

**BEFORE THE
OHIO POWER SITING BOARD**

In the Matter of the Application of)
Firelands Winds, LLC for a Certificate of) Case No. 18-1607-EL-BGN
Environmental Compatibility and Public)
Need to Construct a Wind-Powered Electric)
Generation Facility in Huron and Erie)
Counties, Ohio)

**MEMORANDUM CONTRA APPLICATION FOR REHEARING OF
LOCAL RESIDENTS AND BLACK SWAMP OBSERVATORY**

Pursuant to Ohio Adm. Code 4906-2-32(B), intervenors Tom Yingling and Kevin Erf (“Local Farmers”) respectfully file this memorandum contra the Local Residents’ and Black Swamp Observatory’s application for rehearing. Consistent with their interests and priorities, and without conceding any other points, Local Farmers submit this memorandum to reiterate that the Emerson Creek Wind Farm (“Project”) will serve the public interest, as recognized by local project proponents.

In arguing that public opposition to the Project shows that the Project does not serve the public interest, convenience, and necessity as required by R.C. 4906.10(A)(6), Local Residents seek to downplay the local *backing* that the Project enjoys. *See, e.g.*, Tr. Public Hearing at 45-46. The Ohio Power Siting Board (“Board”) properly took into account the support expressed for the Project by Local Farmers and other community members due to the Project’s economic benefits

and contribution to reducing Ohio's greenhouse gases.¹ See June 24, 2021 Opinion, Order and Certificate at p. 62 ¶ 165.

Moreover, the Board's consideration of R.C. 4906.10(A)(6) does not consist of merely tallying up votes for and against the Project. Rather, in addition to ensuring a process that allows for public input, the Board must also consider a Project's direct and indirect economic impacts. See, e.g., *In re the Application of Clean Energy Future-Lordstown*, No. 14-2322-EL-BGN, 2015 WL 5597825 at *17 (Ohio P.U.C. Jan. 1, 2015). The Board properly did so here. See June 24, 2021 Opinion, Order and Certificate at p. 62 ¶¶ 163, 168.

Finally, in arguing that the Project will not serve the public interest, Local Residents raise general and erroneous claims about wind energy based on the testimony of Dennis Schreiner. The Board properly determined that those claims were not compelling. *Id.* at p. 62 ¶ 169. For reasons explained in Local Farmers' post-hearing reply brief and the Applicant's motion to strike certain portions of Mr. Schreiner's testimony, Local Farmers take the position, which they now reiterate, that Mr. Schreiner is not a credible witness with regard to the alleged impacts of the Project on reliability and cost.

The Local Farmers accordingly respectfully urge the Board to deny the application for rehearing.

¹ Local Residents correctly note that Mr. Yingling was permitted to testify with respect to climate change based on his personal experience and observations, and not as an expert. See Tr. VI 799:2-22. However, Local Residents ignore that the Board may take administrative notice of the government documents regarding climate change impacts cited in Local Farmers' brief. See *Darr v. Livingston*, 85 N.E.3d 1260, 1265 (Ohio Ct. App. 2017).

Respectfully submitted,

/s/ Hillary Aidun

Hillary Aidun (PHV-21990-2020)
Sabin Center for Climate Change Law
Columbia Law School
435 West 116th St.
New York, NY 10027
hwa2108@columbia.edu
Counsel for Local Farmers

CERTIFICATE OF SERVICE

The Ohio Power Siting Board's e-filing system will electronically serve notice of the filing this document on the parties referenced in the service list of the docket card who have electronically subscribed to this case. In addition, the undersigned certifies that a copy of the foregoing document is also being served upon the persons listed below this 2 Day of August 2021.

/s/ Hillary Aidun
Hillary Aidun (PHV-21990-2020)

Counsel/Intervenors via email:

CPirik@dickinson-wright.com
TODonnell@dickinson-wright.com
JSecrest@dickinson-wright.com
WVorys@dickinson-wright.com
MFleisher@dickinson-wright.com
Adam.Tabor@klgates.com
jim.lynch@klgates.com
brian.knox@klgates.com
werner.margard@ohioattorneygeneral.gov
brett.kravitz@ohioattorneygeneral.gov
katherine.walker@ohioattorneygeneral.gov
norwichtwp1339@gmail.com
richardwiles@willard-oh.com
rstrickler@huroncountyohprosecutor.com
jstephens@huroncountyohprosecutor.com
ggross@eriecounty.oh.gov
heather@hnattys.com
jvankley@vankleywalker.com
pjepppla@leplaw.com
michael.gerrard@arnoldporter.com
missyeb3@gmail.com
baanc@aol.com
r_ladd@frontier.com

Administrative Law Judges via email:

jay.agranoff@puco.ohio.gov
michael.williams@puco.ohio.gov

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Summary: Memorandum contra Application for Rehearing electronically filed by Ms. Hillary W. Aidun on behalf of Erf, Kevin Mr. and Yingling, Tom Mr.