

**BEFORE
THE OHIO POWER SITING BOARD**

**In the Matter of the Application of)
Kingwood Solar I LLC for a Certificate of) Case No. 21-117-EL-BGN
Environmental Compatibility and Public)
Need)**

**MOTION TO ACCEPT TESTIMONY AS TIMELY FILED
AND
REQUEST FOR EXPEDITED RULING**

Pursuant to Ohio Adm.Code 4906-2-27, Kingwood Solar I LLC (the “Applicant” or “Kingwood”) respectfully moves the Ohio Power Siting Board to accept the testimony of Dylan Stickney, Lynn Gresock, Alex Odom, and Lee Saunders refiled today and including attachments inadvertently missing from the original testimony filings, as timely filed. The attachments referenced in each testimony do not appear in the February 23, 2022 filed versions of the testimony due to a technical error that occurred during the uploading of the testimony to the DIS system.

As explained further in the accompanying Memorandum in Support, good cause exists for granting this Motion and ruling on an expedited basis. Also, pursuant to Ohio Adm.Code 4906-2-27(C), Kingwood requests an expedited ruling on this Motion. Given the timing of this motion, Kingwood cannot certify that no party objects to an expedited ruling.

Respectfully submitted,

/s/ Michael J. Settineri

Michael J. Settineri (0073369), Counsel of Record

Anna Sanyal (0089269)

Nathaniel B. Morse (0099768)

Vorys, Sater, Seymour and Pease LLP

52 E. Gay Street

Columbus, Ohio 43215

614-464-5462

614-719-5146 (fax)

mjsettineri@vorys.com

aasanyal@vorys.com

nbmorse@vorys.com

Attorneys for Kingwood Solar I LLC

**MEMORANDUM IN SUPPORT
OF MOTION TO ACCEPT TESTIMONY AS TIMELY FILED
AND REQUEST FOR AN EXPEDITED RULING**

Pursuant to the Administrative Law Judge's ("ALJ") December 22, 2021 Entry, Kingwood Solar I LLC (the "Applicant") timely filed its testimony on February 23, 2022. However, due to a technical error that is still being investigated with the Docketing Department, attachments associated with four pieces of testimony do not appear in the filed versions. Counsel for Kingwood Solar has confirmed that the four files uploaded to the DIS system included the attachments but then discovered today that the attachment for each piece of testimony were missing from the document shown on the DIS system. Specifically, resumes are missing from Ms. Gresock's testimony (Attachment A), Mr. Odom's testimony (Exhibit A), and Mr. Saunders's testimony (Attachment A), and Mr. Stickney's testimony is missing Attachments A, B, and C. Through this motion, the Applicant requests that the ALJ accept the full versions of each testimony, along with the attachments, that Kingwood is filing concurrently with this motion.

Due to the non-substantive nature of the error, various reasons support allowing Kingwood to file each testimony in question with the appropriate attachments. The questions and answers in each testimony remain exactly the same. The only update to each testimony is the inclusion of the attachments, which were already referenced in the testimony itself. Furthermore, this inadvertent error is being promptly corrected within a day of the testimony filing deadline. No party will be harmed by the filing of these updated versions because the text of Mr. Odom, Ms. Gresock, Mr. Saunders, and Mr. Stickney's testimony remain the same as in the versions filed on February 23, 2022, with the only change being the addition of the missing attachments that were clearly intended to be included. Additionally, due to the fact that the hearing in this proceeding commences on March 7, 2022 and the parties are currently preparing for the hearing, Kingwood requests that the ALJ grant this motion on an expedited basis.

WHEREFORE, for the above-stated reasons, Kingwood requests that the ALJ grant this motion on an expedited basis.

Respectfully submitted,

/s/ Michael J. Settineri

Michael J. Settineri (0073369), Counsel of Record

Anna Sanyal (0089269)

Nathaniel B. Morse (0099768)

Vorys, Sater, Seymour and Pease LLP

52 E. Gay Street

Columbus, Ohio 43215

614-464-5462

614-719-5146 (fax)

mjsettineri@vorys.com

aasanyal@vorys.com

nbmorse@vorys.com

Attorneys for Kingwood Solar I LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following via email on this

24th day of February, 2022.

Jodi J. Bair	Jodi.bair@ohioattorneygeneral.gov
Werner L. Margard	Werner.margard@ohioattorneygeneral.gov
<i>Attorneys for Ohio Power Siting Board Staff</i>	

Daniel A. Brown	dbrown@brownlawdayton.com
<i>Attorney for Cedarville Township Trustees</i>	

David Watkins	dw@planklaw.com
Kevin Dunn	kdd@planklaw.com
<i>Attorneys for Xenia Township Trustees</i>	

Lee A. Slone	lee.slone@dinsmore.com
<i>Attorney for Miami Township Board of Trustees</i>	

John E. Hart	jehartlaw@gmail.com
<i>Attorney for In Progress LLC</i>	

Charles D. Swaney	cswaney@woh.rr.com
<i>Attorney for Tecumseh Land Preservation Association</i>	

Jack A. Van Kley	jvankley@vankleywalker.com
<i>Attorney for Citizens for Greene Acres, Inc.</i>	

Thaddeus M. Boggs	tboggs@fbtlaw.com
<i>Attorney for the Greene County Commissioners</i>	

Chad A. Endsley	cendsley@ofbf.org
Leah F. Curtis	lcurtis@ofbf.org
Amy M. Milam	amilam@ofbf.org
<i>Attorneys for Ohio Farm Bureau Federation</i>	

/s/ Michael J. Settineri

Michael J. Settineri

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

2/24/2022 4:52:20 PM

in

Case No(s). 21-0117-EL-BGN

Summary: Motion Motion to Accept Testimony as Filed and Request for Expedited Ruling electronically filed by Mr. Michael J. Settineri on behalf of Kingwood Solar I LLC