

## 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 September 3, 2020

{¶ 1} Firelands Wind, LLC (Firelands 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 October 26, 2018, Firelands, a wholly-owned subsidiary of Apex Clean Energy Holdings, Inc., filed a pre-application notification letter with the Board regarding its proposed 298.2-megawatt (MW) wind-powered electric generating facility, Emerson Creek Wind Farm Project (Emerson Creek), in Huron, Erie, and Seneca counties, Ohio.

{¶ 4} On January 31, 2019, Firelands filed its application with the Board for a certificate of environmental compatibility and public need to construct and operate the Emerson Creek wind-powered electric generation facility (Project) in Huron and Erie counties, Ohio. Applicant explained that the information presented in the pre-application notification letter was revised to reflect that the Project will be located in Huron and Erie counties only and that no facilities are now proposed for Seneca County. Specifically, Firelands states that the Project will be located within approximately 32,000 acres of leased land in Groton and Oxford townships in Erie County and Lyme, Norwich, Richmond, Ridgefield, and Sherman townships in Huron County. The Project consists of up to 87 turbine generators, each with a nameplate capacity rating of 4.2 to 4.5 MW which results in

the Project generating up to 297.66 MW, rather than the 298.2 MW listed in the pre-application notification letter.

{¶ 5} Applicant filed supplements to its application on March 18, 2019, July 10, 2019, September 12, 2019, and October 4, 2019.

{¶ 6} By Entries dated December 23, 2019, and December 24, 2019, the administrative law judge (ALJ) found that the application, as supplemented, was complete as provided for in R.C. 4906.06. Further, the ALJ established a procedural schedule in this matter, including a local public hearing to be held on March 18, 2020, and an adjudicatory hearing to commence on April 14, 2020. Additionally, it was determined that motions to intervene would be accepted by the Board up to 30 days following publication of the notice required by Ohio Adm.Code 4906-3-09 or by February 6, 2020, whichever was later. Publication of the notice occurred on January 7, 2020, in the *Sandusky Register* and the *Norwalk Reflector*, newspapers of general circulation in Erie and Huron counties.

{¶ 7} The Board Staff filed its Report of Investigation on March 2, 2020.

{¶ 8} On March 9, 2020, the governor 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 Ohio Department of Health (ODOH) to prevent or alleviate the public health threat associated with COVID-19. Additionally, all citizens are urged to heed the advice of the ODOH regarding this public health emergency in order to protect their health and safety. The Executive Order was effective immediately and will remain in effect until the COVID-19 emergency no longer exists. The ODOH is making COVID-19 information, including information on preventative measures, available via the internet at [coronavirus.ohio.gov/](https://coronavirus.ohio.gov/). In light of the governor's Executive Order and the guidance from the ODOH, the March 18, 2020 local public hearing and the April 14, 2020 adjudicatory hearing were postponed by ALJ Entry issued March 11, 2020.

{¶ 9} On July 13, 2020, the ALJ issued an Entry reestablishing a procedural schedule in this matter, including the scheduling of a local public hearing on August 20, 2020, a prehearing conference on September 25, 2020, and an adjudicatory hearing commencing on October 5, 2020, at 10:00 a.m. The hearing will be conducted through Webex, which will enable the parties and interested persons to attend by telephone and/or video on the internet.

{¶ 10} On August 20, 2020, the local public hearing occurred as scheduled.

{¶ 11} During a prehearing conference held on August 27, 2020, the ALJs established the following, partially modified, procedural schedule:

- (a) Firelands is to file all expert and factual testimony on September 11, 2020;
- (b) Intervenors are to file all expert and factual testimony on September 21, 2020;
- (c) The parties shall cooperate in preparing a joint order of witnesses and schedule for conducting the hearing, which shall be filed on September 23, 2020;
- (d) Stipulations are to be filed on September 25, 2020;
- (e) A prehearing conference will be held on September 25, 2020, consistent with the Entry of July 13, 2020;
- (f) The adjudicatory hearing in this matter will commence on October 5, 2020, at 10:00 a.m. EST;
- (g) A list of all exhibits intended to be used on direct-examination and cross-examination shall be provided to the parties and the ALJs by electronic mail by September 23, 2020; and,

(h) All exhibits intended to be used on direct-examination and cross-examination, with the exception of exhibits that have already been filed in the docket, shall be provided to the parties and the ALJs by electronic mail no later than noon on October 1, 2020. Counsel for the parties should ensure that their witnesses have access to all the exhibits that have been filed in the docket or exchanged among the parties.

{¶ 12} Instructions to enable counsel and witnesses for the parties to access the prehearing conference and adjudicatory hearing will be provided to counsel for the parties at their electronic mail addresses of record.

{¶ 13} Although only parties will be able to actively participate, any person interested in attending the prehearing conference on September 25, 2020, can do so using the access information published in the Entry dated July 13, 2020. Further, any person interested in attending the adjudicatory hearing as a non-party can access the Webex event at <http://bit.ly/18-1607-EVH> and entering OPSB as the password, or by calling 1-408-418-9388 and entering 173 214 1104 as the event number.

{¶ 14} Counsel and witnesses 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.

{¶ 15} 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](mailto:hearings@puco.ohio.gov) for assistance.

{¶ 16} It is, therefore,

{¶ 17} ORDERED, That the modified procedural calendar and instructions for hearing participation in this matter be adopted in accordance with Paragraphs 11-15. It is, further,

{¶ 18} ORDERED, That a copy of this Entry be served upon all parties of record.

THE OHIO POWER SITING BOARD

/s/ Jay S. Agranoff

By: Jay S. Agranoff  
Administrative Law Judge

SJP/mef

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

**Commission of Ohio Docketing Information System on**

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**in**

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

Summary: Administrative Law Judge Entry setting procedural schedule and scheduling an adjudicatory hearing in this matter for 10.5.20 at 10:00 a.m. electronically filed by Kelli C. King on behalf of Jay S. Agranoff, Administrative Law Judge, Public Utilities Commission of Ohio