

BEFORE THE OHIO POWER SITING BOARD

In the Matter of the Application of)
JW Great Lakes Wind, LLC, for a)
Certificate to Construct a Wind-Powered) **Case No. 09-277-EL-BGN**
Electric Generation Facility in Hardin)
County, Ohio)

MOTION FOR EXTENSION OF CERTIFICATE
AND REQUEST FOR EXPEDITED RULING

Hog Creek Wind Farm, LLC (“Hog Creek”), for good cause shown, respectfully requests that the Ohio Power Siting Board (the “Board”) extend its Certificate of Environmental Compatibility and Public Need (the “Certificate”) for the Hog Creek Wind Farm from March 22, 2015 to March 22, 2018. Hog Creek has good cause for seeking this 36-month extension considering the recent changes to Ohio’s energy market. This, coupled with Hog Creek’s progress in continuing to develop this project, warrants an extension of Hog Creek’s Certificate. Further, Hog Creek requests that the Board grant this Motion on an expedited basis given the Certificate’s requirement to commence construction by March 22, 2015. Counsel for Hog Creek has contacted all parties of record and none object to an expedited ruling on this Motion. Moreover, the only intervenor in this proceeding, the Ohio Farm Bureau Federation, has been contacted and supports both the issuance of an expedited ruling and the sought extension of the Certificate. The reasons supporting this Motion and request for expedited ruling are set forth in

the accompanying Memorandum in Support.

Respectfully submitted,

s/ Michael J. Settineri

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MEMORANDUM IN SUPPORT

Through this Motion, Hog Creek Wind Farm, LLC (“Hog Creek”) seeks to extend its Certificate of Environmental Compatibility and Public Need granted by the Ohio Power Siting Board (the “Board”) in Case No. 09-277-EL-BGN (the “Certificate”) from March 22, 2015 to March 22, 2018. The Certificate authorized JW Great Lakes Wind, LLC (“JWGL”) to construct a wind-powered electric generation facility consisting of up to 27 wind turbines, together with the associated access roads, construction staging areas, operations and maintenances facilities, and electrical infrastructure, including an electric collection substation and an underground electric collection system (the “Hog Creek Wind Farm”) with a continuous course of construction to commence no later than March 22, 2015. JWGL filed its application for a certificate on August 14, 2009, and the Certificate was issued on March 22, 2010. On June 8, 2010, JWGL sought the Board’s approval to transfer the Certificate to Hog Creek. The Board approved such transfer by Entry dated July 15, 2010.

On February 11, 2011, Hog Creek filed an amendment application whereby it sought Board approval of two new turbine models, new project layouts incorporating up to 31 turbines, and a slight revision to the project boundary. The Board approved this amendment application by way of Opinion on Certificate Amendment dated July 25, 2011.¹ Thereafter on October 26, 2011, Hog Creek filed a second amendment application seeking the Board’s approval of two additional turbine models. The Board subsequently approved this second amendment application by way of Opinion on Certificate Amendment dated November 28, 2011.²

¹ See *In the Matter of the Application of Hog Creek Wind Farm, LLC for an Amendment to its Certificate of Environmental Compatibility and Public Need for the Wind-Powered Electric Generation Facility in Hardin County, Ohio*, Case No. 11-757-EL-BGA, Order On Certificate Amendment (July 25, 2011).

² See *In the Matter of the Application of Hog Creek Wind Farm, LLC for a Second Amendment to its Certificate of Environmental Compatibility and Public Need for the Hog Creek Wind Farm I Electric Generation Facility in Hardin County, Ohio*, Case No. 11-5542-EL-BGA, Order On Certificate Amendment (November 28, 2011).

Hog Creek's request for extension is reasonable and supported by good cause, as changes in the energy market have delayed the Hog Creek Wind Farm. The wholesale electricity market in Ohio dramatically changed with the advent of increasing supplies of natural gas from the Marcellus and Utica shale plays. At the same time, there has been an overall, lower demand for electricity due to the general economic downturn. Together, those two factors resulted in lower prices that undercut Hog Creek's ability to enter into an economic power purchase agreement for the Hog Creek Wind Farm's energy and renewable energy credits at a price sufficient to support the construction and financing of the project. *See e.g., In re Hardin Wind Energy LLC*, Case No. 09-479-EL-BGN, Entry (August 25, 2014) (granting three-year extension of certificate to March 22, 2018, in part based on market conditions).

Even though Marcellus and Utica shale natural gas will continue to impact energy markets, other factors make it now more favorable for the Hog Creek Wind Farm to succeed. Due to increased U.S. Environmental Protection Agency ("EPA") standards that require the reduction of emission levels of mercury and other air toxins from coal-burning power plants, a number of coal plants have closed or reduced production throughout the region. As energy companies continue to comply with EPA standards, the Hog Creek Wind Farm will provide important replacement generation capacity in an environmentally friendly manner.

Despite the fact that neither Hog Creek nor its predecessor JWGL caused the delays in the project's development, Hog Creek has continued its efforts to proceed with the Hog Creek Wind Farm. Since receiving its Certificate, Hog Creek has continued to expend resources to develop the project. Specifically, it has continued making landowner easement payments and continued working cooperatively with PJM towards the maintenance of its interconnection position. Moreover and in regards to the latter, Hog Creek has executed interconnection

agreements with PJM that require significant financial commitments.³ This demonstrates Hog Creek's commitment to develop the Hog Creek Wind Farm and supports its extension request. Considering that the market condition delays are well beyond Hog Creek's control, good cause exists to extend Hog Creek's Certificate for an additional 36-months to March 22, 2018.

Recent Board precedent supports extending Hog Creek's Certificate. As noted above, the Board previously granted an identical 36-month certificate extension request for the Hardin Wind Energy LLC project, to March 22, 2018 (the same date sought by Hog Wind herein), based primarily on the same existing market conditions outside Hardin Wind Energy's control. *See In re Hardin Wind Energy LLC*, Case No. 09-479-EL-BGN, Entry dated 8/25/2014. More recently, the Board granted Paulding Wind Farm II LLC's request for a 36-month extension on the same basis as Hog Creek's present request. *In the Matter of the Application of Paulding Wind Farm II LLC for a Certificate to Site a Wind-Powered Electric Generation Facility in Paulding County, Ohio*, Case No. 10-369-EL-BGN, Entry (November 24, 2014) (approving a 36-month extension because of delays caused by market conditions outside of developer's control).⁴

Currently, Hog Creek's Certificate will expire on March 22, 2015 and commencing a continuous course of construction by then is not feasible. Even if market conditions improve, the short time frame until the Certificate's expiration does not provide Hog Creek with sufficient

³ http://www.pjm.com/pub/planning/project-queues/isa/w1_056_isa.pdf. The status of Hog Creek's interconnect, Generation Queue Positions U1-059 and W1-056, can be found at <http://www.pjm.com/planning/generation-interconnection/generation-queue-active.aspx>.

⁴ *See, also, In re Summit Energy Storage*, Case No. 89-1302-EL-BGN, Entry (November 23, 1998) (granting a certificate extension for two years following delays in finalizing utility participation agreements); *In re Lawrence County Energy Center, LLC*, Case No. 01-369-EL-BGN, Entry (November 20, 2006) (granting a 18-month extension so that technical configurations to enhance the project's future and market viability could be explored); *In re Norton Energy Storage, LLC*, Case No. 99-1626-EL-BGN (June 2, 2008) (approving applicant's second 30-month certificate extension because the applicant still needed to secure financing, select a generation equipment supplier, and make conceptual design changes); *In the Matter of the Application of Buckeye Wind, LLC for a Certificate to Construct Wind-Powered Electric Generation Facilities in Champaign County, Ohio*, Case No. 08-666-EL-BGN, Entry (August 25, 2014) (approving a three-year extension because of delays outside of the developer's control).

time to obtain the requisite financing and finalize the design and engineering plans. These steps must occur before Hog Creek may commence construction, and the sought extension will provide adequate time to successfully develop and launch the Hog Creek Wind Farm. Moreover, Hog Creek's sought extension is reasonable considering that the Board granted 36-month extensions to the three other projects that received certificates on the same day as Hog Creek (Hardin Wind, Buckeye Wind and Paulding Wind).⁵

Lastly, Hog Creek requests an expedited ruling on this Motion pursuant to Rule 4906-7-12(C) to allow for a ruling prior to the March 22, 2015. Counsel for Hog Creek has contacted the only intervenor in this proceeding, the Ohio Farm Bureau Federation, and it supports both the Certificate extension and an expedited ruling on this Motion. Counsel for Hog Creek has also contacted counsel for the Board's Staff and Staff does not object to an expedited ruling on this Motion. Under these circumstances and pursuant to OAC Rule 4906-7-13(A) and (C), it is reasonable and just for the Board to grant this Motion and request for an expedited ruling.

For all the foregoing reasons, good cause exists to extend the Hog Creek's Certificate

⁵ See *In re Hardin Wind Energy LLC*, Case No. 09-479-EL-BGN, Entry dated 8/25/2014; *In the Matter of the Application of Buckeye Wind, LLC for a Certificate to Construct Wind-Powered Electric Generation Facilities in Champaign County, Ohio*, Case No. 08-666-EL-BGN, Entry (August 25, 2014) (approving a three-year extension because of delays outside of the developer's control); *In the Matter of the Application of Paulding Wind Farm II LLC for a Certificate to Site a Wind-Powered Electric Generation Facility in Paulding County, Ohio*, Case No. 10-369-EL-BGN, Entry (November 24, 2014).

from March 22, 2015 to March 22, 2018, and to grant Hog Creek's request for expedited ruling on this Motion.

Respectfully submitted,

s/ Michael J. Settineri

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon the following party of record via U.S. Mail and electronic mail on this 13th day of February 2015.

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Summary: Motion For Extension of Certificate and Request for Expedited Ruling electronically filed by Mr. Michael J. Settineri on behalf of Hog Creek Wind Farm, LLC