

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF
GROVER HILL WIND, LLC, FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR
THE CONSTRUCTION OF A 138 KILOVOLT
TRANSMISSION LINE IN PAULDING
COUNTY, OHIO.

CASE NO. 22-269-EL-BTX

ENTRY

Entered in the Journal on September 29, 2022

{¶ 1} Grover Hill Wind, LLC (Grover Hill 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 first obtaining a certificate from the Ohio Power Siting Board (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 4906-5 and 4906-3.

{¶ 3} On April 7, 2022, Grover Hill filed a preapplication notification letter informing the Commission of its intent to file an application for a certificate of environmental compatibility and public need to construct a 138 kilovolt transmission line to support the Grover Hill Wind Farm in Paulding County, Ohio.

{¶ 4} On May 2, 2022, Grover Hill filed its application. Also on May 2, 2022, Grover Hill filed both a motion for protective order, and a motion for waivers, each with an accompanying memorandum in support.

{¶ 5} On May 13, 2022, Grover Hill supplemented its application.

{¶ 6} On May 18, 2022, Staff and Grover Hill filed a joint motion to extend Staff's time to respond to Grover Hill's motion for protective order by 14 days.

{¶ 7} On May 24, 2022, Grover Hill filed its response to Staff's first data request.

{¶ 8} On June 1, 2022, the administrative law judge (ALJ) by Entry, granted the joint motion for an extension of time for Staff to respond to Applicant's motion for protective order and Applicant's motion for waiver.

{¶ 9} On June 8, 2022, Grover Hill filed its second supplement to the application.

{¶ 10} On June 17 and June 29, 2022, Grover Hill filed its responses to Staff's second and third data requests, respectively. On July 1 and July 21, 2022, Grover Hill supplemented its response to Staff's third data request.

{¶ 11} Pursuant to Ohio Adm.Code 4906-3-06, within 60 days after receipt of an application for a major utility facility, the Chairman of the Board shall notify an applicant of the acceptance or rejection of the application as complete. By letter filed July 1, 2022, the Board notified Grover Hill that its application was sufficiently complete to permit Staff to commence its review and investigation of the application. The letter directed Grover Hill to serve appropriate government officials and public agencies with copies of the complete, certified application and provide proof of service with the Board. Further, the letter directed Grover Hill, pursuant to R.C. 4906.06(F) and Ohio Adm.Code 4906-3-12, to submit the application fee.

{¶ 12} On August 10, 2022, Grover Hill filed its Notice of Proof of Compliance certifying service of its accepted and complete application, in accordance with the requirements in Ohio Adm.Code 4906-3-07. Also on August 10, 2022, Grover Hill submitted correspondence informing the Board of its payment of the application fee, pursuant to Ohio Adm.Code 4906-3-12.

{¶ 13} On August 31, 2022, Grover Hill filed the third supplement to its application.

{¶ 14} On September 8, 2022, in three parts, Grover Hill filed the fourth supplement to its application.

{¶ 15} R.C. 4906.07(A) provides that, upon receipt of an application complying with R.C. 4906.06, the Board must promptly fix a date for public hearing not less than 60 days nor more than 90 days after such receipt and shall conclude the proceeding as expeditiously as practicable.

{¶ 16} Therefore, the effective date of the application shall be September 26, 2022. The ALJ finds that a local public hearing in this matter shall be held on December 5, 2022, at 6:00 p.m., at Grover Hill Elementary School, 101 Monroe Street, Grover Hill, OH 45849. The adjudicatory hearing shall commence on January 12, 2023, at 10:00 a.m., in Hearing Room 11-D, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793. The parties should register at the lobby desk and then proceed to the 11th floor in order to participate in the hearing.

{¶ 17} Additionally, the ALJ finds that petitions to intervene in these proceedings will be accepted by the Board up to 30 days following service of the notice required by Ohio Adm.Code 4906-3-09.

{¶ 18} Grover Hill shall issue public notices of the application and hearings, in accordance with Ohio Adm.Code 4906-3-09. As required by Ohio Adm.Code 4906-3-09, Grover Hill shall include a statement in the notices that the public hearing in this case shall consist of two parts:

- (a) A local public hearing, pursuant to R.C. 4906.08(C), where the Board shall accept written or oral testimony from any person on December 5, 2022, at 6:00 p.m., at Grover Hill Elementary School, 101 Monroe Street, Grover Hill, OH 45849.
- (b) An adjudicatory hearing commencing on January 12, 2023, at 10:00 a.m., at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Hearing Room 11-D, Columbus, Ohio 43215-3793.

{¶ 19} Further, regarding the initial notice required under Ohio Adm.Code 4906-3-09, Applicant shall include the following statement:

Petitions to intervene in the adjudicatory hearing will be accepted by the Board up to 30 days following service of the notice required by Ohio Adm.Code 4906-3-09. However, the Board strongly encourages interested persons who wish to intervene in the adjudicatory hearing to file their petitions as soon as possible. Petitions should be addressed to: Docketing Division, the Ohio Power Siting Board, 180 East Broad Street, Columbus, Ohio 43215-3793, and cite the above listed case number.

{¶ 20} Ohio Adm.Code 4906-2-09 provides that the ALJ shall regulate the course of the hearing, including, requiring that expert or factual testimony to be offered at Board proceedings be reduced to writing and filed with the Board, according to a schedule established by the ALJ. Accordingly, the ALJ finds that the following procedural schedule and process shall be implemented:

- (a) Pursuant to Ohio Adm.Code 4906-3-06(C), Staff shall file its report of investigation on or before November 18, 2022.
- (b) On or before December 12, 2022, each party shall file a list of issues citing specific concerns about which they may be interested in pursuing cross-examination of witnesses at the adjudicatory hearing.
- (c) All expert and factual testimony to be offered by Grover Hill shall be filed by December 30, 2022.
- (d) All expert and factual testimony to be offered by intervenors and Staff shall be filed by January 6, 2023.

(e) Any stipulation entered into by the parties shall be filed by January 10, 2023, along with associated testimony supporting the stipulation.

{¶ 21} The parties are strongly encouraged to arrange for electronic service of testimony and other pleadings among themselves. If electronic service is agreed to, the parties are also directed to provide an electronic copy to the ALJ assigned to the case.

{¶ 22} It is, therefore,

{¶ 23} ORDERED, That the effective date of the application be September 26, 2022, and the hearings in this matter be scheduled at the times and places designated in Paragraph 16. It is, further,

{¶ 24} ORDERED, That notices of the application and hearings be issued by Grover Hill in accordance with Paragraphs 18 and 19. It is, further,

{¶ 25} ORDERED, That the parties observe the filing deadlines set forth in Paragraph 20. It is, further,

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

THE OHIO POWER SITING BOARD

/s/Jesse M. Davis

By: Jesse M. Davis
Administrative Law Judge

JMD/dmh

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

Case No(s). 22-0269-EL-BTX

Summary: Administrative Law Judge Entry that the effective date of the application is September 26, 2022; that notices of the application and hearings be issued by Grover Hill for the local public hearing to be held December 5, 2022 at 6:00 p.m. at Grover Hill Elementary School; adjudicatory hearing for January 12, 2023 at 10:00 a.m. in Hearing Room 11-D at the offices of the Commission electronically filed by Ms. Donielle M. Hunter on behalf of Jesse M. Davis, Administrative Law Judge, Ohio Power Siting Board