

BEFORE THE OHIO POWER SITING BOARD

In the Matter of the Application)	
of Kingwood Solar I LLC, for a)	Case No. 21-0117-EL-BGN
Certificate of Environmental)	
Compatibility and Public Need)	

**JOINT MOTION TO CONTINUE DEADLINES, MEMORANDUM IN SUPPORT,
AND REQUEST FOR EXPEDITED RULING**

Pursuant to Ohio Adm.Code 4906-2-07, Kingwood Solar I LLC (“Applicant”) and the Ohio Farm Bureau Federation (the “OFBF”), collectively referred to as the “Moving Parties,” respectfully request, as explained further below, that the December 1, 2021 deadline for the Applicant to file its expert and factual testimony, the December 8, 2021 deadline for Staff and intervenors to file their expert and factual testimony, and the December 10, 2021 deadline for a stipulation and any associated supporting testimony established in the August 26, 2021 Entry be continued indefinitely. Additionally, the Moving Parties also request that the December 13, 2021 evidentiary hearing be called and continued and a status conference held immediately thereafter to allow for a settlement update to be provided to the Administrative Law Judge. The Applicant has consulted with counsel for other parties and represents that the Ohio Power Siting Board Staff, the Xenia Township Board of Trustees, the Miami Township Board of Trustees, In Progress LLC, Tecumseh Land Preservation Association, Citizens for Greene Acres, Inc., the Greene County Board of Commissioners, and the Citizen Intervenors (represented by Mr. Van Kley) do not oppose this motion or the request for expedited ruling. Cedarville Township Board of Trustees has not responded as of the time of filing and, therefore, the Applicant cannot certify or represent Cedarville Township Board of Trustees’ position on the motion or request for expedited ruling.

Also, pursuant to Ohio Adm.Code 4906-2-27(C), the Moving Parties request an expedited ruling on this Motion. Good cause exists for granting this Motion and ruling on an expedited basis, as set forth in the accompanying Memorandum in Support.

Respectfully submitted,

/s/ Amy M. Milam

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**MEMORANDUM IN SUPPORT OF
JOINT MOTION TO CONTINUE DEADLINES AND
REQUEST FOR EXPEDITED RULING**

Kingwood Solar I LLC (“Applicant”) and the Ohio Farm Bureau Federation (the “OFBF”), collectively referred to as the “Moving Parties,” respectfully request that the December 1, 2021 deadline for the Applicant to file its expert and factual testimony, the December 8, 2021 deadline for Staff and intervenors to file their expert and factual testimony, and the December 10, 2021 deadline for a stipulation and any associated supporting testimony established in the August 26, 2021 Entry be continued pending settlement discussions. Additionally, the Moving Parties also request that the December 13, 2021 evidentiary hearing be called and continued and a status conference held immediately thereafter to allow for a settlement update to be provided to the Administrative Law Judge.

The Applicant intends to engage in settlement discussions with all of the parties in this proceeding, including the OFBF and the Board’s Staff. Given the number of parties in this proceeding and issues raised, the Applicant requires time to discuss issues with all parties to try and come to a settlement on all or some of the issues in this proceeding. To allow for this time, the Moving Parties request that the testimony deadlines be suspended as noted above and that the Administrative Law Judge call the case, as scheduled, on December 13, 2021, but continue the case to a later date. The parties can then provide the Administrative Law Judge with a status update on December 13, 2021 after the call and continue session.

As the Board is aware, stipulations have been used in many cases to address concerns raised by parties, including counties and townships. In some cases, stipulations have been filed well after the call and continue was held – reflecting the time that it can take to reach an agreement on issues

on a project. The Applicant seeks to come to a stipulation on all or some of the issues with the parties in this proceeding and has started outreach to various parties in the proceeding. No prior continuance of these deadlines has been requested, and there will be no harm by granting this request. Indeed, granting the extension could result in a narrowing of the issues in this proceeding (for example, presenting an agreement on certificate conditions). The extension will also allow the Applicant the opportunity to work with the local public entities on their issues and concerns. Accordingly, there is good cause for continuing the deadlines for filing of expert and factual testimony, and the stipulation and any associated supporting testimony, as well as continuing the evidentiary hearing.

Prior to the filing of this Motion, Applicant contacted the other parties in this proceeding, and represents that the Ohio Power Siting Board Staff, the Xenia Township Board of Trustees, the Miami Township Board of Trustees, In Progress LLC, Tecumseh Land Preservation Association, Citizens for Greene Acres, Inc., the Greene County Board of Commissioners, and the Citizen Intervenors (represented by Mr. Van Kley) do not oppose this motion. Additionally, no responding party objects to an expedited ruling on the Motion, given the current testimony deadlines of December 1, 2021 and December 8, 2021. Cedarville Township Board of Trustees has not responded as of the time of filing and, therefore, the Applicant cannot certify or represent Cedarville Township Board of Trustees' position on the motion or request for expedited ruling. Thus, good cause exists to grant the Motion.

WHEREFORE, for the above reasons, the Moving Parties request that the Administrative Law Judge grant the Motion to suspend the deadlines as identified above and continue the evidentiary hearing.

Respectfully submitted,

/s/ Amy M. Milam

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CERTIFICATE OF SERVICE

I hereby certify that, on November 22, 2021, a copy of the foregoing document was served by electronic mail on the following:

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Summary: Motion Joint Motion to Continue Deadlines, Memorandum in Support,
and Request for Expedited Ruling electronically filed by Nathaniel Morse on behalf
of Kingwood Solar I LLC