

## THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF  
KINGWOOD SOLAR I LLC FOR A  
CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY AND PUBLIC NEED.

CASE NO. 21-117-EL-BGN

### ENTRY

Entered in the Journal on February 7, 2023

{¶ 1} Kingwood Solar I LLC (Kingwood) is a person as defined in R.C. 4906.01.

{¶ 2} R.C. 4906.04 provides that no person shall construct a major utility facility in the state without obtaining a certificate for the facility from the Ohio Power Siting Board (Board).

{¶ 3} On April 16, 2021, Kingwood filed an application with the Board for a certificate of environmental compatibility and public need to construct a 175 megawatt solar powered electric generating facility in Cedarville, Miami, and Xenia townships, Greene County, Ohio (Facility).

{¶ 4} Thereafter, the administrative law judge (ALJ) granted intervention to the Board of Trustees of Cedarville Township, Greene County, Ohio (Cedarville Township); the Board of Trustees of Xenia Township, Greene County, Ohio (Xenia Township); the Board of Trustees of Miami Township, Greene County, Ohio (Miami Township); In Progress, LLC; the Tecumseh Land Preservation Association, also known as the Tecumseh Land Trust; the Greene County Board of Commissioners (Greene County); the Ohio Farm Bureau Federation (OFBF); and Citizens for Greene Acres, Inc. and 14 named landowners (CGA).

{¶ 5} By Opinion, Order, and Certificate dated December 15, 2022 (Opinion and Order), the Board rejected the Stipulation between Kingwood and OFBF and denied the application of Kingwood for a certificate of environmental compatibility and public need to construct and operate the Facility.

{¶ 6} R.C. 4906.12 states, in part, that R.C. 4903.02 to 4906.13 apply to a proceeding or order of the Board in the same manner as if the Board were the Public Utilities Commission of Ohio (Commission). R.C. 4903.10 provides that any party to a proceeding before the Commission may apply for rehearing with respect to any matter determined in that proceeding within 30 days after the entry of the order upon the journal of the Commission. Similarly, Ohio Adm.Code 4906-2-32 provides that any party may file an application for rehearing within 30 days after an order has been journalized by the Board in the manner, form, and circumstances set forth in R.C. 4903.10.

{¶ 7} On January 13, 2023, CGA, Cedarville Township, Miami Township, and Xenia Township jointly filed an application for rehearing of the Board's Opinion and Order.

{¶ 8} On January 17, 2023, Greene County filed an application for rehearing of the Board's Opinion and Order.

{¶ 9} Also on January 17, 2023, Kingwood filed an application for rehearing of the Board's Opinion and Order.

{¶ 10} On January 27, 2023, Greene County filed a memorandum contra Kingwood's application for rehearing. On the same date, CGA, Cedarville Township, Miami Township, and Xenia Township jointly filed their own memorandum contra Kingwood's application for rehearing.

{¶ 11} On January 27, 2023, Kingwood filed two separate memoranda contra the applications for rehearing. Kingwood filed a memorandum in opposition to Greene County's application for rehearing and a memorandum in opposition to the application for rehearing jointly filed by CGA, Cedarville Township, Miami Township, and Xenia Township.

{¶ 12} Pursuant to the authority set forth in Ohio Adm.Code 4906-2-32(E), the ALJ grants each application for rehearing filed in this case for the purpose of affording the Board more time to consider the issues raised in the applications for rehearing.

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That all applications for rehearing filed in this case be granted for further consideration of the issues raised therein, in accordance with Paragraph 12. It is, further,

{¶ 15} ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE OHIO POWER SITING BOARD

/s/ David M. Hicks

By: David M. Hicks  
Administrative Law Judge

GAP/dmh

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

**2/7/2023 3:29:23 PM**

**in**

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

Summary: Administrative Law Judge Entry that Pursuant to the authority set forth in Ohio Adm.Code 4906-2-32(E), the ALJ grants each application for rehearing filed in this case for the purpose of affording the Board more time to consider the issues raised in the applications for rehearing electronically filed by Ms. Donielle M. Hunter on behalf of David M. Hicks, Administrative Law Judge, Ohio Power Siting Board