

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 (collectively, the “Moving Parties”) respectfully request, as explained further below, that the February 23, 2022 deadline for the Applicant to file its expert and factual testimony, the February 28, 2022 deadline for Staff and intervenors to file their expert and factual testimony, and the March 4, 2022 deadline for a stipulation and any associated supporting testimony established in the December 22, 2021 Entry be continued indefinitely. Additionally, the Moving Parties also request that the March 7, 2022 evidentiary hearing be converted into a status conference to allow a settlement update to be provided to the Administrative Law Judge and to set a new procedural schedule. The Applicant has consulted with counsel for other parties and can represent that at this time, the Ohio Power Siting Board Staff and In Progress LLC do not oppose this motion or a 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,

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Leah F. Curtis (0086257)

/s/ Michael J. Settineri
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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, collectively the “Moving Parties”) respectfully request that the February 23, 2022 deadline for the Applicant to file its expert and factual testimony, the February 28, 2022 deadline for Staff and intervenors to file their expert and factual testimony, and the March 4, 2022 deadline for a stipulation and any associated supporting testimony established in the December 22, 2022 Entry be continued pending settlement discussions. Additionally, the Moving Parties request that the March 7, 2022 evidentiary hearing be converted into a status conference to allow for a settlement update to be provided to the Administrative Law Judge (“ALJ”) and to set a new procedural schedule.

As the ALJ is aware, the Applicant has been engaged in settlement discussions with the parties in this proceeding, including the OFBF and the Board’s Staff. The Applicant believes the discussions have been productive and further discussions have been scheduled with the parties. To allow for discussions to continue with a goal of reaching a stipulation on all or some of the issues in this proceeding, the Moving Parties request that the procedural deadlines be suspended as noted above and that the ALJ convert the March 7, 2022 hearing to a status conference to set a new procedural schedule.

There is a good cause for granting this Motion. The parties continue to be engaged in settlement discussions. The Board is aware that 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 continues to work toward a stipulation on all or some of the issues with the parties in this proceeding and is continuing discussions with them. While a prior

continuance has been granted, a second extension could result in a narrowing of the issues in this proceeding (for example, presenting an agreement on certificate conditions). The second extension will also allow the Applicant the opportunity to continue to work with all parties on their issues and concerns. Additionally, the second extension will allow the Applicant to focus on settlement rather than focusing on preparing for hearing. 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.

The Applicant has consulted with counsel for other parties and represents that at this time, the Ohio Power Siting Board Staff and In Progress LLC do not oppose this motion or the request for expedited ruling.

WHEREFORE, for the above reasons, the Moving Parties request that the Administrative Law Judge grant the Motion to suspend the procedural schedule as identified above and convert the evidentiary hearing to a status conference.

Respectfully submitted,

/s/ Amy M. Milam (per authorization MJS)

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CERTIFICATE OF SERVICE

I hereby certify that, on February 15, 2022, 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 Mr. Michael J. Settineri on
behalf of Kingwood Solar I LLC