

OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF
REPUBLIC WIND, LLC FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED TO
CONSTRUCT A TRANSMISSION LINE IN
SENECA COUNTY, OHIO.

CASE NO. 19-1066-EL-BTX

ENTRY

Entered in the Journal on February 7, 2020

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

{¶ 2} Pursuant to R.C. 4906.04, no person shall construct a major utility facility without first having obtained a certificate from the Ohio Power Siting Board (Board). In seeking a certificate, applicants must comply with the filing requirements outlined in R.C. 4906.04, as well as Ohio Adm.Code Chapters 4906-2 and 4906-5.

{¶ 3} On May 14, 2019, Republic, a wholly-owned subsidiary of Apex Clean Energy Management, LLC, filed a pre-application notification letter with the Board regarding its proposed transmission line and point of interconnection (POI) switchyard. Republic proposes construction of a new, approximately 7.2-mile long 138 kilovolt overhead transmission line with a POI switchyard in Pleasant and Adams townships, Seneca County, Ohio (the Facility).

{¶ 4} On August 27, 2019, Republic filed an application with the Board for a Certificate of Environmental Compatibility and Public Need to construct the Facility.

{¶ 5} Simultaneous with the application, Republic filed a motion for waiver from the requirement of Ohio Adm.Code 4906-3-05 which requires that the alternative route have no more than 20 percent in common with the preferred route and a waiver from the requirement of Ohio Adm.Code 4906-5-04(A) which requires submittal of a formal route selection study.

{¶ 6} Ohio Adm.Code 4906-3-06 states that upon receipt of a standard certificate

application for a major utility facility, the Chairman, within 60 days following receipt, shall either accept the application as complete and complying with the content requirements of R.C. 4906.06 and Ohio Adm.Code Chapters 4906-1 to 4906-7 or reject the standard certificate application as incomplete, setting forth specific grounds on which the rejection is based.

{¶ 7} On October 28, 2019, Staff filed a motion seeking an extension of the completeness deadline set forth in Ohio Adm.Code 4906-3-06(A) for five days or until November 1, 2019.

{¶ 8} By Entry dated October 28, 2019, the administrative law judge (ALJ) determined that the request for a limited extension of the completeness deadline for five days or until November 1, 2019, was warranted to allow Staff to finalize its review in light of the two waivers sought by Republic in this matter.

{¶ 9} By letter dated November 1, 2019, the Board Staff notified Republic that its application was compliant and provided sufficient information to permit Staff to commence its review and investigation. Pursuant to Ohio Adm.Code 4906-3-06 and 4906-3-07, the Board's November 1, 2019 letter directed Republic 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 further instructed Republic to submit its application fee pursuant to R.C. 4906.06(F) and Ohio Adm.Code 4906-3-12.

{¶ 10} On December 12, 2019, Republic filed proof of compliance that it had submitted its application fee pursuant to Ohio Adm.Code 4906-3-07(C) on November 14, 2019.

{¶ 11} On December 16, 2019, Republic filed a certificate of service of its accepted and complete application as required by Ohio Adm.Code 4906-3-07.

{¶ 12} Pursuant to R.C. 4906.07(A) and Ohio Adm.Code 4906-3-08(A), by Entry dated December 17, 2019, the ALJ set the effective date of the application as December 16, 2019,

February 26, 2020 as the date for the local public hearing, and March 11, 2020 as the date for the evidentiary hearing.

{¶ 13} On February 5, 2020, Republic filed a motion to suspend the procedural schedule. In the motion, Republic indicates that it is currently in the process of amending its initial application to propose a relatively minor modification to the proposed route of the transmission line. Because of the approaching procedural deadlines, Republic requests a suspension of the procedural schedule until February 25, 2020, to prepare its amended application. Republic also indicates that after it files the amended application, it will file a motion proposing a new procedural schedule providing Staff adequate time to review and ample time for notice of the hearings.

{¶ 14} Finally, on February 7, 2020, Staff filed communication in the docket stating that it does not oppose Republic's request to extend the procedural schedule.

{¶ 15} Upon review, the ALJ finds that Republic's motion is reasonable and should be granted. As such the procedural schedule in this matter is suspended until February 25, 2020. Further, the hearings scheduled for February 26, 2020 and March 11, 2020 are hereby canceled and will be rescheduled at a later time. Republic should issue public notices of the cancellation of these hearings. Finally, a deadline for petitions to intervene will also be set at a later time.

{¶ 16} It is, therefore,

{¶ 17} ORDERED, That the procedural schedule in this matter be suspended until February 25, 2020. It is, further,

{¶ 18} ORDERED, That the hearings scheduled for February 26, 2020 and March 11, 2020 be canceled. It is, further,

{¶ 19} ORDERED, That Republic issue public notices of cancellation of the two hearings, as further described in Paragraph 15. It is, further,

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

THE OHIO POWER SITING BOARD

/s/Anna Sanyal

By: Anna Sanyal
Administrative Law Judge

JRJ/kck

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in

Case No(s). 19-1066-EL-BTX

Summary: Administrative Law Judge Entry the procedural schedule in this matter be suspended until 2.25.20; the hearings scheduled for 2.26.20 and 3.11.20 be cancelled and that Republic issue public notices of cancellation of the two hearings described above. electronically filed by Mrs. Kelli C King on behalf of Anna Sanyal, Administrative Law Judge, Public Utilities Commission of Ohio