

## THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF  
FIRELANDS WIND, LLC FOR A  
CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY AND PUBLIC NEED TO  
CONSTRUCT A WIND-POWERED  
ELECTRIC GENERATION FACILITY IN  
HURON AND ERIE COUNTIES, OHIO.

CASE NO. 18-1607-EL-BGN

### ENTRY

Entered in the Journal on March 11, 2020

#### I. SUMMARY

{¶ 1} In an abundance of caution, the administrative law judge postpones activity in this case, including the local public and adjudicatory hearings, as well as the prehearing telephone conference, based on the state of emergency declared in Executive Order 2020-01D. Further activity in this case will resume pursuant to a later entry, which will reschedule all hearings with at least 30 days' notice.

#### II. DISCUSSION

{¶ 2} On December 23 and December 24, 2019, the administrative law judge (ALJ) scheduled the local public and adjudicatory hearings in this matter for March 18, 2020 and April 14, 2020, respectively. Further, the ALJ scheduled the case for a prehearing telephone conference on March 31, 2020.

{¶ 3} On March 9, 2020, Governor Mike DeWine signed Executive Order 2020-01D (Executive Order), declaring a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19. As described in the Executive Order, state agencies are required to implement procedures consistent with recommendations from the Department of Health to prevent or alleviate the public health threat associated with COVID-19. Additionally, all citizens are urged to heed the advice of the Department of Health regarding this public health emergency in order to protect their health and safety. The Executive Order was effective immediately and shall remain in effect until the COVID-

19 emergency no longer exists. The Ohio Department of Health is making COVID-19 information, including information on preventative measures, available via the internet at <https://coronavirus.ohio.gov/wps/portal/gov/covid-19/>.

{¶ 4} The ALJ finds that the guidance issued by the Executive Order and the Department of Health support suspending all activity in the case, including the currently scheduled local public and adjudicatory hearings. Accordingly, the hearings in this matter are postponed, and all further activity in this case is suspended.

{¶ 5} Firelands Wind, LLC (Firelands) is directed to issue public notices of the postponement of the local public hearing and the adjudicatory hearing. Local public hearings provide an opportunity for the public to provide sworn testimony that becomes part of the case record considered by the Board. While the local public hearing is postponed, the public is still encouraged to submit informal written comments to the Board. In order to be filed in the public comments section of the case record, submissions must include the case number. These comments inform the Board, as well as the staff during its investigation, but do not carry the same weight as the sworn testimony presented at the local public hearing. Public comments can be sent by email: [contactOPSB@puco.ohio.gov](mailto:contactOPSB@puco.ohio.gov) or mail: Ohio Power Siting Board, 180 E. Broad Street, Columbus Ohio 43215.

{¶ 6} The ALJ will issue a future entry rescheduling the local public hearing and adjudicatory hearing dates and establishing a new procedural schedule. Consistent with Ohio Adm.Code 4906-3-09, the ALJ will direct Firelands to issue new public notices of the hearings at that time, and the hearings shall occur with at least 30 days' advance public notice.

{¶ 7} Further, as the issues for consideration in the prehearing telephone conference are intended to address, as least in part, the events of the local public hearing, the ALJ finds that the prehearing conference is premature. Accordingly, the prehearing conference will also be rescheduled by the ALJ pursuant to a later entry.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That the procedural schedule for this case is suspended and all hearing dates are postponed in accordance with Paragraphs 4 and 7. It is, further,

{¶ 10} ORDERED, That Firelands issue public notice in accordance with Paragraph 5. It is, further,

{¶ 11} ORDERED, That the ALJ will publish an entry re-establishing all necessary dates including the local public and adjudicatory hearing dates, as well as the prehearing conference, in accordance with Paragraphs 6 and 7. It is, further,

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

THE OHIO POWER SITING BOARD

/s/Michael L. Williams

By: Michael L. Williams  
Administrative Law Judge

JRJ/hac

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

**Commission of Ohio Docketing Information System on**

**3/11/2020 3:41:58 PM**

**in**

**Case No(s). 18-1607-EL-BGN**

Summary: Administrative Law Judge Entry suspending procedural schedule and postponing all hearing dates and ordering Firelands to issue public notice of postponement electronically filed by Heather A Chilcote on behalf of Michael L. Williams, Administrative Law Judge, Ohio Power Siting Board