

BEFORE THE OHIO POWER SITING BOARD

In the Matter of the Application of)	
Nestlewood Solar I LLC for a)	Case No. 18-1546-EL-BGN
Certificate of Environmental)	
Compatibility and Public Need)	

JOINT MOTION TO REOPEN THE HEARING RECORD

Pursuant to Rule 4906-2-31, Nestlewood Solar I LLC (“Nestlewood”) and the Ohio Farm Bureau Federation (“OFBF”) (collectively, the “Parties”), submit this Joint Motion to Reopen the Hearing Record to allow additional testimony and evidence regarding the Nestlewood Solar Project for good cause shown. As further discussed in the attached memorandum in support, the Parties believe that additional information will further assist the Board in this proceeding and address certain comments made by the Board’s Chairman at the October 17, 2019 Board meeting. The Parties, along with the Staff of the Ohio Power Siting Board (“Staff”), have also executed a supplement to the Joint Stipulation and Recommendation filed in this case June 12, 2019, and the hearing record should also be reopened to present additional testimony regarding this supplement.

The Parties and Staff are available for a hearing February 26, 2020, and request that Nestlewood file its additional testimony no later than February 10, 2020, and that OFBF and Staff file additional testimony, if any, no later than February 24, 2020.

The Parties further request an expedited ruling on this motion pursuant to Rule 4906-2-27(C) so that the hearing can recommence as soon as possible. Staff does not oppose this motion, or granting it on an expedited basis.

Respectfully submitted,

/s/ Amy M. Milam (per authorization – MJS)

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MEMORANDUM IN SUPPORT

This motion seeks to reopen the record in this proceeding to allow for additional information to be presented to the Board regarding the Nestlewood Solar Project. During the Board's October 17, 2019 meeting, the Chairman of the Board identified a list of apparent concerns with the Nestlewood Solar Project, then made a motion to defer further action of Nestlewood's pending application for further consideration and investigation. This motion was approved by the Board.

Given the Board's action and to address the Chairman's comments, Nestlewood intends to provide additional testimony in this case that will identify, clarify, and, in certain cases, expand upon information that has been provided to the Board through the application process to assist the Board in a thorough consideration of the potential impact of the Project. The testimony will also be helpful in addressing the Chairman's public comments made after the closing of the record and prior to the Board's oral vote to defer consideration of Nestlewood's application and the joint stipulation. Also in response to the Board's action, the Parties and Staff have executed and filed a supplement to the Joint Stipulation and Recommendation previously filed June 12, 2019, to include a new condition related to the management of potential post-construction stormwater flows. Additional testimony should be admitted into the record in support of the Amended Joint Stipulation and Recommendation.

At this time, Nestlewood intends to present testimony from Joseph Jordan, a member of the Nestlewood development team, regarding the complaint resolution process, vegetation management, recent outreach with the public, and the engineering and design of the Project. Nestlewood also intends to present testimony from Andy English of PLANIT Studios regarding the project's landscaping plan and the visual impact of the Project from certain vantage points;

from Lynn Gresock of Haley & Aldrich, Inc. regarding cultural resources, the Kirtland's snake, and the role of the on-site environmental specialist; from Kevin Fowler, of Tetra Tech, regarding noise and how it can be addressed in the final engineering design; from Matt Marquis of Hull & Associates regarding drainage and stormwater, and the supplement to the Joint Stipulation and Recommendation regarding stormwater; and from Mark Bonifas of Hull & Associates regarding traffic, roads, construction and decommissioning of the Project, and the role of the on-site environmental specialist.

All of the above testimony will assist the Board in its determination of this matter, and importantly assist in addressing the Chairman's publicly stated concerns on certain topics in the application. For example, Mr. English will be presenting visual simulations from non-participating property viewpoints to better assist the Board in understanding project landscaping. Mr. Jordan will present the project's decommissioning plan and also its complaint resolution process – areas the Chairman identified in his public statements. Mr. Marquis will also be able to discuss drainage from the project and drainage impacts.

Accordingly, for good cause shown, the Parties respectfully request that the Administrative Law Judge reopen the hearing record to allow for additional testimony regarding the Nestlewood Solar Project given the Board's action taken at the October 17, 2019 meeting, and the supplement to the Joint Stipulation and Recommendation. The Parties request an expedited ruling on this motion pursuant to Rule 4906-2-27(C). The Parties also request that a hearing to take additional testimony be held February 26, 2020, that Nestlewood file its additional testimony no later than February 10, 2020, and that OFBF and Staff file additional testimony, if any, no later than February 24, 2020. Staff does not oppose this motion, or granting it on an expedited basis.

Respectfully submitted,

/s/ Amy M. Milam (per authorization – MJS)

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CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being sent via electronic mail on February 4, 2020 to:

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Summary: Motion Joint Motion to Reopen the Hearing Record electronically filed by Mr. Michael J. Settineri on behalf of Nestlewood Solar I LLC