

Bond Case Briefs

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UTILITIES - OHIO

In re Application of Champaign Wind, L.L.C.

Supreme Court of Ohio - April 13, 2016 - N.E.3d - 2016 WL 1459516 - 2016 -Ohio- 1513

Local governmental entities and neighbors appealed a decision of the Power Siting Board that granted applicant a certificate to construct a wind-powered electric-generation facility.

The Supreme Court of Ohio held that:

- Board did not abuse its discretion in quashing neighbors' subpoenas;
- Neighbors were not prejudiced by Board's decision to cut off cross-examination of Board's staff;
- Testimony by applicant's witness was not hearsay;
- Evidence was sufficient for Board to apply minimum setbacks;
- Nighttime noise limit was not against manifest weight of evidence;
- Neighbors were not prejudiced by Board's refusal to reopen hearing record; and
- Draft versions of application were irrelevant to Board's consideration.