

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of **REPUBLIC**)
WIND, LLC for a Certificate of Environmental)
Compatibility and Public Need for a Wind-) Case No. 17-2295-EL-BGN
Powered Electric Generating Facility in Seneca)
and Sandusky Counties, Ohio.)

**REPUBLIC WIND, LLC’S UNOPPOSED MOTION TO SUSPEND THE
PROCEDURAL SCHEDULE AND STAY DISCOVERY AND
REQUEST FOR EXPEDITED TREATMENT**

Pursuant to Ohio Administrative (“OAC”) Rule 4906-2-27(A) and (C), Republic Wind, LLC (“Republic” or “Applicant”) hereby requests that the Ohio Power Siting Board (“OPSB” or “Board”) suspend the procedural schedule and stay discovery. Republic submits this motion because it intends to file an application to amend the pending application. Republic requests suspension of the procedural schedule and a stay of discovery until Republic’s amendment for application is filed. A memorandum in support of this motion is attached. Republic contacted counsel for the other parties in this proceeding regarding this motion. The other parties do not oppose this motion and do not oppose expedited treatment of this motion.

Respectfully submitted on behalf of
REPUBLIC WIND, LLC



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MEMORANDUM IN SUPPORT

On February 2, 2018, and as amended on March 27, 2018, Republic filed an application with the Board for a certificate of environmental compatibility and public need to construct a wind-powered electric generating facility in Seneca and Sandusky Counties, Ohio. By letter filed on May 23, 2018, the Board notified Applicant that its application was sufficiently complete to permit Staff to commence its review and investigation of the application. On July 19, 2018, the Board issued an entry establishing the following procedural schedule:

- Staff Report shall be filed September 17, 2018
- The parties and intervenors shall file their issues list by September 25, 2018
- The local public hearing shall be held on October 2, 2018
- Republic shall filed testimony by October 5, 2018
- Staff and intervenors shall filed testimony by October 10, 2018
- The adjudicatory hearing shall filed testimony by October 15, 2018

Pursuant to OAC Rule 4906-2-27, Republic requests that Board suspend the procedural schedule and stay discovery. Republic intends file an application for amendment of its pending accepted complete application pursuant to OAC Rule 4906-3-11(A), which specifically allows for the filing such amendments. Republic intends to make modifications to the proposed project, and is

in the process of preparing its amendment application that will specifically identify each portion of the pending accepted, complete application to be amended. Because a number of procedural deadlines are rapidly approaching, Republic requests a suspension of the procedural schedule which will provide Republic adequate time to focus on preparation of its amendment application. A stay of the procedural schedule will also allow Staff to pause its investigation until the amended application filed. This proposed process would be optimal because the amended application will become the focus of this proceeding once it is filed. Further, the Board has granted motions to suspend the procedural schedule in prior Board cases.¹ In addition, a suspension of the procedural schedule would not have a detrimental impact on any potential parties or intervenors in this case.

The current procedural schedule was developed based on the current application. Once the focus of the proceeding shifts to the amended application, it will be necessary to establish new testimony deadlines and hearing dates based upon the filing date of the amended application. In addition, the Board should suspend discovery until the application for amendment is filed because the focus of the proceeding will shift to the amended application. Discovery responses submitted prior the filing of the amendment application will inevitably need to be updated or revised to reflect the modifications to the current application. Thus, it would be efficient and procedurally proper to stay any discovery until the amendment application is filed.

Based on the foregoing reasons, Republic requests that: (1) the Board suspend the procedural schedule until an amended application is filed; and (2) the Board stay discovery until the amended application is filed. Republic waives the timing requirement for hearings set forth in R.C. 4906.07(A) with respect to its currently pending application. Republic contacted counsel for the other parties in this proceeding regarding this motion. The other parties do not oppose this motion and do not oppose expedited treatment of this motion.

¹ *Icebreaker Windpower, Inc.*, Case No. 16-1871-EL-BGN, Entry, October 23, 2017; and *Duke Energy Ohio, Inc.*, Case No. 16-253-GA-BTX, Entry, August 24, 2017.

Respectfully submitted on behalf of
REPUBLIC WIND, LLC



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion was served upon the following parties listed below by electronic mail, this 29th day of August 2018.



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Summary: Motion of Republic Wind, LLC's Unopposed Motion to Suspend the Procedural Schedule and Stay Discovery and Request for Expedited Treatment electronically filed by Teresa Orahood on behalf of Devin D. Parram