

OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF
WILLOWBROOK SOLAR I, LLC FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED TO
CONSTRUCT AN ELECTRIC GENERATION
FACILITY IN HIGHLAND AND BROWN
COUNTIES, OHIO.

CASE NO. 18-1024-EL-BGN

ENTRY

Entered in the Journal on November 29, 2018

{¶ 1} On June 22, 2018, Willowbrook Solar I, LLC (Willowbrook or Applicant) filed a pre-application notification letter with the Ohio Power Siting Board (Board) regarding its proposed 150 megawatt solar-powered electric generating facility in Concord and White Oak Townships in Highland County and Eagle Township in Brown County, Ohio (hereafter, the Project).

{¶ 2} Thereafter, on September 17, 2018, Willowbrook filed an application with the Board for a Certificate of Environmental Compatibility and Public Need to construct the Project.

{¶ 3} Also on September 17, 2018, Willowbrook filed a motion seeking waivers from certain provisions of the Board's rule requirements. On October 2, 2018, Staff filed a letter responding to Applicant's request for waivers. On October 4, 2018, the administrative law judge (ALJ) issued an Entry granting, in part, and denying, in part, Willowbrook's motion. The ALJ granted Willowbrook's request for waiver from Ohio Adm.Code 4906-4-08(A)(1)(c) and Ohio Adm.Code 4906-4-08(D)(2)-(4) and granted with clarification Willowbrook's request for waiver of Ohio Adm.Code 4906-4-08(A)(5)(c).

{¶ 4} Pursuant to Ohio Adm.Code 4906-3-06, within 60 days of receipt of an application for a major utility facility, the Chairman of the Board must either accept the application as complete and compliant with the content requirements of R.C. 4906.06 and Ohio Adm.Code Chapters 4906-1 through 4906-7 or reject the application as incomplete. By

letter dated November 16, 2018, the Board notified Willowbrook that its application was compliant and provided sufficient information to permit Staff to commence its review and investigation. Pursuant to Ohio Adm.Code 4906-3-06 and 4906-3-07, the Board's November 16, 2018 letter directed Willowbrook to serve appropriate government officials and public agencies with copies of the complete, certified application and to file proof of service with the Board. The letter further instructed Willowbrook to submit its application fee pursuant to R.C. 4906.06(F) and Ohio Adm.Code 4906-3-12.

{¶ 5} On November 28, 2018, Willowbrook filed a certificate of service of its accepted and complete application as required by Ohio Adm.Code 4906-3-07. And, in compliance with Ohio Adm.Code 4906-3-07(C), on November 27, 2018, Willowbrook filed proof that it submitted its application fee to the Treasurer of the State of Ohio.

{¶ 6} Ohio Adm.Code 4906-3-08(A) states that, once the applicant has complied with Ohio Adm.Code 4906-3-07, the Board or the ALJ shall file an entry indicating the date on which the accepted, complete application is deemed filed. Additionally, once the effective date is established, the ALJ must promptly fix the dates for public hearings. Under R.C. 4906.07(A), the public hearing must be held not less than 60 nor more than 90 days after the effective date.

{¶ 7} Therefore, the effective date of the application shall be November 29, 2018. The ALJ finds that a local public hearing in this matter shall be held on February 19, 2019, at 6:00 p.m., at the Bright Elementary School, 6100 Fair Ridge Road, Hillsboro, Ohio 45133. The evidentiary hearing shall commence on February 28, 2019, at 10:00 a.m., in Hearing Room 11D at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.

{¶ 8} Petitions to intervene in this proceeding will be accepted by the Board up to 30 days following the service of the notice required by Ohio Adm.Code 4906-3-09 or by January 14, 2019, whichever is later.

{¶ 9} In accordance with Ohio Adm.Code 4906-3-09, Willowbrook should issue public notices of the application and hearings. Pursuant to the same rule, in addition to other required information, that notice shall include a statement that the public hearing in this case shall consist of two parts:

- (a) A local public hearing, pursuant to R.C. 4906.08(C), where the Board shall accept written or oral testimony from any person on February 19, 2019, at 6:00 p.m., at the Bright Elementary School, 6100 Fair Ridge Road, Hillsboro, Ohio 45133.
- (b) An evidentiary hearing commencing on February 28, 2019, at 10:00 a.m., in Hearing Room 11D at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.

{¶ 10} Further, under Ohio Adm.Code 4906-3-09, the initial notice shall include the following language:

Petitions to intervene in the adjudicatory hearing will be accepted by the Board up to 30 days following service of the notice required by Ohio Adm.Code 4906-3-09, or January 14, 2019, 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.

{¶ 11} Ohio Adm.Code 4906-2-09 provides that the ALJ shall regulate the course of the hearing. In so doing, the ALJ may require expert or factual testimony to be offered at Board proceedings to be reduced to writing and filed with the Board. Accordingly, the ALJ establishes the following procedural schedule and process:

- (a) Pursuant to Ohio Adm.Code 4906-3-06(C), Staff shall file its report of investigation (Staff Report) on or before February 4, 2019.
- (b) On or before February 11, 2019, 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 Willowbrook shall be filed by February 22, 2019. All expert and factual testimony to be offered by the intervenors and Staff shall be filed by February 26, 2019.
- (d) The parties are strongly encouraged to arrange for electronic service of testimony and other pleadings amongst themselves. If electronic service is agreed to, the parties are also directed to provide an electronic copy to the assigned ALJ.

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That the hearings in this matter be scheduled at the times and places designated in Paragraph 7. It is, further,

{¶ 14} ORDERED, That notices of the application and hearings be issued by Willowbrook in accordance with Paragraphs 9 and 10. It is, further,

{¶ 15} ORDERED, That Staff file its Staff Report pursuant to Paragraph 11. It is, further,

{¶ 16} ORDERED, That the parties file their issues lists and testimony in accordance with Paragraph 11. It is, further,

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

THE OHIO POWER SITING BOARD

/s/ Jeffrey R. Jones

By: Jeffrey R. Jones
Administrative Law Judge

SJP/mef

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

11/29/2018 2:46:13 PM

in

Case No(s). 18-1024-EL-BGN

Summary: Administrative Law Judge Entry setting the procedural schedule and associated filing deadlines electronically filed by Ms. Mary E Fischer on behalf of Jeffrey R. Jones, Administrative Law Judge, The Ohio Power Siting Board