

<b>In the Matter of the Application of</b>	)	
<b>Sycamore Creek Solar, LLC for a</b>	)	<b>Case No. 20-1762-EL-BGN</b>
<b>Certificate of Environmental</b>	)	
<b>Compatibility and Public Need</b>	)	

**JOINT STIPULATION AND RECOMMENDATION**

**I. INTRODUCTION**

Applicant Sycamore Creek Solar, LLC (“Sycamore Creek Solar” or “Applicant”), the Board of Commissioners for Crawford County, the Board of Trustees for Cranberry Township, the Ohio Farm Bureau Federation, and the Staff of the Ohio Power Siting Board (“Staff”), at times collectively referred to as the “Parties,” submit this Joint Stipulation and Recommendation (“Stipulation”) for adoption by the Ohio Power Siting Board (the “Board”). This Stipulation is intended by the Parties to resolve all matters pertinent to the certification and construction of the Sycamore Creek Solar Project (the “Project”).

The Applicant intends to build the Project as a 117 MW solar-powered generating facility in Cranberry Township in Crawford County, Ohio. The Project will be located on approximately 917 acres of land. The Project will consist of large arrays of photovoltaic (“PV”) modules, commonly referred to as solar panels, ground-mounted on a tracking rack system. The Project will also consist of the fenceline, belowground or hybrid (with both belowground and aboveground) electrical collection lines, inverters, access roads, a substation, an operations and maintenance (“O&M”) building, weather stations, and laydown yards. The Project will deliver power to a single point of interconnection (“POI”) at the Chatfield-Howard section of the Howard-West End Fostoria 138 kilovolt (kV) circuit, owned by AEP Ohio Transmission Company, Inc. (“AEP”). The POI will consist of a short generation interconnection line from the Facility substation to a new switching station (collectively, the POI). The POI is included in the Application.

The Applicant has not yet selected the final PV modules or racking system to be utilized for the Project. However, the Applicant anticipates the facility will include approximately 250,000 and 300,000 panels. The Applicant will install a collector system made up of a network of electric and communication lines that would transmit the electric power from the solar arrays to a central location. The below grade portion of the collector system would be buried at least 36 inches.

The electricity from the solar panels will be generated in direct current (“DC”). Sets of panels are electrically connected in a series and terminated at an inverter. The inverters convert the DC power (approximately 1,500 volts) from the panels to alternating current (“AC”) power (650-950 volts depending on the inverter specifications). Next, a transformer steps up the AC voltage of generated electricity from the inverter output voltage to 34.5 kV. From the transformers, buried electrical cables will transmit the electrical output to the facility substation, where the electricity will be stepped up from 34.5 kV to 138 kV to interconnect to the existing transmission infrastructure.

The Applicant proposes to construct approximately 7.6 miles of new access roads for use in connection with the Project. Access roads will be gravel surfaced and minimized in width to the extent practicable with a target width of 16 feet for internal roads. The Project will also include six weather stations that would be approximately 20 feet tall and installed on a concrete base adjacent to inverters. These weather stations will measure various aspects of the weather such as solar irradiance and wind speed.

The Project will also include an operations and maintenance building approximately 100 feet long by 50 feet wide and 20 feet tall, and would include a 40,000 square foot parking lot.

## **II. HISTORY OF THE APPLICATION**

On December 7, 2020, the Applicant filed a motion for waiver of the requirement to conduct an in-person public informational meeting. The motion was granted on December 18, 2020.

On January 4, 2021, the Applicant filed a pre-application notification letter regarding the Project.

On January 14, 2021, the Applicant filed a proof of notice of the public informational meeting, indicating that notice of its January 26, 2021 virtual public informational meeting was mailed to affected landowners on January 5, 2021, and published in the Bucyrus Telegraph, a newspaper of general circulation in Crawford County, on January 13, 2021.

On January 26, 2021, the Applicant held web-based and phone-based public informational meetings regarding the Project.

On February 12, 2021, the Applicant filed a motion for waiver from Ohio Adm.Code 4906-4-08(D)(2) and (D)(4) to allow for a reduced study area regarding the impact on landmarks and visual impact of the facility.

Also on February 12, 2021, the Applicant filed the Project Application as well as a motion for protective order to keep certain portions of its Application confidential.

On April 8, 2021, the Applicant filed a First Supplement to the Application.

On April 13, 2021, the Executive Director of the Board issued a letter of compliance regarding the Application to the Applicant.

On April 21, 2021, the Applicant filed correspondence indicating that the Application fee was paid and a proof of service, indicating that a copy of its accepted, complete Application was served upon the appropriate governmental officials and local libraries.

On April 30, 2021, the Administrative Law Judge (“ALJ”) issued an Entry to schedule hearings in the matter, directing the Staff to file its Staff Report of Investigation, and for parties to file their issues list and testimony.

On May 11, 2021, the Applicant filed a proof of initial public notice and publication of initial public notice, indicating that notice of its accepted, complete Application was mailed to

affected landowners and appropriate governmental officials on May 3, 2021, and published in the Bucyrus Telegraph on May 6, 2021.

On May 24, 2021, the Board of Commissioners for Crawford County and the Board of Trustees for Cranberry Township filed a motion to intervene.

On June 9, 2021, the Ohio Farm Bureau Federation filed a motion to intervene.

On June 21, 2021, the ALJ issued an Entry granting intervention to the Board of Commissioners for Crawford County and the Board of Trustees for Cranberry Township and ordering that the local public hearing and the evidentiary hearing be converted to in-person hearings.

On July 7, 2021, 2021 Staff filed its Staff Report of Investigation.

An in-person local public hearing was held on July 22, 2021 at 6:00 p.m., at the Bucyrus Public Library, 200 East Mansfield Street, Bucyrus, Ohio 44820.

This summary of the history of the Application does not include every filing in Case No. 20-1762-EL-BGN. The docketing record for this case, which lists all documents filed to date, can be found online at <http://dis.puc.state.oh.us> and searching Case No. 20-1762-EL-BGN.

This Stipulation results from discussions among the Parties who acknowledge that this agreement is amply supported by the record and thus is entitled to careful consideration by the Board. Accordingly, the Parties recommend that the Board issue a Certificate of Environmental Compatibility and Public Need for the proposed Sycamore Creek Solar Project.

### **III. STIPULATION AND RECOMMENDATION**

#### **A. Recommended Conditions**

- (1) The Applicant shall install the facility, utilize equipment and construction practices, and implement mitigation measures as described in the application and as modified and/or clarified in supplemental filings, replies to data requests, and recommendations in the *Staff Report of Investigation*, as modified by this Stipulation.

- (2) The Applicant shall conduct a preconstruction conference prior to the commencement of any construction activities. Staff, the Applicant, and representatives of the primary contractor and all subcontractors for the project shall attend the preconstruction conference. The conference shall include a presentation of the measures to be taken by the Applicant and contractors to ensure compliance with all conditions of the certificate, and discussion of the procedures for on-site investigations by Staff during construction. Prior to the conference, the Applicant shall provide a proposed conference agenda for Staff review and shall file a copy of the agenda on the case docket. The Applicant may conduct separate preconstruction conferences for each stage of construction.
- (3) Within 60 days after the commencement of commercial operation, the Applicant shall submit to Staff a copy of the as-built specifications for the entire facility. If the Applicant demonstrates that good cause prevents it from submitting a copy of the as-built specifications for the entire facility within 60 days after commencement of commercial operation, it may request an extension of time for the filing of such as-built specifications. The Applicant shall use reasonable efforts to provide as-built drawings in both hard copy and as geographically referenced electronic data.
- (4) To ensure adequate access road design, the Applicant shall conduct site specific CBR testing with the final design level study as recommended in the Preliminary Geotechnical Report.
- (5) Separate preconstruction conferences may be held for the different phases of civil construction and equipment installation. At least 30 days prior to each preconstruction conference, the Applicant shall submit to Staff, for review and acceptance, one set of detailed engineering drawings of the final project design for that phase of construction and mapping in the form of PDF, which the Applicant shall also file on the public docket of this case, and geographically referenced data (such as shapefiles or KMZ files) based on final engineering drawings to confirm that the final design is in conformance with the certificate. Mapping shall include the limits of disturbance, permanent and temporary infrastructure locations, areas of vegetation removal and vegetative restoration as applicable, and specifically denote any facility and associated component adjustments made from the siting detailed in the application. The detailed engineering drawings of the final project design for each phase of construction shall account for geological features and include the identity of the registered professional engineer(s), structural engineer(s), or engineering firm(s), licensed to practice engineering in the state of Ohio who reviewed and approved the designs. All applicable geotechnical study results shall be included in the submission of the final project design to Staff.
- (6) If any changes are made to the facility layout after the submission of final engineering drawings, the Applicant shall provide all such changes to Staff in hard copy and as geographically-referenced electronic data. All changes are subject to Staff review for compliance with all conditions of the certificate, prior to construction in those areas.
- (7) At least 30 days prior to the preconstruction conference, the Applicant shall submit the final geotechnical engineering report to Staff for review and acceptance, and then shall file it on the public docket. This shall include a summary statement addressing the geologic and soil suitability.

- (8) The certificate shall become invalid if the Applicant has not commenced a continuous course of construction of the proposed facility within five years of the date of journalization of the certificate unless the Board grants a waiver or extension of time.
- (9) As the information becomes known, the Applicant shall file on the public docket the date on which construction will begin, the date on which construction was completed, and the date on which the facility begins commercial operation.
- (10) Prior to the commencement of construction activities in areas that require permits or authorizations by federal or state laws and regulations, the Applicant shall obtain and comply with such permits or authorizations. The Applicant shall provide copies of permits and authorizations, including all supporting documentation, to Staff no less than seven days prior to the applicable construction activities and shall file such permits or authorizations on the public docket. The Applicant shall provide a schedule of construction activities and acquisition of corresponding permits for each activity at the preconstruction conference.
- (11) Subject to the application of R.C. 4906.13(B), the certificate authority provided in this case shall not exempt the facility from any other applicable and lawful local, state, or federal rules or regulations nor be used to affect the exercise of discretion of any other local, state, or federal permitting or licensing authority with regard to areas subject to their supervision or control.
- (12) At least 30 days prior to the start of construction, the Applicant shall file a copy of the final complaint resolution plan on the public docket. At least seven days prior to the start of construction and at least seven days prior to the start of facility operations, the Applicant shall notify via mail affected property owners and tenants including those individuals who were provided notice of the public informational meeting, residences located within one mile of the project area, parties to this case, county commissioners, township trustees, emergency responders, airports, schools, and libraries, as well as anyone who has requested updates regarding the project. These notices shall provide information about the project, including contact information, a copy of the complaint resolution plan, and a reference to the Board's docketing system for additional information. The start of construction notice shall include a timeline for construction and restoration activities. The start of facility operations notice shall include a timeline for the start of operations. The Applicant shall file a copy of these notices on the public docket, including written confirmation that the Applicant has complied with all preconstruction-related conditions of the certificate. During the construction and operation of the facility, the Applicant shall submit to Staff a complaint summary report by the fifteenth day of April, July, October, and January of each year through the first five years of operation. The report shall include a list of all complaints received through the Applicant's complaint resolution process, a description of the actions taken toward the resolution of each complaint, and a status update if the complaint has yet to be resolved. The Applicant shall file a copy of these complaint summaries on the public docket.
- (13) The Applicant shall not commence any construction of the facility until it has executed an Interconnection Service Agreement and Interconnection Construction Service Agreement with PJM Interconnection, which includes construction, operation, and maintenance of system upgrades necessary to integrate the proposed generating facility into the regional transmission system reliably and safely. The Applicant shall docket in the case record a letter stating that the Agreement has been signed or a copy of the

executed Interconnection Service Agreement and Interconnection Construction Service Agreement.

- (14) The facility shall be operated in such a way as to assure that no more than 117 megawatts would be injected into the Bulk Power System at any time.
- (15) The Applicant shall adhere to the June 3, 2021 Memorandum of Understanding executed between the Applicant and the Ohio Historic Preservation Office, which commits the Applicant to avoid sites identified as potentially eligible for National Register of Historic Places listing; to minimize visual impacts to identified historic resources through the landscape plan for this project; and details the steps to be taken if unanticipated archaeological discoveries are made.
- (16) Project perimeter fencing shall be designed to be small-wildlife permeable and suitable for a rural location, taking into account applicable codes and NERC requirements. Prior to commencement of construction, the Applicant shall submit to Staff its design for the perimeter fence to Staff for confirmation that the design complies with this condition. Following Staff confirmation, the Applicant shall file details of this solar panel perimeter fence on the public docket. This condition shall not apply to substation fencing and the O&M building.
- (17) Prior to commencement of any construction, the Applicant shall prepare an updated landscape and lighting plan in consultation with a landscape architect licensed by the Ohio Landscape Architects Board that addresses the aesthetic and lighting impacts of the facility with an emphasis on any locations where an adjacent non-participating parcel contains a residence with a direct line of sight to the project area. The plan shall also address potential aesthetic impacts to nearby communities, the travelling public, and recreationalists by incorporating appropriate landscaping measures such as shrub plantings or enhanced pollinator plantings. The plan shall include measures such as fencing, vegetative screening, or good neighbor agreements. Unless alternative mitigation is agreed upon with the owner of any such adjacent, non-participating parcel containing a residence with a direct line of sight to the fence of the facility, the plan shall provide for the planting of vegetative screening designed by the landscape architect to enhance the view from the residence and be in harmony with the existing vegetation and viewshed in the area. The Applicant shall maintain the vegetative screening for the life of the facility and the Applicant shall substitute and/or replace any failed plantings so that, after five years, at least 90 percent of the vegetation has survived. The Applicant shall maintain all fencing along the perimeter of the project in good repair for the term of the project and shall promptly repair any significant damage as needed. Lights shall be motion-activated and designed to narrowly focus light inward toward the facility, such as being downward-facing and/or fitted with side shields. The Applicant shall provide the plan to Staff for review and confirmation that it complies with this condition and shall also file it on the public docket.
- (18) General construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m., or until dusk when sunset occurs after 7:00 p.m. Impact pile driving shall be limited to the hours between 9:00 a.m. and 7:00 p.m. or until dusk when sunset occurs after 7:00 p.m. Impact pile driving may occur between 7:00 a.m. and 9:00 a.m. if the noise impact at non-participating receptors is not greater than daytime ambient Leq plus 10 dBA. Prior to pile

driving activities, the Applicant will provide a map to Staff indicating areas where pile driving cannot occur between 7:00 a.m. and 9:00 a.m., based on the daytime ambient Leq plus 10 dBA from the sound data previously collected to support Exhibit P to the application. Hoe ram operations, if required, shall be limited to the hours between 10:00 a.m. and 4:00 p.m., Monday through Friday. Construction activities that do not involve noise increases above ambient levels at sensitive receptors are permitted outside of daylight hours when necessary. The Applicant shall notify property owners or affected tenants within the meaning of Ohio Adm.Code 4906-3-03(B)(2) of upcoming construction activities including potential for nighttime construction.

- (19) If the inverters or substation transformer chosen for the project have a higher sound power output than the models used in the noise model, the Applicant shall submit, 30 days prior to construction, the results from an updated noise model for the project using the expected sound power output from the models chosen for the project, to show that sound levels will not exceed the project area average daytime ambient level of 47 dBA plus five dBA at any nonparticipating sensitive receptor. If transformer manufacturer data is not available, the model will be updated with sound emission data following the NEMA TR1 standard. If inverter manufacturer data is not available, a similar inverter model will be used to update the sound propagation model prior to construction. Once constructed, sound level measurements will be made in close proximity to the inverter to determine the sound power level of the installed inverter. If the sound power level of the installed inverter is 2 dBA or more above the sound power level used in the updated pre-construction model, then the sound propagation model will be updated to ensure project-wide compliance with the applicable sound level limit. If the sound power level is determined to be less than 2 dBA above the sound power level used in the updated pre-construction model, then the project will be deemed in-compliance. If the equipment chosen for the project are at the same (or lower) sound power outlet as the models used in the noise model, no further action is needed for compliance of this condition.
- (20) The Applicant shall avoid, where possible, or minimize to the extent practicable, any damage to functioning field tile drainage systems and compaction to soils resulting from the construction, operation, and/or maintenance of the facility in agricultural areas. Prior to the commencement of any construction, the Applicant shall solicit from the Crawford Soil & Water Conservation District, the Crawford County Engineer and property owners immediately adjacent to the project area the location of existing field tile. Consistent with the Applicant's Drain Tile Mitigation Plan, the Applicant will document subsurface drainage systems prior to construction, which shall be shown on the final site plan, or if necessary, a separate plan set displaying drain tile data. Additionally, surface drainage systems, including features determined to be jurisdictional by the United States Army Corps of Engineers as well as county maintenance/repair ditches identified through consultation with the County Engineer, shall be documented on the same plan set utilized for the drain tile data prior to construction. Damaged field tile systems shall be promptly repaired to at least original conditions or modern equivalent at the Applicant's expense to ensure proper drainage. However, if the affected landowner agrees to not having the damaged field tile system repaired, they may do so only (i) if the field tile systems of adjacent landowners remain unaffected by the non-repair of the landowner's field tile system and (ii) the damaged field tile does not route directly onto or into an adjacent parcel.



In accordance with Applicant's complaint resolution plan, the Applicant shall consult with any landowner that submits a complaint to the Applicant related to drainage issues on the landowner's property.

- (21) The Applicant shall adhere to seasonal cutting dates of October 1 through March 31 for the removal of trees three inches or greater in diameter to avoid potential impacts to Indiana bats, northern long-eared bats, little brown bats, and tricolored bats unless coordination with the Ohio Department of Natural Resources (ODNR) and the U.S. Fish and Wildlife Service (USFWS) allows a different course of action. If coordination with these agencies allows clearing between April 1 and September 30, the Applicant shall docket proof of completed coordination on the case docket prior to clearing trees.
- (22) The Applicant shall conduct no in-water work in perennial streams from April 15 through June 30 to reduce impacts to indigenous aquatic species and their habitat, unless coordination efforts with the Ohio Department of Natural Resources (ODNR) allows a different course of action. If coordination with ODNR allows in-water work in perennial streams between April 15 and June 30, the Applicant shall file proof of such coordination on the docket prior to conducting such work.
- (23) The Applicant will incorporate post construction stormwater management under OHC00005 (Part III.G.2.e, pp. 19-27) as applicable and will also incorporate applicable guidance from the Ohio Environmental Protection Agency's Guidance on Post-Construction Storm Water Controls for Solar Panel Arrays.
- (24) The Applicant shall take steps to prevent establishment and/or further propagation of noxious weeds identified in Ohio Adm. Code Chapter 901:5-37 during implementation of any pollinator-friendly plantings, consistent with the vegetation management plan included in the application and shall follow all applicable state laws regarding noxious weeds. Prior to commencement of construction, the Applicant shall consult with the Crawford Soil & Water Conservation District regarding seed mixes for the Project and shall provide the tags on such seed mixes to the Crawford Soil & Water Conservation District as confirmation that the seed content does not contain noxious weeds.
- (25) If the Applicant encounters any new listed plant or animal species or suitable habitat of these species prior to construction, the Applicant shall include the location in the final engineering drawings and associated mapping, as required in condition 5. The Applicant shall avoid impacts to these species and explain how impacts would be avoided during construction. Coordination with ODNR and USFWS may also allow a different course of action.
- (26) The Applicant shall have an environmental specialist on site during construction activities that may affect sensitive areas, to be mutually agreed upon by the Applicant and Staff. Sensitive areas which would be impacted during construction shall be identified on a map provided to Staff, and may include, but are not limited to wetlands, streams, and locations of threatened or endangered species. The environmental specialist shall be familiar with water quality protection issues and potential threatened or endangered species of plants and animals that may be encountered during project construction. The environmental

specialist mutually agreed upon by Staff and the Applicant shall be authorized to report any issues simultaneously to Staff and the Applicant. To allow time for the Applicant and Staff to respond to any reported issues, the environmental specialist shall have authority to stop construction activities in or near the impacted sensitive area(s) for up to 48 hours if the construction activities are creating unforeseen environmental impacts in the sensitive areas identified on the map.

- (27) The Applicant shall contact Staff, the ODNR, and/or the USFWS as applicable within 24 hours if state and/or federally listed threatened or endangered species are encountered during construction activities. Construction activities that could adversely impact these identified plants or animals shall be immediately halted until an appropriate course of action has been agreed upon by the Applicant, Staff and the appropriate agencies.
- (28) Prior to commencement of construction activities that require transportation permits, the Applicant shall obtain all such permits. The Applicant shall coordinate with the appropriate regulatory authority regarding any temporary road closures, road use agreements, driveway permits, lane closures, road access restrictions, and traffic control necessary for construction and operation of the proposed facility. Coordination shall include, but not be limited to, the county engineer, the Ohio Department of Transportation, local law enforcement, and health and safety officials. The Applicant shall detail this coordination as part of a final transportation management plan submitted to Staff prior to the preconstruction conference for review and confirmation by Staff that it complies with this condition and then file the plan on the public docket. This final transportation management plan would include any county required road use maintenance agreements. Any damaged public roads, culverts and bridges would be repaired promptly to their previous or better condition by the Applicant under the guidance of the appropriate regulatory authority. Any temporary improvements would be removed unless the appropriate regulatory authority requests that they remain in place.
- (29) At least 30 days prior to the preconstruction conference, the Applicant shall submit an updated decommissioning plan and total decommissioning cost estimate without regard to salvage value on the public docket that includes: (a) a provision that the decommissioning financial assurance mechanism include a performance bond based on the total decommissioning cost without regard to salvage value and where the company is the principal, the insurance company is the surety, and the Ohio Power Siting Board is the obligee; (b) a provision to monitor the site for at least one additional year to ensure successful revegetation and rehabilitation subject to landowner permission to access the site; (c) a timeline of up to one year for removal of the majority of equipment; (d) a provision where the performance bond is posted prior to the commencement of construction, and (e) a provision that the performance bond is for the total decommissioning cost and excludes salvage value.

**B. Other Terms and Conditions**

(1) This Stipulation is conditioned upon adoption of the Stipulation by the Board in its entirety and without material modification. Each Signatory Party has the right, in its sole discretion, to determine whether the Board's approval of this Stipulation constitutes a "material modification" thereof. If the Board rejects or materially modifies all or any part of this Stipulation, any Signatory Party shall have the right to apply for rehearing. If the Board does not adopt the Stipulation without material modification upon rehearing, or if the Board makes a material modification to any Order adopting the Stipulation pursuant to any reversal, vacation and/or remand by the Supreme Court of Ohio, then within thirty (30) days of the Board's Entry on Rehearing or Order on Remand any Signatory Party may withdraw from the Stipulation by filing a notice with the Board ("Notice of Withdrawal"). No Signatory Party shall file a Notice of Withdrawal without first negotiating in good faith with the other Signatory Parties to achieve an outcome that substantially satisfies the intent of the Stipulation. If a new agreement achieves such an outcome, the Signatory Parties will file the new agreement for Board review and approval. If the discussions to achieve an outcome that substantially satisfies the intent of the Stipulation are unsuccessful, and a Signatory Party files a Notice of Withdrawal, then the Board will convene an evidentiary hearing to afford that Signatory Party the opportunity to contest the Stipulation by presenting evidence through witnesses, to cross examine witnesses, to present rebuttal testimony, and to brief all issues that the Board shall decide based upon the record and briefs. If the discussions to achieve an outcome that substantially satisfies the intent of the Stipulation are successful, then some or all of the Signatory Parties shall submit the amended Stipulation to the Board for approval after a hearing if necessary.

(2) The Parties agree and recognize that this Stipulation has been entered into only for the purpose of this proceeding. Each Party agrees not to assert against another party in any proceeding before the Board or any court, other than in a proceeding to enforce the terms of this Stipulation,

that party's participation in this Stipulation as support for any particular position on any issue. Each Party further agrees that it will not use this Stipulation as factual or legal precedent on any issue. The Parties request that the Board recognize that its use of this Stipulation in any proceeding other than this proceeding is contrary to the intentions of the parties in entering into this Stipulation.

#### **IV. RECOMMENDED FINDINGS AND CONCLUSIONS OF LAW**

The Parties agree that the record in this case, provided the Board approves the Conditions in this Stipulation, contains sufficient probative evidence for the Board to find and determine, as Findings of Fact and Conclusions of Law, that:

##### **A. Recommended Findings of Fact**

1. Sycamore Creek Solar, LLC is licensed to do business in the State of Ohio.
2. The Sycamore Creek Solar Project qualifies as a major utility facility as defined in R.C. 4906.01(B)(1).
3. On December 7, 2020, the Applicant filed a motion for waiver of the requirement to conduct an in-person public informational meeting. The motion was granted on December 18, 2020.
4. On January 4, 2021, the Applicant filed a pre-application notification letter informing the Board of a public informational meeting in Case No. 20-1762-EL-BGN.
5. On January 14, 2021, the Applicant filed a proof of notice of the public informational meeting, indicating that notice of its January 26, 2021 virtual public informational meeting was mailed to affected landowners on January 5, 2021, and published in the Bucyrus Telegraph, a newspaper of general circulation in Crawford County, on January 13, 2021.
6. On January 26, 2021, the Applicant held web-based and phone-based public informational meetings in Case No. 20-1762-EL-BGN.

7. On February 12, 2021, the Applicant filed a motion for waiver from Ohio Adm.Code 4906-4-08(D)(2) and (D)(4) to allow for a reduced study area regarding the impact on landmarks and visual impact of the facility.

8. Also on February 12, 2021, the Applicant filed its Application in Case No. 20-1762-EL-BGN to construct the Project, as well as a motion for protective order to keep portions of its Application confidential.

9. On April 13, 2021, the Executive Director of the Board issued a letter of compliance regarding the Application in Case No. 20-1762-EL-BGN to the Applicant.

10. On April 21, 2021, the Applicant filed correspondence indicating that the Application fee was paid and a proof of service, indicating that a copy of its accepted, complete Application was served upon the appropriate governmental officials and local libraries.

11. On April 30, 2021, the Administrative Law Judge (“ALJ”) issued an Entry to schedule hearings in the matter, directing the Staff to file its Staff Report of Investigation, and for parties to file their issues list and testimony.

12. On May 11, 2021, the Applicant filed a proof of initial public notice and publication of initial public notice, indicating that notice of its accepted, complete Application was mailed to affected landowners and appropriate governmental officials on May 3, 2021, and published in the Bucyrus Telegraph on May 6, 2021.

13. On May 24, 2021, the Board of Commissioners for Crawford County and the Board of Trustees for Cranberry Township filed a motion to intervene.

14. On June 9, 2021, the Ohio Farm Bureau Federation filed a motion to intervene.

15. On June 21, 2021, the ALJ issued an Entry granting intervention to the Board of Commissioners for Crawford County and the Board of Trustees for Cranberry Township and

ordering that the local public hearing and the evidentiary hearing be converted to in-person hearings.

16. On July 7, 2021, Staff filed its Staff Report of Investigation.

17. An in-person local public hearing was held on July 22, 2021 at 6:00 p.m., at the Bucyrus Public Library, 200 East Mansfield Street, Bucyrus, Ohio 44820.

18. Because no electric transmission line or gas pipeline is being proposed in this Application, R.C. 4906.10(A)(1) is not applicable.

19. Adequate data on the Project has been provided to determine the nature of the probable environmental impact, as required by R.C. 4906.10(A)(2).

20. Adequate data on the Project has been provided to determine that the facilities described in the Application and supplemental filings, and subject to the Conditions in this Stipulation represent the minimum adverse environmental impact, considering the state of available technology and nature and economics of the various alternatives, and other pertinent considerations, as required by R.C. 4906.10(A)(3).

21. Adequate data on the Project has been provided to determine that the proposed electric generating facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving the State of Ohio and interconnected utility systems, that the Project will serve the interests of electric system economy and reliability, and the requirements of R.C. 4906.10(A)(4) are met.

22. Adequate data on the Project has been provided to determine that this facility will either comply with, or is not subject to, the requirements in the Ohio Revised Code regarding air and water pollution control, withdrawal of waters of the state, solid and hazardous waste, air navigation, and all regulations thereunder, as required by R.C. 4906.10(A)(5).

23. Adequate data on the Project has been provided to determine that it will serve the public interest, convenience and necessity, as required by R.C. 4906.10(A)(6).

24. Adequate data on the Project has been provided to determine what its impact will be on the viability as agriculture land of any land in the existing agricultural district established under R.C. Chapter 929 that is located within the site of the proposed facility, as required by R.C. 4906.10(A)(7).

25. Adequate data on the Project has been provided to determine that the facility as proposed incorporates maximum feasible water conservation practices, considering available technology and the nature and economics of the various alternatives, as required by R.C. 4906.10(A)(8).

26. The record evidence in this matter provides sufficient factual data to enable the Board to make an informed decision.

**B. Recommended Conclusions of Law**

1. Sycamore Creek Solar, LLC is a “person” under R.C. 4906.01(A).

2. The proposed Project is a major utility facility as defined in R.C. 4906.01(B)(1).

3. The record establishes the nature of the probable environmental impact from construction, operation and maintenance of the Project, as required by R.C. 4906.10(A)(2).

4. The record establishes that the Project described in the Application and supplemental filings, and subject to the Conditions in this Stipulation represent the minimum adverse environmental impact, considering the state of available technology, and the nature and economics of the various alternatives, and other pertinent considerations, as required by R.C. 4906.10(A)(3).

5. The record establishes that the Project is consistent with regional plans for expansion of the electric power grid of the electric systems serving the State of Ohio and interconnected utility

systems, and will serve the interests of electric system economy and reliability, as required by R.C. 4906.10(A)(4).

6. The record establishes, as required by R.C. 4906.10(A)(5), that to the extent that it is applicable, construction of the proposed Project will comply with the requirements in the Ohio Revised Code regarding air and water pollution control, withdrawal of waters of the state, solid and hazardous waste, air navigation, and all rules and standards adopted under the relevant Chapters of the Ohio Revised Code.

7. The record establishes that the Project described in the Application and supplemental filings, and subject to the Conditions in this Stipulation, will serve the public interest, convenience and necessity, as required by R.C. 4906.10(A)(6).

8. The impact of the Project on the viability as agricultural land of any land in an existing agricultural district has been determined, as required by R.C. 4906.10(A)(7).

9. The record establishes that the Project would incorporate maximum feasibility water conservation practices, as required by R.C. 4906.10(A)(8).

10. Based on the record, the Parties recommend that the Board issue a Certificate of Environmental Compatibility and Public Need for the construction, operation and maintenance of the Project.



The undersigned hereby stipulate, agree and represent that they are authorized to enter into this Joint Stipulation and Recommendation on September 22, 2021. Furthermore, the Parties expressly agree that this Joint Stipulation and Recommendation may be amended and/or supplemented in a writing executed by the Parties

Respectfully submitted,

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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 September 22, 2021 to:

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