

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF
6011 GREENWICH WINDPARK, LLC FOR A
CERTIFICATE TO CONSTRUCT A WIND-
POWERED ELECTRIC GENERATION
FACILITY IN HURON COUNTY, OHIO

CASE NO. 13-990-EL-BGN

IN THE MATTER OF THE APPLICATION OF
6011 GREENWICH WINDPARK, LLC
REGARDING ITS CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY AND
PUBLIC NEED ISSUED IN CASE NO. 13-
990-EL-BGN.

CASE NO. 15-1921-EL-BGA

ENTRY

Entered in the Journal on July 15, 2021

I. SUMMARY

{¶ 1} The certificate authority granted to Greenwich, now known as Crossroads, to construct a 60-megawatt major utility facility in Greenwich Township, Huron County, Ohio be canceled and Case Nos. 13-990-EL-BGN and 15-1921-EL-BGA be dismissed and closed of record.

II. DISCUSSION

{¶ 2} 6011 Greenwich Windpark, LLC (Greenwich) is a person as defined in R.C. 4906.01.

{¶ 3} R.C. 4906.04 provides that no person shall commence to construct a major utility facility in the state of Ohio without first having obtained a certificate for the facility from the Ohio Power Siting Board (Board).

{¶ 4} On August 25, 2014, in Case No. 13-990-EL-BGN, the Board granted the application of Greenwich, pursuant to a Joint Stipulation and Recommendation executed by Greenwich, the Ohio Farm Bureau Federation (Farm Federation) and Board Staff, to construct, operate, and maintain a 60-megawatt major utility facility with up to 25 Nordex

N117 wind turbines in Greenwich Township, Huron County, Ohio, subject to 53 conditions (Project). *In re 6011 Greenwich Windpark, LLC*, Case No. 13-990-EL-BGN (*Greenwich Certificate Case*), Opinion, Order, and Certificate (Aug. 25, 2014). Among the imposed conditions, the Board's Order specifically provides that "the certificate shall become invalid if Applicant has not commenced a continuous course of construction of the proposed facility within five years of the date of journalization of the certificate." *Greenwich Certificate Case* at 26. Accordingly, Greenwich's certificate requires that a continuous course of the construction of the facility commence by no later than August 25, 2019, unless otherwise ordered by the Board.

{¶ 5} Applications for rehearing of the Board's August 25, 2014 Opinion, Order, and Certificate were filed by Omega Crop Co., LLC (Omega) on September 23, 2014, and September 24, 2015. Both applications were denied by Entries on Rehearing issued on August 27, 2015 and November 12, 2015, respectively.

{¶ 6} Omega appealed the Board's decisions in the *Greenwich Certificate Case* to the Ohio Supreme Court. The Court dismissed Omega's appeal. *In re Application of 6011 Greenwich Windpark, LLC*, 143 Ohio St.3d 1548, 40 N.E.3d 1183 (Table), 2015-Ohio-4690.

{¶ 7} On November 15, 2015, as supplemented on December 1, 2015 and March 22, 2016, in Case No. 15-1921-EL-BGA, Greenwich filed an application with the Board to amend its certificate to propose to add three new turbine models for potential operation with the Project.

{¶ 8} By Order on Certificate issued May 19, 2016, the Board determined that Greenwich's addition of three new turbine models would not result in any material increase in any environmental impact of the facility and no substantial change in any portion of the facility's location, including the location of the individual turbines, from what was approved by the Board in the *Greenwich Certificate Case*. Accordingly, the Board approved Greenwich's application to modify its certificate to include three new turbine models. The May 19, 2016

Order on Certificate also granted the motions for intervention filed by the Farm Federation and Greenwich Neighbors United (GNU) “to the extent they address Greenwich’s request to add new turbine models to the list of suitable turbine models for the project.” *In the Matter of the Application of 6011 Greenwich Windpark, LLC Regarding its Certificate of Environmental Compatibility and Public Need Issued in Case No. 13-990-EL-BGN, Case No. 15-1921-EL-BGA (Greenwich Amendment Case)*, Order on Certificate (May 19, 2016) at 3, 8, 9.

{¶ 9} On June 20, 2016, GNU filed an application for rehearing of the Board’s May 19, 2016 Order. On August 17, 2017, GNU’s application for rehearing was denied. *Greenwich Amendment Case, Second Entry on Rehearing (Aug. 17, 2017)*.

{¶ 10} GNU appealed the Board’s Order in the *Greenwich Amendment Case* to the Ohio Supreme Court. On June 20, 2019, the Court affirmed the Board’s Order in the *Greenwich Amendment Case. In re Application of 6011 Greenwich Windpark, L.L.C.*, 157 Ohio St.3d 235, 134 N.E.3d 1157, 2019-Ohio-2406.

{¶ 11} On August 22, 2019, in the above-noted cases, Greenwich filed its Safety Plan and Complaint Resolution Plan. On that same day, Greenwich also filed notice with the Board that construction had commenced on-site.

{¶ 12} On August 26, 2019, in the *Greenwich Certificate Case* and the *Greenwich Amendment Case*, GNU filed a motion requesting that the Board determine whether Greenwich’s certificate is invalid.

{¶ 13} On September 10, 2019, Greenwich filed a memorandum contra GNU’s motion regarding the status of its certificate.

{¶ 14} GNU filed a reply on September 17, 2019.

{¶ 15} On October 23, 2019, in the *Greenwich Certificate Case*, Greenwich filed a correspondence documenting and summarizing 25 items provided to Staff pursuant to the

certificate conditions. The correspondence also referenced Greenwich's pre-construction conference held on August 21, 2019 with Staff and contractors at the Project site for the initial phase of construction, as required by the conditions to the certificate.

{¶ 16} By Entry issued on May 19, 2021, the Board noted that Greenwich had not filed, in either of the above-noted dockets, any information regarding the progress of the Project since October 23, 2019 and directed that a status conference on the state of the construction of the facility be scheduled for June 3, 2021, at 10:00 a.m., via Webex. The Entry further directed that counsel for Greenwich be prepared to inform the Board regarding its progress on the facility to date and, if appropriate, Greenwich's plan to complete construction.

{¶ 17} On June 2, 2021, Greenwich, now known as Crossroads Wind Power, LLC (Crossroads), filed a notice of certificate relinquishment. Accordingly, the status conference scheduled for June 3, 2021 was canceled.

{¶ 18} On July 13, 2021, Crossroads filed a correspondence with the Board regarding the status of three meteorological towers and an access road in light of the relinquishment of the certificate. Crossroads states that the three meteorological towers have been removed. Further, Crossroads states that it has entered into an agreement with the property owner to leave in place the existing access roads constructed as part of the proposed project. Accordingly, Crossroads declares that no further remediation or project decommission is required.

{¶ 19} Considering that Crossroads represents no further remediation is necessary, the Board finds that Greenwich's/Crossroads' certificate should be canceled and that Case Nos. 13-990-EL-BGN and 15-1921-EL-BGA should be dismissed and closed of record.

III. ORDER

{¶ 20} It is, therefore,

{¶ 21} ORDERED, That the certificate authority granted to Greenwich, now known as Crossroads, be canceled and that Case Nos. 13-990-EL-BGN and 15-1921-EL-BGA be dismissed and closed of record. It is, further,

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

BOARD MEMBERS:

Approving:

Jenifer French, Chair
Public Utilities Commission of Ohio

Lydia Mihalik, Director
Ohio Development Services Agency

Brittney Colvin, Designee for Mary Mertz, Director
Ohio Department of Natural Resources

W. Gene Phillips, Designee for Stephanie McCloud, Director
Ohio Department of Health

Drew Bergman, Designee for Laurie Stevenson, Director
Ohio Environmental Protection Agency

Sarah Huffman, Designee for Dorothy Pelanda, Director
Ohio Department of Agriculture

GNS/hac

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in

Case No(s). 13-0990-EL-BGN, 15-1921-EL-BGA

Summary: Entry cancelling the certificate authority granted to Greenwich, now known as Crossroads, to construct a 60-megawatt major utility facility in Greenwich Township, Huron County, Ohio and Case Nos. 13-990-EL-BGN and 15-1921-EL-BGA be dismissed and closed of record. electronically filed by Ms. Mary E. Fischer on behalf of Ohio Power Siting Board