

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF
REPUBLIC WIND, LLC FOR A
CERTIFICATE TO SITE WIND-POWERED
ELECTRIC GENERATION FACILITIES IN
SENECA AND SANDUSKY COUNTIES,
OHIO.

CASE NO. 17-2295-EL-BGN

ENTRY

Entered in the Journal on September 1, 2020

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

{¶ 2} R.C. 4906.04 provides that no person shall construct a major utility facility in the state without obtaining a certificate for the facility from the Ohio Power Siting Board (Board).

{¶ 3} On November 13, 2017, Republic filed a pre-application notification letter with the Board regarding its proposed windfarm with up to 200 megawatt (MW) electric generating capacity in Seneca and Sandusky counties, Ohio. According to the letter, the proposed site will consist of approximately 35,000 acres of leased land in Adams, Reed, Scipio, and Thompson townships in Seneca County and York Township in Sandusky County.

{¶ 4} On February 2, 2018, as amended on March 27, 2018, December 26, 2018, and June 28, 2019, Republic filed an application with the Board for a certificate of environmental compatibility and public need to construct between 44 and 47 wind turbine generators, each with a nameplate capacity rating of 4.2 MW to 4.5 MW, depending on the final turbine model selected. The total generating capacity of the facility will not exceed 200 MW.

{¶ 5} On May 30, 2018, Republic filed its certificate of service of its accepted and complete application, in accordance with the requirements of Ohio Adm.Code 4906-3-07. On June 25, 2018, Republic submitted the application fee to the Board, pursuant to Ohio Adm.Code 4906-3-12.

{¶ 6} Pursuant to R.C. 4906.07(A), on July 18, 2018, the administrative law judge (ALJ) issued a procedural schedule in this matter, including an intervention deadline of 30 days following the publication of the notice required by Ohio Adm.Code 4906-3-09. Subsequently, the procedural schedule in this matter was amended several times.

{¶ 7} On June 28, 2019, Republic filed a notice of project modifications and project information update, noting turbine model modifications to the facility. In the filing, Republic states that, pursuant to Ohio Adm.Code 4906-3-11(A)(6), the modifications to the turbines do not create further impacts for property owners or within the planned site, and in some cases, result in a reduction of impacts to property owners.

{¶ 8} On July 25, 2019, Staff filed its report of investigation pursuant to R.C. 4906.07(C).

{¶ 9} By Entry dated August 19, 2019, as amended by an Entry on September 12, 2019, the ALJ established a new procedural schedule in this matter.

{¶ 10} A local public hearing was held on September 12, 2019. An adjudicatory hearing commenced on October 2, 2019 and concluded on November 25, 2019.

{¶ 11} The parties filed post-hearing briefs on December 23, 2019, and reply briefs on January 13, 2020.

{¶ 12} By Entry dated August 4, 2020, as a result of a motion to reopen the proceedings filed by Staff and a group of local residents (Local Residents) who have been granted intervention, the ALJ reopened the record for the limited purpose of updating the record on two narrow issues. First, the ALJ directed parties to present updated evidence as a result of the issuance of a decision by the Franklin County Court of Common Pleas. *One Energy Enterprises LLC, et al., v. Ohio Dept. of Transp.*, Franklin C.P. No. 17 CV 005513 (Mar. 2, 2020). Second, the ALJ directed the parties to present evidence regarding the significance of the half-mean, inter-nest buffer distance proposed by the United States Fish and Wildlife Service (USFWS), the existence of newly discovered bald eagle nest named N&F Wildlife

Nest, the N&F Wildlife Nest's proximity to the proposed turbine locations, as well as the ramifications of the N&F Wildlife Nest with respect to the half-mean, inter-nest buffer distance proposed by USFWS.

{¶ 13} During a prehearing conference held on August 24, 2020, the ALJ established the following procedural schedule:

- (a) Staff is to file testimony on September 9, 2020, regarding the *One Energy* decision, consistent with the Entry issued on August 4, 2020;
- (b) Local Residents are to file testimony on September 9, 2020, regarding the N&F Wildlife Nest, consistent with the Entry issued on August 4, 2020;
- (c) Parties who wish to file testimony in response to the testimony filed on September 9, 2020, should do so by September 18, 2020;
- (d) Telephonic prehearing conferences are scheduled for September 8, 2020, at 10:00 a.m., and September 29, 2020, at 10:00 a.m., to discuss the parties progress in the exchange of exhibits prior to hearing, the scheduling of witnesses, and other logistical issues that may arise;
- (e) A supplemental adjudicatory hearing is scheduled for September 30, 2020, at 10:00 a.m. October 1 - 2, 2020 are reserved as additional days for hearing.

{¶ 14} Due to the continued COVID-19 state of emergency declared by the governor in Executive Order 2020-01D, and given the passage of Am. Sub. H.B. 197, the September 8, 2020 and September 29, 2020 prehearing conferences and the supplemental adjudicatory hearing commencing on September 30, 2020, will be held using remote access technology. The Board will email instructions to the parties at their electronic mail addresses on record for participation in the prehearing conferences and the supplemental adjudicatory hearing prior to the event.

{¶ 15} Although only parties will be able to actively participate, any person

interested in attending the adjudicatory hearing as a non-party can access the Webex event by internet at <http://bit.ly/17-2295-EVH> and entering OPSB as the password or dialing 1-408-418-9388 and entering 173 327 0501 as the event number.

{¶ 16} Counsel and witnesses who will speak during the hearing should join the Webex event through internet access and must have a computer or smart device with a camera, microphone, and speakers; an electronic mail address; and reliable internet service.

{¶ 17} If access or other issues are experienced during the adjudicatory hearing, individuals should immediately use the chat function within Webex or contact the Board's legal department at hearings@puco.ohio.gov for assistance.

{¶ 18} If the adjudicatory hearing continues for multiple days, a new Webex invitation will be sent to all participants at the conclusion of each day for the next day. Non-parties may obtain access information and other updates for the adjudicatory hearing on the Board's web site at <http://bit.ly/17-2295-EVH> (Password: OPSB) or by contacting the Board's legal department at hearings@puco.ohio.gov for assistance.

{¶ 19} It is, therefore,

{¶ 20} ORDERED, That the procedural schedule outlined in Paragraph 13 be adopted. It is, further,

{¶ 21} 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

GAP/kck

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

9/1/2020 1:44:23 PM

in

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

Summary: Administrative Law Judge Entry setting procedural schedule and scheduling telephonic prehearing conferences for 9.8.20 at 10:00 a.m. and 9.29.20 at 10:00 a.m and a supplemental adjudicatory hearing for 9.30.20 at 10:00 a.m.
electronically filed by Kelli C. King on behalf of Anna Sanyal, Administrative Law Judge,
Public Utilities Commission of Ohio