

# ATTACHMENT B

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE APPLICATION OF  
MORAINÉ WIND LLC FOR  
CERTIFICATION AS AN ELIGIBLE OHIO  
RENEWABLE ENERGY RESOURCE  
GENERATING FACILITY.**

**CASE NO. 21-516-EL-REN**

**IN THE MATTER OF THE APPLICATION OF  
RUGBY WIND LLC FOR CERTIFICATION  
AS AN ELIGIBLE OHIO RENEWABLE  
ENERGY RESOURCE GENERATING  
FACILITY.**

**CASE NO. 21-517-EL-REN**

**IN THE MATTER OF THE APPLICATION OF  
ELM CREEK II FOR CERTIFICATION AS AN  
ELIGIBLE OHIO RENEWABLE ENERGY  
RESOURCE GENERATING FACILITY.**

**CASE NO. 21-531-EL-REN**

**IN THE MATTER OF THE APPLICATION OF  
BUFFALO RIDGE II FOR CERTIFICATION  
AS AN ELIGIBLE OHIO RENEWABLE  
ENERGY RESOURCE GENERATING  
FACILITY.**

**CASE NO. 21-532-EL-REN**

**IN THE MATTER OF THE APPLICATION OF  
BARTON WINDPOWER 1 FOR  
CERTIFICATION AS AN ELIGIBLE OHIO  
RENEWABLE ENERGY RESOURCE  
GENERATING FACILITY**

**CASE NO. 21-544-EL-REN**

**IN THE MATTER OF THE APPLICATION OF  
BARTON WINDPOWER, LLC FOR  
CERTIFICATION AS AN ELIGIBLE OHIO  
RENEWABLE ENERGY RESOURCE  
GENERATING FACILITY.**

**CASE NO. 22-380-EL-REN**

## ENTRY ON REHEARING

Entered in the Journal on November 16, 2023

### I. SUMMARY

{¶ 1} The Commission grants, for the limited purpose of further consideration of the matters specified on hearing, the application for rehearing filed by Carbon Solutions Group, LLC.

### II. DISCUSSION

{¶ 2} On various dates, Moraine Wind LLC, Rugby Wind LLC, Elm Creek II Wind LLC, Buffalo Ridge II Wind LLC, Avangrid Renewables LLC, and Barton Windpower, LLC (Applicants) filed applications pursuant to Ohio Adm.Code 4901:1-40-04(D), for the certification of each named facility as an eligible Ohio renewable energy resource generating facility as defined in R.C. 4928.01.

{¶ 3} The attorney examiner suspended the automated approval process for the applications pursuant to Ohio Adm.Code 4901:1-40-04(D), which provides that upon good cause shown, the Commission may suspend the certification of an application to allow the Commission and its Staff to further review the application.

{¶ 4} Prehearing conferences were conducted on various days in July and August 2021.

{¶ 5} Staff filed its review and recommendation in each respective docket. In each report, Staff recommended the application be approved. Specifically, Staff determined that each facility satisfies the Commission's requirements for certification as a renewable energy facility.

{¶ 6} On May 7, 2021, Carbon Solutions Group, LLC (Carbon Solutions) filed motions to intervene, motions to consolidate, and motions to establish a procedural schedule.

{¶ 7} On various dates, motions to intervene in all or some of the above-captioned cases were filed by Blue Delta Energy, LLC (Blue Delta); 3Degrees Group, Inc. (3Degrees); and Northern Indiana Public Service Company LLC (NIPSCO).

{¶ 8} On August 3, 2021, Avangrid Renewables, LLC, the owner of Applicants, filed a motion to consolidate the cases. On August 6, 2021, Applicants, rather than their parent company, filed an amended joint motion to consolidate.

{¶ 9} On April 5, 2022, the attorney examiner consolidated Case Nos. 21-516-EL-REN, 21-517-EL-REN, 21-531-EL-REN, 21-532-EL-REN, and 21-544-EL-REN and granted the motions to intervene filed by Blue Delta, 3Degrees, Carbon Solutions, and NIPSCO.

{¶ 10} On April 13, 2022, Barton Windpower, LLC filed an application pursuant to Ohio Adm.Code 4901:1-40-04(D), for certification as an eligible Ohio renewable energy resource generating facility as defined in R.C. 4928.01, which was assigned Case No. 22-380-EL-REN. The attorney examiner suspended the automated approval process for the application pursuant to Ohio Adm.Code 4901:1-40-04(D) on May 2, 2022.

{¶ 11} On June 28, 2022, the attorney consolidated all the above-captioned cases and ruled that the procedural schedule already established will apply to all the consolidated cases.

{¶ 12} On December 5, 2022, the evidentiary hearing commenced and continued on December 6, 2022 and December 8, 2022.

{¶ 13} In its September 20, 2023 Opinion and Order, the Commission approved each application filed by the Applicants for certification as eligible Ohio renewable energy resource generating facilities.

{¶ 14} Pursuant to R.C. 4903.10, any party to a Commission proceeding may apply for rehearing with respect to any matters determined by the Commission within 30 days after the Commission's order is journalized.

{¶ 15} On October 20, 2023, Carbon Solutions filed an application for rehearing, asserting that the Opinion and Order was unlawful and unreasonable based upon two grounds for rehearing outlined therein.

{¶ 16} On October 30, 2023, Applicants filed a memorandum contra Carbon Solutions' application for rehearing. Also on October 30, 2023, Blue Delta and NIPSCO filed a joint memorandum contra Carbon Solutions' application for rehearing.

{¶ 17} The Commission finds that Carbon Solutions' October 20, 2023, application for rehearing sets forth sufficient reason to warrant further consideration of the matters specified therein. Accordingly, Carbon Solutions' application for rehearing should be granted for the limited purpose of further consideration of the matters specified within the application for rehearing.

### III. ORDER

{¶ 18} It is, therefore,

{¶ 19} ORDERED, That Carbon Solutions' October 20, 2023, application for rehearing be granted for the limited purpose of further consideration of the matters specified therein. It is, further,

{¶ 20} ORDERED, That a copy of this Entry on Rehearing be served upon each party of record.

**COMMISSIONERS:**

*Approving:*

Jenifer French, Chair  
Daniel R. Conway  
Lawrence K. Friedeman  
Dennis P. Deters  
John D. Williams

DMH/dr

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**Case No(s). 21-0516-EL-REN, 21-0517-EL-REN, 21-0531-EL-REN, 21-0532-EL-REN, 21-0544-EL-REN, 22-0380-EL-REN**

Summary: Entry on Rehearing that the Commission grants, for the limited purpose of further consideration of the matters specified on hearing, the application for rehearing filed by Carbon Solutions Group, LLC electronically filed by Ms. Donielle M. Hunter on behalf of Public Utilities Commission of Ohio.