

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of	:	
Grover Hill Wind, LLC for a Certificate	:	
of Environmental Compatibility and	:	Case No. 20-417-EL-BGN
Public Need to Construct a Wind-	:	
Powered Electric Generation Facility in	:	
Paulding County, Ohio.	:	

**MOTION FOR EXTENSION OF TIME FOR DETERMINING
THE APPLICATION’S COMPLETENESS, AND
REQUEST FOR EXPEDITED TREATMENT
SUBMITTED ON BEHALF OF THE STAFF OF
THE OHIO POWER SITING BOARD**

The Staff of the Ohio Power Siting Board (“Staff”) respectfully moves the Board for an order finding that the Application filed by Grover Hill Wind, LLC (“Applicant”) on May 3, 2021, supplemented on June 7, 2021, be extended for a period of sixty (60) days for consideration of a finding of a complete application pursuant to Ohio Admin. Code 4906-3-11(A). Staff also requests, pursuant to Ohio Admin. Code 4906-2-27(C) that the Ohio Power Siting Board (“Board”) expedite its ruling on this Motion. Applicant’s counsel has indicated that the Applicant neither opposes the motion, nor does it object to expedited consideration.

Grounds for this Motion are more particularly set forth in the accompanying Memorandum in Support.

Respectfully submitted,

Dave Yost
Ohio Attorney General

John H. Jones
Section Chief

/s/Werner L. Margard III

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*On behalf of the Staff of
The Ohio Power Siting Board*

MEMORANDUM IN SUPPORT

On May 3, 2021 Grover Hill Wind, LLC (“Applicant”) filed its Application for a Certificate of Environmental Compatibility and Public Need to Construct a Wind-Powered Electric Generation Facility in Paulding County, Ohio (“Facility”). The Applicant filed a Supplement to the Application on June 7, 2021.

Pursuant to Ohio Admin. Code 4906-3-06(A), the chairman shall, within sixty (60) days of receipt of an application, either accept the application as complete and complying with the requirements of Ohio Rev. Code §4906.06, or reject it as incomplete. As such, the sixty (60) day review period currently expires on July 2, 2021.

At present, Staff is unable to determine that the Application is complete, and would be compelled to direct the chairman to issue a finding that the Application was incomplete. Staff specifically believes that the Application is incomplete in the following particular respects:

1. **4906-4-02(B):** The Application does not provide information regarding any future plans for additional generation units or facilities for the site (including the type and timing) and the maximum electric power generation capacity anticipated for the site. For instance, the Application does not describe if or how it would increase the capacity to the 150 MW requested in the Application if the Board recommends the GE model at all locations with a resulting significantly lesser capacity.
2. **4906-4-03(B):** The Application does not provide a detailed description of the proposed generation facility. For instance, is unclear from the public informational meeting materials and website, Application text, Application figures, Application

exhibits, and data request responses how many wind turbines are proposed for the project and their respective locations.

3. **4906-4-03(B)(2)(a) and (l):** The Application does not describe the construction method for the options to generate concrete for the wind turbines and other equipment foundations. A concrete batch plant is a pertinent installation for the wind farm because it is used and necessary for generation of the large volumes of concrete required for the wind turbine foundations, collection substation electrical equipment foundations, and permanent meteorological tower foundations. Typically, satisfaction of this requirement would be through estimation of the anticipated volume (i.e.: number of truckloads) of concrete, identification of the proposed location(s) for the temporary concrete batch plant, or identification of the existing permanent facility where concrete would be obtained.
4. **4906-4-06(F)(5):** The Application does not provide a complete description and plan for decommissioning the proposed facility. The Applicant provided a preliminary decommissioning plan (Application, Exhibit CC). However, this plan was deficient on a few key items, including, notably, a decommissioning cost estimate. This decommissioning plan should accurately describe all aspects of decommissioning the facility and include a total cost estimate to decommission the Grover Hill Wind Farm.
5. **4906-4-07(E)(2):** The Application does not provide the Federal Aviation Administration (FAA) filing status of each structure or a description of any potential conflicts with air navigation or air traffic communications that may be caused by the proposed facility. Specifically, Staff has not been provided with the determination of no hazard letters from the FAA for the Grover Hill Wind Farm.
6. **4906-4-08(A)(3)(e):** The background noise study contained within the Application does not appear to adhere to industry/national standards. The background noise study should be resubmitted or redone in adherence to industry/national standards.
7. **4906-4-08(A)(4):** The Application lacks information concerning water impacts, including an evaluation of the impact to public and private water supplies due to construction and operation of the proposed facility.
8. **4906-4-08(A)(5):** The Application lacks information concerning site specific geological features for the individual wind turbines, permanent meteorological towers, and collection substation equipment. The Applicant provided a preliminary desktop geohazard assessment (Application, Exhibit G) which did not include the sub-requirements of this rule for foundation locations of the collection substation electrical equipment support structures or permanent meteorological towers. Satisfaction of this requirement typically comes in the form of a geotechnical engineering report. Such a report would typically include, among other things, test

boring results, recommended foundation type and appropriate installation methods for wind turbine foundations, collection substation electrical equipment foundations, permanent meteorological towers support structures, and site-specific geologic information required by the rule to resolve any anomalies such as bedrock competency, potential areas requiring blasting, hydrogeology, or other geological conditions prior to foundation design and construction for that equipment and wind turbines.

9. **4906-4-08(A)(13):** The Application does not evaluate and describe the potential for the facility to interfere with communication systems by providing a response letter from the National Telecommunications and Information Administration (NTIA) to Grover Hill Wind, LLC's notification dated February 23, 2021. Typically, this NTIA response letter would indicate that those agencies who are part of Interdepartment Radio Advisory Committee have reviewed the wind farm for impacts to their respective radar or telecommunications systems.
10. **4906-4-08(B)(1)(b):** The Application includes a delineation of potential waters of the United States within the project area and several wetlands and streams were identified. However, the resource boundaries have not been verified by the U.S. Army Corps of Engineers. The Application does not contain pictures of all delineated water features and does not confirm excavated turbine locations that have already occurred on the site did not occur in regulated water features.
11. **4906-4-08(C)(4)(c):** The Application does not provide information on land use and community planning related to the impact that this potential project could have on surrounding commercial and industrial land use development.
12. **4906-4-08(D):** The Application does not include information on cultural and archaeological resources. Specifically, several turbine locations are presented in the Application that do not align with the turbine locations supplied to the Ohio Historic Preservation Office. The correct proposed turbine locations have not been verified, nor have the areas of potential effect studied for each location been described or depicted. Shapefiles and depictions of all areas of potential project disturbance, along with the studied cultural resource areas of potential effects, have not been provided..
13. **4906-4-08(D)(4)(f):** The Application does not include information related to the visual impact of the facility or measures that will be taken to minimize any adverse visual impacts created by the facility, including visual screening or other mitigating measures for non-participating residences in close proximity to the proposed operations and maintenance building.
14. **4906-4-08(E)(2)(b) and (c):** The Application did not include an evaluation of the impact of construction, operation, and maintenance of the proposed facility on the

land and field drainage systems, nor did it describe the avoidance or mitigation procedures to be utilized by the Applicant during construction, operation, and maintenance to reduce impacts to field tile drainage systems. The Application did not describe procedures to be utilized to ensure timely repair of damaged field tile systems to at least original conditions, at the Applicant's expense.

15. **4906-4-09(D)(1):** The Application lacks evidence of coordination with the United States Fish and Wildlife Service regarding whether any actions are necessary to avoid impacts to federal or state listed and protected species or other species which may be impacted.

Despite these deficiencies, Staff reasonably believes that it can make a determination of completeness within the next sixty (60) days, if the Applicant is afforded an opportunity to provide the necessary information described above.

Further, pursuant to Rule 4906-2-27(C) of the Ohio Administrative Code, Staff requests an expedited ruling on this Motion. Staff's counsel has notified the Applicant and the Applicant does not oppose the expedited request.

Respectfully submitted,

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Ohio Attorney General

John H. Jones
Section Chief

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*On behalf of the Staff of
The Ohio Power Siting Board*

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Motion for Extension of Time for Determining the Application's Completeness, and Request for Expedited Treatment, submitted on behalf of the Staff of the Ohio Power Siting Board, was served via electronic mail upon the following parties of record, this 2nd day of July, 2021.

/s/ Werner L. Margard III

Werner L. Margard III
Assistant Attorney General

Parties of Record:

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Summary: Motion for Extension of Time for Determining the Application's Completeness, and Request for Expedited Treatment electronically filed by Mrs. Tonnetta Y Scott on behalf of OPSB