

## THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF  
VINTON SOLAR ENERGY LLC FOR A  
CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY AND PUBLIC NEED TO  
CONSTRUCT A SOLAR-POWERED ELECTRIC  
GENERATION FACILITY IN VINTON  
COUNTY, OHIO.

CASE NO. 17-774-EL-BGN

### ENTRY

Entered in the Journal on September 26, 2017

{¶ 1} On July 6, 2017, as supplemented on August 16, 2017, Vinton Solar Energy LLC (Vinton Solar or applicant) filed an application requesting a Certificate of Environmental Compatibility and Public Need to construct a solar-powered electric generation facility in Vinton County, Ohio with the capacity to generate up to 125 megawatts. The proposed facility will be located on approximately 1,950 acres of leased land in Elk Township. Vinton Solar states that it is an affiliate of Invenergy Solar Development North America LLC, which is an affiliate of Invenergy Renewables, LLC, which is in turn an affiliate of Invenergy LLC.

{¶ 2} According to the applicant, Invenergy LLC is one of the nation's leading independent power generation companies and is applying its renewable energy experience and innovation toward expanding its clean energy portfolio to include solar power generation in the state of Ohio. The general purpose of the project is to produce clean, renewable, reliably-priced, low-cost solar power electricity to the Ohio bulk power transmission grid operated by PJM Interconnection LLC (PJM) or under a power purchase agreement.

{¶ 3} Pursuant to Ohio Adm.Code 4906-3-06, within 60 days after receipt of an application for a major utility facility, the Chairman of the Board shall notify an applicant of the acceptance or rejection of the application as complete. By letter filed on

September 5, 2017, the Board notified Vinton Solar that its application was sufficiently complete to permit the Board Staff (Staff) to commence its review and investigation of the application. The letter directed Vinton Solar, pursuant to Ohio Adm.Code 4906-3-07, to serve appropriate government officials and public agencies with copies of the complete, certified application and to file proof of service with the Board. Further, the letter directed Vinton Solar, pursuant to R.C. 4906.06(F) and Ohio Adm.Code 4906-3-12, to submit the requisite application fee.

{¶ 4} On September 8, 2017, Vinton Solar filed its certificate of service of its accepted and complete application, in accordance with the requirements of Ohio Adm.Code 4906-3-08. Vinton Solar also submitted the application fee to the Board, pursuant to Ohio Adm.Code 4906-3-12. The effective date of the filing of the application shall be September 26, 2017.

{¶ 5} R.C. 4906.07(A) provides that, upon receipt of an application complying with R.C. 4906.06, the Board must promptly fix a date for a public hearing not less than 60 nor more than 90 days after such receipt, and shall conclude the proceeding as expeditiously as practicable.

{¶ 6} Accordingly, the local public hearing in this case will be held on December 5, 2017, at the Vinton County Community Building, 31935 State Route 93, McArthur Ohio 45651. The adjudicatory hearing will commence on December 15, 2017, at 10:00 a.m., 11th floor, Hearing Room 11-D, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.

{¶ 7} Additionally, the Administrative Law Judge (ALJ) finds that petitions to intervene in this proceeding will be accepted by the Board up to 30 days following publication of the notice required by Ohio Adm.Code 4906-3-09, or by November 21, 2017, whichever is later.

{¶ 8} Vinton Solar should issue public notices of the application and hearings in accordance with Ohio Adm.Code 4906-3-09. As part of the information to be included in the notices, as required by Ohio Adm.Code 4906-3-09, Vinton Solar shall include a statement that the public hearing in this case shall consist of two parts:

- (a) Local public hearing, pursuant to R.C. 4906.08(C), where the Board shall accept written or oral testimony from any person, commencing on December 5, 2017, at 6:00 p.m., at the Vinton County Community Building, 31935 State Route 93, McArthur, Ohio 45651.
- (b) An adjudicatory hearing to commence on December 15, 2017, at 10:00 a.m., 11th floor, Hearing Room 11-D, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.

{¶ 9} Further, regarding the initial public notice required under Ohio Adm.Code 4906-3-09, Vinton Solar shall include the following statement as a part of the public notice:

Petitions to intervene in the adjudicatory hearing will be accepted by the Board up to 30 days following publication of the notice required by Ohio Adm.Code 4906-3-09, or by November 21, 2017, whichever is later. However, the Board strongly encourages interested persons who wish to intervene in the adjudicatory hearing to file their petitions as soon as possible. Petitions should be addressed to Docketing Division, the Ohio Power Siting Board, 180 East Broad Street, Columbus, Ohio 43215-3793 and cite the above-listed case number.

{¶ 10} Ohio Adm.Code 4906-2-09 provides that the ALJ shall regulate the course of the hearing including requiring that expert or factual testimony to be offered in Board proceedings be reduced to writing and filed with the Board, according to a schedule established by the ALJ. Accordingly, the ALJ finds that the following procedural schedule and process should be implemented:

- (a) Pursuant to Ohio Adm.Code 4906-3-06, the Board Staff (Staff) shall file its report of investigation (Staff Report) on or before November 20, 2017.
- (b) On or before November 28, 2017, each party shall file a list of issue(s) citing specific concerns about which they may be interested in pursuing cross-examination of witnesses at the evidentiary hearing.
- (c) All expert and factual testimony to be offered by Vinton Solar shall be filed by December 8, 2017.
- (d) All expert and factual testimony to be offered by intervenors and Staff shall be filed by December 12, 2017.
- (e) Any stipulation entered into by the parties shall be filed by December 13, 2017.
- (f) The parties are strongly encouraged to arrange for electronic service of testimony and other pleadings among themselves. If electronic service is agreed to, the parties are also directed to provide an electronic copy to the ALJ assigned to this case.

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That hearings in this matter be scheduled at the times and places designated in Paragraph 6. It is, further,

{¶ 13} ORDERED, That the application and hearings be noticed by Vinton Solar in accordance with Paragraphs 8 and 9. It is, further,

{¶ 14} ORDERED, That Staff file its Staff Report pursuant to Paragraph 10. It is, further,

{¶ 15} ORDERED, That the parties file their issue lists and testimony in accordance with Paragraph 10. It is, further,

{¶ 16} ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE OHIO POWER SITING BOARD

s/Jay Agranoff

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By: Jay S. Agranoff  
Administrative Law Judge

JRJ/sc

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

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**in**

**Case No(s). 17-0774-EL-BGN**

Summary: Administrative Law Judge Entry scheduling hearings at the times and places designated in Paragraph 6, directing Vinton Solar to notice the application and hearing in accordance with Paragraphs 8 and 9, directing Staff file its Report pursuant to Paragraph 10, and directing the parties to file their issue lists and testimony in accordance with Paragraph 10. - electronically filed by Sandra Coffey on behalf of Jay Agranoff, Attorney Examiner, Public Utilities Commission of Ohio