

OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF
MADISON FIELDS SOLAR PROJECT, LLC
FOR A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED
ISSUED TO CONSTRUCT AN ELECTRIC
GENERATION FACILITY IN MADISON
COUNTY, OHIO.

CASE NO. 19-1881-EL-BGN

ENTRY

Entered in the Journal on June 23, 2020

{¶ 1} On October 18, 2019, Madison Fields Solar Project, LLC (Madison Fields) filed a preapplication notification letter with the Ohio Power Siting Board (Board), consistent with Ohio Adm.Code 4906-3-03(A), regarding its proposed 180 megawatt solar electric generating facility in Madison County, Ohio.

{¶ 2} On March 9, 2020, the governor signed Executive Order 2020-01D (Executive Order), declaring a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19. As described in the Executive Order, state agencies are required to implement procedures consistent with recommendations from the Department of Health to prevent or alleviate the public health threat associated with COVID-19. Additionally, all citizens are urged to heed the advice of the Department of Health regarding this public health emergency in order to protect their health and safety. The Executive Order was effective immediately and will remain in effect until the COVID-19 emergency no longer exists. The Department of Health is making COVID-19 information, including information on preventative measures, available via the internet at coronavirus.ohio.gov/.

{¶ 3} Pursuant to R.C. 3701.13, the Ohio Department of Health has supervision of “all matters relating to the preservation of the life and health of the people” and the “ultimate authority in matters of quarantine and isolation.” On March 12, 2020, the Director of the Ohio Department of Health issued an Order indicating that “all persons are urged to maintain social distancing (approximately six feet away from other people) whenever possible.”

{¶ 4} On April 28, 2020, Madison Fields filed a motion for waiver from certain provisions of the Board's rule requirements, contending that good cause exists for granting its request. Specifically, Madison Fields requested waiver, in part, from Ohio Adm.Code 4906-3-03(B), which requires the public information meeting to "be held in the area in which the project is located." Given the current state of emergency, and the fact that Madison Fields had already held two well-attended public information meetings for this project within the last six months, Madison Fields requested authorization from the Board to hold a virtual public information meeting. Furthermore, Madison Fields requested that the Board grant its motion an expedited basis, in accordance with Ohio Adm.Code 4906-2-27(C).

{¶ 5} No parties filed memoranda contra Madison Fields' motion for waiver.

{¶ 6} On May 4, 2020, Staff filed a letter indicating that, under the unique circumstances of this case, it did not object to Madison Fields' request to hold a virtual public information meeting and provide notice of such, as detailed in its motion and memorandum in support.

{¶ 7} Pursuant to Ohio Adm.Code 4906-3-01(B), by Entry dated May 22, 2020, the administrative law judge (ALJ) granted Madison Fields' April 28, 2020 limited request to waive the requirement that the public information meeting be held in the area where the project is to be located. However, the ALJ noted that the Board was not endorsing or objecting to the actual manner in which the public information meeting was proposed to be held, and noted that Madison Fields carried the risk associated with planning and holding the virtual public information meeting. The ALJ also encouraged Madison Fields to provide everyone who wished to participate in the virtual public information meeting an opportunity to do so, including providing reasonable accommodations.

{¶ 8} On June 11, 2020, Madison Fields filed a notice of compliance with service requirement for the third public information meeting for this project. In the notice, Madison Fields indicated that pursuant to Ohio Adm.Code 4906-3-03(B)(2), it sent a letter, with accompanying insert, by first class mail to property owners and tenants affected by the

project at least 21 days before the June 16, 2020 public information meeting notifying them about the meeting.

{¶ 9} On June 19, 2020, Madison Fields filed a supplement to the June 11, 2020 notice of compliance. In the supplement, Madison Fields states that in accordance to Ohio Adm.Code 4906-3-03(B)(2), it sent a letter regarding the public information meeting to all property owners and tenants affected by the project, county and township public officials, and the local school district. The letter included an insert on how to participate in the June 16, 2020 public information meeting. Madison Fields indicates that a total of 130 letters were sent. Prior to the meeting, Madison Fields realized that while the letter and newspaper notice contained the correct telephone number for the meeting, the insert and social media information transposed the number and, consequently, the caller was routed to another recipient. Two hours prior to the public information meeting, Madison Fields was able to correct the number on social media and attempted to coordinate with the other recipient so that callers dialing the incorrect phone number would receive the correct call-in number for the meeting. Madison Fields believes that coordination with the other recipient was successful and callers were provided the correct call-in number.

{¶ 10} To ensure the community has adequate information regarding the project, Madison Fields indicates it will be posting a recording of the live phone-in session on both the project website and its Facebook page. Madison Fields will also continue to accept questions submitted through the website during permitting process and have subject matter experts contact the community member directly for conversation or discussion upon the issues of their concern. Specifically, Madison Fields will provide email addresses and telephone numbers for the project manager to ensure individuals are able to contact her directly to obtain more information on the project. Notice of this opportunity and the project manager's contact information will be mailed via letters to the same 130 individuals that received notice of the June 16, 2020 meeting. In addition, the Applicant will publish notice of this opportunity in the newspaper.

{¶ 11} Upon review of Madison Fields' June 19, 2020 supplemental notice, we find

that the Applicant should conduct a fourth public information meeting. In reliance on the insert accompanying the letter sent to the public, the Board's website contained the inaccurate call-in information throughout the morning of June 16, 2020, the day of the scheduled public information meeting. Although Madison Fields took steps two hours prior to the meeting to redirect any callers or attendees who called the inaccurate call-in number to the correct call-in number, the Board cannot be certain that all individuals wishing to attend the public information meeting were able to attend. Further, while Madison Fields commits to directly provide the contact information for the project manager to the 130 individuals that received notice of the June 16, 2020 meeting, this is not equivalent to a public information meeting where participants can hear and respond based on questions asked by other impacted property owners. Out of an abundance of caution, and in order to ensure all members of the public wishing to attend the meeting are able to attend, we now find that Madison Fields should conduct a fourth public information meeting. We issue this directive to ensure that all affected property owners, tenants, and the interested public have an adequate opportunity to communicate with Madison Fields about the proposed project.

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That Madison Fields schedule a fourth public information meeting and keep Board Staff apprised in accordance to Paragraph 11. It is, further,

{¶ 14} ORDERED, That a copy of this Entry be served upon all parties of record.

THE OHIO POWER SITING BOARD

/s/ Anna Sanyal

By: Anna Sanyal
Administrative Law Judge

GAP/kck

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

6/23/2020 11:21:11 AM

in

Case No(s). 19-1881-EL-BGN

Summary: Attorney Examiner Entry As such, Madison Fields should schedule a fourth public information meeting as soon as possible and provide notice of such meeting to the public. We further direct Madison Fields to keep Board Staff apprised of all details related to the fourth public information meeting and be prepared to provide any information upon request. electronically filed by Kelli C King on behalf of Anna Sanyal, Attorney Examiner, Public Utilities Commission of Ohio