

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 January 9, 2023

{¶ 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 Board 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 (Application).

{¶ 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 Board's Chair 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} On September 29, 2022, by Entry, the ALJ established the procedural schedule in this case. The local public hearing was scheduled to take place on December 5, 2022, and the adjudicatory hearing was scheduled to take place on January 12, 2023.

{¶ 16} On December 5, 2022, the local public hearing occurred as scheduled, during which two witnesses testified.

{¶ 17} On December 15, 2022, Grover Hill filed a motion for a virtual hearing, citing to the only parties to the proceeding being Staff and Grover Hill, a pending joint stipulation in consideration of all issues, as well as the desire of Applicant to forego the expense of transporting its witness from outside of Ohio to attend the hearing, which Grover Hill opines will be brief, owing to the aforementioned qualities.

{¶ 18} On December 16, 2022, Staff and Grover Hill filed a joint stipulation and recommendation.

{¶ 19} On December 30, 2022, Grover Hill filed the direct testimony of its witness, Alex Daberko.

{¶ 20} On January 6, 2023, Staff filed the direct testimony of its witness, James S. O'Dell.

{¶ 21} Motions are governed by Ohio Adm.Code 4906-2-27(A), which provides that any party may file a motion in writing, which shall be accompanied by a memorandum in support. Here, Applicant has moved for the adjudicatory hearing to be converted from an in-person event to a virtual one, held using remote access technology. As described in Paragraph 17 above, Applicant states that it requests a virtual hearing where the parties could save time and, Applicant specifically, could save on travel expenses for its witness, by having the hearing held remotely where there is an unopposed full stipulation filed and no intervening parties. In support of its proposition, Applicant cites to recent cases in which the Board has converted proceedings as it requests here. *See, e.g., Ross County Solar*, Case No. 20-1380-EL-BGN, Entry (Aug. 11, 2021); *Sycamore Creek Solar*, Case No. 20-1762-EL-BGN,

Entry (Sept. 23, 2021). The ALJ notes that beginning in 2022, the Board moved back to holding its hearings in-person and since that time has allowed proceedings to be held virtually to accommodate an Americans with Disabilities Act request. Applicant's motion is rooted in attempting to save on expenditure, and therefore should be denied.

{¶ 22} It is, therefore,

{¶ 23} ORDERED, That Applicant's motion for a virtual hearing be denied. It is, further,

{¶ 24} 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

JRJ/mef

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in

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

Summary: Administrative Law Judge Entry denying the motion for a virtual hearing electronically filed by Ms. Mary E. Fischer on behalf of Jesse M. Davis, Administrative Law Judge, Ohio Power Siting Board