

# **Bond Case Briefs**

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## **PUBLIC UTILITIES - OHIO**

### **In re Application of Black Fork Wind Energy, L.L.C.**

**Supreme Court of Ohio - December 18, 2013 - N.E.2d - 2013 -Ohio- 5478**

Objectors appealed order of state Power Siting Board, issuing certificate approving construction of wind-powered electric generation facility, or wind farm.

The Supreme Court of Ohio held that Board did not prevent objectors from cross-examining witnesses or presenting evidence, such as would have violated objectors' due process rights by failing to call as witnesses seven of eight staff members who had prepared a report on the proposed facility. Although all eight Board staff members had prefiled their written testimony, there was no indication that ALJ improperly considered the prefiled testimony of staff members who did not testify, and objectors failed to compel attendance of the seven non-testifying staff members. Because appellants had not established that the Board's order was unlawful or unreasonable, the board's order was affirmed.