

OHIO POWER SITING BOARD

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

CASE NO. 18-1546-EL-BGN

ENTRY

Entered in the Journal on February 5, 2020

{¶ 1} Nestlewood Solar I LLC (Nestlewood) is a person as defined in R.C. 4906.01.

{¶ 2} Pursuant to R.C. 4906.04, no person shall construct a major utility facility without first having obtained a certificate from the Ohio Power Siting Board (Board). In seeking a certificate, applicants must comply with the filing requirements outlined in R.C. 4906.04, as well as Ohio Adm.Code Chapters 4906-2 and 4906-4.

{¶ 3} Nestlewood filed its application with the Board for a certificate of environmental compatibility and public need on December 14, 2018. Pursuant to Ohio Adm.Code 4906-3-06, on February 12, 2019, the Board notified Nestlewood that its application was compliant and provided sufficient information to permit Staff to commence its review and investigation.

{¶ 4} On March 11, 2019, Nestlewood filed a certificate of service of its accepted, complete application as required by Ohio Adm.Code 4906-3-07. Further, in compliance with Ohio Adm.Code 4906-3-07(C), Nestlewood also filed proof that it submitted its application fee to the Treasurer of the State of Ohio.

{¶ 5} By Entry dated March 13, 2019, the administrative law judge (ALJ) set the effective date of the application as March 11, 2019, pursuant to Ohio Adm.Code 4906-3-08(A).

{¶ 6} On May 15, 2019, Staff filed its report of investigation (Staff Report) pursuant

to R.C. 4906.07(C).

{¶ 7} On May 16, 2019, the Ohio Farm Bureau Federation (Farm Bureau) filed a timely motion to intervene.

{¶ 8} On May 24, 2019, Nestlewood filed a notice of footprint modification to allow for a change in the location of an easement for the project. The notice sought to shift the easement corridor from a northwest-southeast route to a southwest-northeast route.

{¶ 9} The ALJ presided over a local public hearing on May 30, 2019.

{¶ 10} On June 12, 2019, Nestlewood, the Farm Bureau, and Staff filed a joint stipulation and recommendation (Stipulation).

{¶ 11} On June 13, 2019, the ALJ conducted the evidentiary hearing where the Stipulation was presented for the Board's consideration. Nestlewood presented the testimony of Lynn Gresock and of Joseph Jordan in support of the Stipulation. Staff presented the testimony of Derek F. Collins in support of the Staff Report, as well as the conditions set forth in the Stipulation.

{¶ 12} On August 23, 2019, Nestlewood, the Farm Bureau, and Staff jointly submitted a motion pursuant to Ohio Adm.Code 4906-2-07 to reopen the hearing record to allow additional testimony regarding the May 24, 2019 notice of footprint modification. In the motion, the parties stated that Nestlewood provided testimony regarding the modification during the June 13, 2019 evidentiary hearing. The parties noted that Nestlewood collected additional information regarding the modification which the parties would like to include in the record for the Board's consideration. The parties also requested an expedited ruling on this motion pursuant to Ohio Adm.Code 4906-2-27(C).

{¶ 13} By Entry dated August 26, 2019, the ALJ scheduled a hearing for August 30, 2019, for the parties to provide additional information regarding the May 24, 2019 modification.

{¶ 14} On August 30, 2019, the ALJ presided over the hearing. Staff presented the testimony of Grant Zeto in support of Condition 1 set forth in the Stipulation, as well as supplemental information presented in support of that condition.

{¶ 15} On February 4, 2020, Nestlewood and the Farm Bureau filed a joint motion to reopen the hearing record and requested an expedited ruling pursuant to Ohio Adm.Code 4906-2-27(C). The parties explain that Nestlewood will provide testimony from six witnesses to further inform the Board regarding certain aspects of the application and information in the record in this matter. The parties indicate that they have also executed, along with Staff, a supplement to the Stipulation, previously filed on June 12, 2019, to address concerns. This supplemental Stipulation was also filed on February 4, 2020. The parties state that Staff does not oppose the motion. Finally, the parties request that the hearing to take additional testimony be held on February 26, 2020; testimony from Nestlewood be due on February 10, 2020; and testimony from the Farm Bureau and Staff, if any, be due on February 24, 2020.

{¶ 16} Upon review of the February 4, 2020 motion, the ALJ finds that the motion is reasonable and should be granted. Further, the timeline proposed by Nestlewood and the Farm Bureau also appear reasonable. As such, a hearing to take additional testimony should be scheduled for February 26, 2020, at 10:00 a.m. at the Commission offices, Hearing Room 11-D, 11th floor, 180 East Broad Street, Columbus, Ohio 43215-3793. Visitors should register at the lobby desk and then proceed to the 11th floor in order to participate in the hearing. Additionally, testimony from Nestlewood should be due on February 10, 2020 and testimony from the Farm Bureau and Staff, if any, should be due on February 24, 2020.

{¶ 17} It is, therefore,

{¶ 18} ORDERED, That an additional day of hearing be scheduled for February 26, 2020, as further described in Paragraph 16. It is, further,

{¶ 19} ORDERED, That testimony from parties be due as further described in Paragraph 16. It is, further,

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

THE OHIO POWER SITING BOARD

/s/Anna Sanyal

By: Anna Sanyal
Administrative Law Judge

JRJ/kck

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Case No(s). 18-1546-EL-BGN

Summary: Administrative Law Judge Entry The Joint Motion to Reopen the hearing record is granted; an additional day of hearing is scheduled for 2.26.20 at 10:00 a.m.; finally, additional testimony from Nestlewood will be due on 2.10.20 and additional testimony from the Farm Bureau and Staff, if any, will be due on 2.24.20. electronically filed by Mrs. Kelli C King on behalf of Anna Sanyal, Administrative Law Judge, Public Utilities Commission of Ohio