c. State whether or not a turbine or any other component of the Facility is proposed by the Application to be placed on that parcel of land;

**ANSWER:** No turbine or component Facility, assuming that Republic Wind understands what is meant by "component of the Facility," has been planned to be sited on Parcel No. N46005766180000.

**Answer by: Isaac Old**

**Objection by: Counsel**

- d. State whether or not the location on which the microphone of the monitoring station was placed is located within any setback for the Facility;

**ANSWER:** It is unclear what information is being sought in this request. Further, based upon its understanding of this request, Republic Wind does not maintain this information in the manner requested. Assuming Republic Wind understands the type of information being requested, this answer can be determined by the Intervening Landowners based upon review of the Republic Wind Modeling and GIS Files which are being produced along with these responses by electronic file email attachment.

**Objection by: Counsel**

- e. If it is, identify the setback (e.g., the setback between the turbine and the property line of the nearest adjacent property);

**ANSWER:** It is unclear what information is being sought in this request. Further, based upon its understanding of this request, Republic Wind does not maintain this information in the manner requested. Assuming Republic Wind understands the type of information being requested, this answer can be determined by the Intervening Landowners based upon review of the Republic Wind Modeling and GIS Files which are being produced along with these responses by electronic file email attachment.

**Objection by: Counsel**

- f. The distance between the microphone of the monitoring station and the proposed location for the base of the nearest proposed turbine in the Republic Facility.

**ANSWER:** It is unclear what information is being sought in this request. Further, based upon its understanding of this request, Republic Wind does not maintain this information in the manner requested. Assuming Republic Wind understands the type of information being requested, this answer can be determined by the Intervening Landowners based upon review of the Republic Wind Modeling and GIS Files which are being produced along with these responses by electronic file email attachment.

**Objection by: Counsel**

**INTERROGATORY 2:** Provide the following information with respect to the sound monitoring station designed as the "Mixed Residential" site in the background sound study contained in the Application:

- a. The name of all owners of the land on which the monitoring station was placed;
- b. The county parcel number for the parcel of land on which the monitoring station was placed;
- c. State whether or not a turbine or any other component of the Facility is proposed by the Application to be placed on that parcel of land;
- d. State whether or not the location on which the microphone of the monitoring station was placed is located within any setback for the Facility;
- e. If it is, identify the setback (e.g., the setback between the turbine and the property line of the nearest adjacent property;
- f. The distance between the microphone of the monitoring station and the proposed location for the base of the nearest proposed turbine in the Republic Facility.

**ANSWER: Objection.** Republic Wind restates and incorporates herein the foregoing General Objections. Republic Wind also objects to this Request to the extent it seeks information that is protected from discovery by the attorney-client privilege, work-product doctrine, or other

applicable privileges or immunities. In addition, the request is vague and ambiguous because it fails to define terms such as “setbacks” and “base of the nearest proposed turbine.” As such, it unclear what information is being sought. Further, Republic Wind objects to requests that would require Republic Wind to perform new studies and conduct additional analysis that has not already been performed in support of the application. Republic Wind objects to this Request to the extent it seeks discovery in a manner or at time inconsistent with applicable rules and orders. Subject to and without waiving its objections, Republic Wind states the following:

- a. The name of all owners of the land on which the monitoring station was placed;

**ANSWER:** Kilbourne Lew Farms LLC

**Answer by: Isaac Old**

**Objection by: Counsel**

- b. The county parcel number for the parcel of land on which the monitoring station was placed;

**ANSWER:** Parcel No. N46000762320000

**Answer by: Isaac Old**

**Objection by: Counsel**

- c. State whether or not a turbine or any other component of the Facility is proposed by the Application to be placed on that parcel of land;

**ANSWER:** Assuming that Republic Wind understands what is meant by “component of the Facility” and assuming that the response herein applies, Republic Wind states that collection (essentially, underground cabling) is sited on Parcel No. N46000762320000.

**Answer by: Isaac Old**

**Objection by: Counsel**

- d. State whether or not the location on which the microphone of the monitoring station was placed is located within any setback for the Facility;

**ANSWER:** It is unclear what information is being sought in this request. Further, based upon its understanding of this request, Republic Wind does not maintain this information in the manner requested. Assuming Republic Wind understands the type of information being requested, this answer can be determined by the Intervening Landowners based upon review of the Republic Wind Modeling and GIS Files which are being produced along with these responses by electronic file email attachment.

**Objection by: Counsel**

- e. If it is, identify the setback (e.g., the setback between the turbine and the property line of the nearest adjacent property);

**ANSWER:** It is unclear what information is being sought in this request. Further, based upon its understanding of this request, Republic Wind does not maintain this information in the manner requested. Assuming Republic Wind understands the type of information being requested, this answer can be determined by the Intervening Landowners based upon review of the Republic Wind Modeling and GIS Files which are being produced along with these responses by electronic file email attachment.

**Objection by: Counsel**

- f. The distance between the microphone of the monitoring station and the proposed location for the base of the nearest proposed turbine in the Republic Facility.

**ANSWER:** It is unclear what information is being sought in this request. Further, based upon its understanding of this request, Republic Wind does not maintain this information in the manner requested. Assuming Republic Wind understands the type of information being requested, this answer can be determined by the Intervening Landowners based upon review of the Republic Wind Modeling and GIS Files which are being produced along with these responses by electronic file email attachment.

**Objection by: Counsel**

**INTERROGATORY 3:** Provide the following information with respect to the sound monitoring station designed as the “North Boundary” site in the background sound study contained in the Application:

- a. The name of all owners of the land on which the monitoring station was placed;
- b. The county parcel number for the parcel of land on which the monitoring station was placed;
- c. State whether or not a turbine or any other component of the Facility is proposed by the Application to be placed on that parcel of land;
- d. State whether or not the location on which the microphone of the monitoring station was placed is located within any setback for the Facility;
- e. If it is, identify the setback (e.g., the setback between the turbine and the property line of the nearest adjacent property);
- f. The distance between the microphone of the monitoring station and the proposed location for the base of the nearest proposed turbine in the Republic Facility.

**ANSWER: Objection.** Republic Wind restates and incorporates herein the foregoing General Objections. Republic Wind also objects to this Request to the extent it seeks information that is protected from discovery by the attorney-client privilege, work-product doctrine, or other applicable privileges or immunities. In addition, the request is vague and ambiguous because it fails to define terms such as “setbacks” and “base of the nearest proposed turbine.” As such, it unclear what information is being sought. Further, Republic Wind objects to requests that would require Republic Wind to perform new studies and conduct additional analysis that has not already been performed in support of the application. Republic Wind objects to this Request to the extent it seeks discovery in a manner or at time inconsistent with applicable rules and orders. Subject to and without waiving its objections, Republic Wind states the following:

- a. The name of all owners of the land on which the monitoring station was placed;

**ANSWER:** Kuhn Family Farm

**Answer by: Isaac Old**  
**Objection by: Counsel**

- b. The county parcel number for the parcel of land on which the monitoring station was placed;

**ANSWER:** Parcel No. N46000751520000

**Answer by: Isaac Old**  
**Objection by: Counsel**

- c. State whether or not a turbine or any other component of the Facility is proposed by the Application to be placed on that parcel of land;

**ANSWER:** No turbine or Facility component, assuming that Republic Wind understands what is meant by “component of the Facility,” has been planned to be sited on Parcel No. N46000751520000.

**Answer by: Isaac Old**  
**Objection by: Counsel**

- d. State whether or not the location on which the microphone of the monitoring station was placed is located within any setback for the Facility;

**ANSWER:** It is unclear what information is being sought in this request. Further, based upon its understanding of this request, Republic Wind does not maintain this information in the manner requested. Assuming Republic Wind understands the type of information being requested, this answer can be determined by the Intervening Landowners based upon review of the Republic Wind Modeling and GIS Files which are being produced along with these responses by electronic file email attachment.

**Objection by: Counsel**

- e. If it is, identify the setback (e.g., the setback between the turbine and the property line of the nearest adjacent property;

**ANSWER:** It is unclear what information is being sought in this request. Further, based upon its understanding of this request, Republic Wind does not maintain this information in the manner requested. Assuming Republic Wind understands the type of information being requested, this answer can be determined by the Intervening Landowners based upon review of the Republic Wind Modeling and GIS Files which are being produced along with these responses by electronic file email attachment.

**Objection by: Counsel**

- f. The distance between the microphone of the monitoring station and the proposed location for the base of the nearest proposed turbine in the Republic Facility.

**ANSWER:** It is unclear what information is being sought in this request. Further, based upon its understanding of this request, Republic Wind does not maintain this information in the manner requested. Assuming Republic Wind understands the type of information being requested, this answer can be determined by the Intervening Landowners based upon review of the Republic Wind Modeling and GIS Files which are being produced along with these responses by electronic file email attachment.

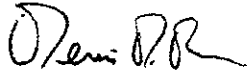
**Objection by: Counsel**

**REQUEST FOR PRODUCTION OF DOCUMENTS:** Produce all records that contain the information requested by this set of interrogatories.

**ANSWER:** Republic Wind is producing, along with these responses, responsive, non-privileged documents, by electronic file.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Response has been served upon the following parties listed below by electronic mail, this 3rd day of November 2019.



Devin D. Parram

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**Page 20, Line 4:** Strike “revisions” and insert “revision” and add the letters “ly” to “actual”

**Page 20, Line 23:** Insert “the” after “Further,” and “not” after “does”

**Page 20, Line 25:** Strike “projected” and insert “protected”

**Page 20, Line 26:** Insert “is” between “condition” and “intended” and insert “on” between “impacts” and “birds”

**Page 22, Line 2:** Strike “and minimize” and insert “and minimize”

**Page 22, Line 13:** Insert the following Q and A:

Q.45(a) Why do you propose these modifications?

A.45(a) The modification simply reflects Republic Wind’s familiarity with the Project and that it will develop a plan, if necessary, in coordination with the ODNR-approved herpetologist to address impacts.

**Page 23, Lines 1-5:** Strike question Q.48 & strike answer A.48

**Page 24, Line 9:** Strike the sentence beginning “The Stipulation...”

**Attachment:** Insert “Attachment DC-1” into the header of the letter attached from the United States Department of the Interior