

## THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION  
OF REPUBLIC WIND, LLC FOR A  
CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY AND PUBLIC NEED.

CASE NO. 17-2295-EL-BGN

### ENTRY ON REHEARING

Entered in the Journal on August 20, 2021

{¶ 1} All proceedings before the Ohio Power Siting Board (Board) are conducted according to the provisions of R.C. Chapter 4906 and Ohio Adm.Code 4906.

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

{¶ 3} R.C. 4906.04 provides that no person shall construct a major utility facility in the state without first obtaining a certificate for the facility from the Board. In seeking a certificate, applicants must comply with the filing requirements outlined in R.C. 4906.06, as well as Ohio Adm.Code Chapters 4906-2 through 4906-4.

{¶ 4} On June 24, 2021, the Board issued an Opinion, Order, and Certificate (Order) that denied Republic's request for a certificate of environmental compatibility and public need for the construction, operation, and maintenance of a 200-megawatt wind-powered electric generation facility in Seneca and Sandusky counties, Ohio.

{¶ 5} R.C. 4906.12 provides that R.C. 4903.02 to 4903.16, and 4903.20 to 4903.23 apply to a proceeding or order of the Board as if the Board were the Public Utilities Commission of Ohio.

{¶ 6} Ohio Adm.Code 4906-2-32 provides that any party or affected person may file an application for rehearing within 30 days after the issuance of a Board order in the manner, form, and circumstances set forth in R.C. 4903.10. R.C. 4903.10 provides that any party to a Commission proceeding may apply for rehearing with respect to any matter determined by

the Commission within 30 days after the entry of the order upon the journal of the Commission.

{¶ 7} On July 26, 2021, Republic filed an application for rehearing from the Board's Order.

{¶ 8} Also on July 26, 2021, the Local Resident intervenors, Joseph & Diane Anderson, Denise Bell, Aaron and Carrie Boes, Richard and Linda Bollenbacher, Rob and Mary Chappell, Thomas and Kathleen Fries, Leslie Hackenburg, Jeffrey and DeeAnne Hamilton, Mary and Allen Hassellbach, Duane and Deb Hay, Ethan and Crystal Hoepf, Gary & Dawn Hoepf, Jason & Michelle Hoepf, Taylor Hoepf, David P. Hoover, Jeffrey A. Hoover, Kenneth and Debra Hossler, Greg and Laura Jess, Leonard and Beverly Kubitz, Gary and Michelle Miller, Steven and Kelley Miller, Kim Mitchell, Charles and Linda Morsher, Patricia Motry, Steven and Linda Mulligan, Doug and Jennifer Myers, Linda Niederkohr, Kevin and Jennifer Oney, Nicholas and Michelle Reiter, Tom and Lori Scheele, Elaine Schultz, James and Victoria Seliga, Eugene and JoAnn Smith, James and Elaine Steinmetz, Herman and Patricia Studer, Christine Vogt, Mark Weber and Cindra Riley, Charles and Rhonda Weyer, Ann Wright, and Chris and Danielle Zeman (collectively, the Local Residents), filed an application for rehearing of the Order.

{¶ 9} On August 5, 2021, Local Residents filed a memorandum contra Republic's application for rehearing.

{¶ 10} On August 5, 2021, the Board of County Commissioners of Seneca County, the Seneca County Park District, the Board of Trustees of Adams Township, the Board of Trustees of Reed Township, and the Board of Trustees of Scipio Township jointly filed a "brief" in opposition to Republic's application for rehearing.

{¶ 11} Also, on August 5, 2021, Republic filed a memorandum contra Local Residents' application for rehearing.

{¶ 12} On August 18, 2021, Republic filed a supplemental memorandum contra Local Residents' application for rehearing along with a request that the Board waive the 10-day time limit outlined in Ohio Adm.Code 4906-2-32(B) for filing a memorandum contra in order to accept this supplemental filing. A ruling on this filing will be made in a subsequent entry from the Board or administrative law judge (ALJ).

{¶ 13} Pursuant to the authority set forth in Ohio Adm.Code 4906-2-32(E), the ALJ grants both of the applications for rehearing filed by Republic and Local Residents on July 26, 2021, for the limited purpose of affording the Board additional time to consider the issues raised in the respective applications for rehearing. In making this ruling, the ALJ is not ruling at this time on the appropriateness of Republic's supplemental memorandum contra or the related request for waiver.

{¶ 14} It is, therefore,

{¶ 15} ORDERED, That the applications for rehearing filed by Republic and Local Residents be granted for further consideration of the matters specified in the applications for rehearing, in accordance with Paragraph 13. It is, further,

{¶ 16} ORDERED, That a copy of this Entry on Rehearing be served upon all interested persons and parties of record.

THE OHIO POWER SITING BOARD

/s/ David M. Hicks

By: David M. Hicks  
Administrative Law Judge

MJA/kck

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

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

Summary: Administrative Law Judge Entry granting the applications for rehearing filed by Republic and Local Residents for further consideration of the matters specified in the applications for rehearing, in accordance with Paragraph 13. electronically filed by Kelli C. King on behalf of David M. Hicks, Administrative Law Judge, Ohio Power Siting Board