

BEFORE THE OHIO POWER SITING BOARD

In the Matter of the Application of Birch)
Solar 1, LLC, for a Certificate of Environmental)
Compatibility and Public Need to Construct a)
Solar-Powered Electric Generation)
Facility in Allen and Auglaize Counties, Ohio)

Case No. 20-1605-EL-BGN

NOTICE OF INTERVENTION AS A PARTY BY
THE BOARD OF COUNTY COMMISSIONERS OF
AUGLAIZE COUNTY, OHIO

The Board of County Commissioners of Auglaize County, Ohio (“the Auglaize County Commissioners”) submit this notice of intervention in this proceeding pursuant to Section 4906.08 of the Ohio Revised Code and Section 4906-2-12 of the Ohio Administrative Code. Notice of the completed application of Birch Solar 1, LLC, for a Certificate of Environmental Compatibility and Public Need for an up to 300 MW solar-powered electric generation facility, was served upon the Commissioners on July 28, 2021.

In accordance with Section 4906-2-12 of the Ohio Administrative Code, the Commissioners state as follows:

- The Auglaize County Commissioners are the duly elected officials authorized to act for Auglaize County, Ohio, and have taken the necessary action to authorize intervention in this proceeding (see attached Resolution labeled as Exhibit “A”);
- A portion of the proposed facility is in Auglaize County, Ohio, and therefore in the jurisdiction of the Auglaize County Commissioners;
- The Auglaize County Commissioners intend to intervene as the elected governing authority of Auglaize County, Ohio, as set forth in Exhibit “A” of this Notice;

- The Auglaize County Commissioners' interests cannot be represented adequately by another party, and the Auglaize County Commissioners' participation will contribute to a just and expeditious resolution, and will not unduly delay proceedings or unjustly prejudice any other party.

Respectfully submitted,



Edwin A. Pierce (0023846)
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*Attorney for the
Auglaize County Commissioners*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Notice was served via email to the counsel of record indicated below this 19th day of August, 2021.

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Edwin A. Pierce (0023846)
Auglaize County Prosecuting Attorney

IN THE MATTER OF AUTHORIZING THE INTERVENTION IN THE MATTER OF THE APPLICATION OF BIRCH SOLAR 1, LLC FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE CONSTRUCTION OF THE BIRCH SOLAR PROJECT, BEFORE THE OHIO POWER SITING BOARD, CASE NO. 20-1605-EL-BGN ON BEHALF OF THE BOARD OF COUNTY COMMISSIONERS, AUGLAIZE COUNTY, OHIO.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 12th day of August, 2021.

Commissioner Bergman moved the adoption of the following:

RESOLUTION

WHEREAS, the Power Siting Board issued its letters deeming the application "complete" as provided in Ohio Administrative Code 4906-2-12; and,

WHEREAS, each of the members of the Board of County Commissioners, Auglaize County, Ohio, has been served with a letter dated July 27, 2021 from counsel for Birch Solar 1, LLC with a copy of its application *In the Matter of Application Birch Solar 1, LLC for a Certificate of Environmental Compatibility and Public Need*, Ohio Power Siting Board Case No. 20-1605-EL-BGN by First Class Mail; and,

WHEREAS, Birch Solar 1, LLC has provided notice of its Application *In the Matter of Application Birch Solar 1, LLC for a Certificate of Environmental Compatibility and Public Need*, Ohio Power Siting Board Case No. 20-1605-EL-BGN to the Lima Public Library and the Auglaize County Libraries; and,

WHEREAS, the proposed Birch Solar Project is partially within Auglaize and Allen Counties, as stated in the Birch Solar 1, LLC's application; and,

WHEREAS, the Board of County Commissioners, Auglaize County, Ohio, is in part, the public agency with the responsibility for leadership and guidance for the residents regarding land use planning, not only to protect the existing community and support existing business and industry but also to attract new economic investment; and,

WHEREAS, the Board of County Commissioners, Auglaize County, Ohio, is entitled to receive service of a copy of Birch Solar 1, LLC's application in Case No. 20-1605-EL-BGN under Ohio Revised Code; and,

WHEREAS, the Board of Commissioners, Auglaize County, Ohio is entitled to be a party upon filing a notice of intervention as a party under Ohio Revised Code §4906.08.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Auglaize County, Ohio, that:

1. Board of County Commissioners, Auglaize County, Ohio shall intervene in Ohio Power Siting Board Case No. 20-1605-EL-BGN, involving the Birch Solar 1, LLC's application *In the Matter of Application Birch Solar 1, LLC for a Certificate of Environmental Compatibility and Public Need*.
2. The then current president or other member of this Board, as designated from time to time, is authorized to sign documents as may be necessary and appropriate for the prompt and efficient presentation of the Auglaize County's position.
3. The Board finds and determines that all of its formal actions concerning and relating to adopting this Resolution occurred in an open meeting of this Board, and that all deliberations of this Board that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Ohio Revised Code §121.22.

Commissioner Bambauer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
12th day of
August, 2021

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

Douglas A. Spencer Yes
Douglas A. Spencer

David Bambauer Yes
David Bambauer

John N. Bergman Yes
John N. Bergman

cc: County Prosecutor

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). 20-1605-EL-BGN

Summary: Notice Notice of Intervention as a Party electronically filed by Mr. Edwin A Pierce on behalf of Board of County Commissioners of Auglaize County, Ohio