

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF
VINTON SOLAR ENERGY LLC FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED TO
CONSTRUCT A SOLAR-POWERED ELECTRIC
GENERATION FACILITY IN VINTON COUNTY,
OHIO.

CASE NO. 17-774-EL-BGN

ENTRY

Entered in the Journal on June 21, 2018

{¶ 1} On September 26, 2017, the Administrative Law Judge (ALJ) issued an Entry establishing a procedural schedule in this case, which, among other things:

- (a) Established September 26, 2017, as the effective date of the application;
- (b) Set November 20, 2017, as the due date for the filing of the Staff Report of Investigation (Staff Report); and
- (c) Scheduled the local public hearing for December 5, 2017, and the evidentiary hearing for December 15, 2017.

{¶ 2} On November 16, 2017, the Applicant, Vinton Solar Energy LLC (Vinton Solar or Applicant), filed a motion to toll the procedural schedule in this matter along with a request for an expedited ruling on that motion. Specifically, Vinton Solar recognized that prior to the issuance of the Staff Report, the Applicant must file the System Impact Study (SIS). Vinton Solar explained that the tolling of the procedural schedule was necessary until such time that it received the SIS from PJM Interconnection, LLC.

{¶ 3} Pursuant to the Entry of November 17, 2017, the motion to toll the procedural schedule was granted.

{¶ 4} On June 18, 2018, Vinton Solar filed its SIS. Therefore, the procedural schedule is now untolled. Consistent with this determination, the local public hearing in this case

will be rescheduled for July 24, 2018, at 6:00 p.m., at the Vinton County Community Building 31935 State Route 93, McArthur, Ohio 45651. The adjudicatory hearing will be rescheduled for August 1, 2018, at 10:00 a.m., 11th floor, Hearing Room 11-D, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.

{¶ 5} Vinton Solar should reissue public notices for the application and hearings in accordance with Ohio Adm.Code 4906-3-09. As required by Ohio Adm.Code 4906-3-09, Vinton Solar shall include a statement that the public hearing in this case shall consist of two parts:

- (a) A local public hearing, pursuant to R.C. 4906.08(C), where the Board shall accept written or oral testimony from any person, commencing on July 24, 2018, at the Vinton County Community Building, 31935 State Route 93, McArthur, Ohio 45651.
- (b) An adjudicatory hearing to commence on to commence on August 1, 2018, at 10:00 a.m., 11th floor, Hearing Room 11-D, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.

{¶ 6} Accordingly, the procedural schedule is revised as follows:

- (a) Pursuant to Ohio Adm.Code 4906-3-06, the Staff Report shall be filed on or before July 6, 2018.
- (b) On or before July 13, 2018, each party shall file a list of issues, citing specific concerns for which they may be interested in pursuing cross-examination of witnesses at the evidentiary hearing.
- (c) All expert and factual testimony to be offered by Vinton Solar shall be filed by July 27, 2018.

- (d) All expert and factual testimony to be offered by intervenors and Staff shall be filed by July 30, 2018.
- (e) Any stipulation entered into by the parties shall be filed by July 30, 2018.
- (f) The parties are strongly encouraged to arrange for electronic service of testimony and other pleadings among themselves. If electronic service is agreed to, the parties are also directed to provide an electronic copy to the ALJ assigned to the case.

{¶ 7} Pursuant to Ohio Adm.Code 4906-2-12(A)(2)(a) all interested persons may file a petition for leave to intervene setting forth the grounds for the proposed intervention and the interest of the petitioner in the proceedings. Consistent with Ohio Adm.Code 4906-2-12(B), a request for intervention shall only be granted upon a showing of good cause.

{¶ 8} The ALJ notes that, in accordance with Ohio Adm.Code 4906-2-12(A)(2)(b), Vinton Solar published the required notice that established the time frame for intervention in this case. Therefore, the ALJ finds that absent good cause shown, the intervention period is closed.

{¶ 9} On October 17, 2017, the Ohio Farm Bureau Federation (OFBF) filed a motion to intervene in this matter. In support of its motion, the OFBF states that it maintains a non-profit organization representing agricultural interests at the state and local levels with member families in every county, including hundreds of families in Vinton Country. The OFBF represents that its members have an interest in effective solar energy development. Specifically, OFBF notes that farmers engaged in solar leasing agreements want to make sure that construction activities on their property adhere to procedures ensuring soil and water conservation.

{¶ 10} The OFBF's motion for intervention is reasonable and should be granted inasmuch as OFBF has demonstrated a real and substantial interest in the proposed project

and its participation will contribute to the just and expeditious resolution of the issues in this matter.

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That the procedural schedule be untolled and revised in accordance with this Entry. It is, further,

{¶ 13} ORDERED, That the local and evidentiary hearings be rescheduled consistent with this Entry. It is, further,

{¶ 14} ORDERED, That the notice of the hearings be republished in accordance with paragraph 5. It is, further,

{¶ 15} ORDERED, That the motion for intervention be granted in accordance with paragraph 10. It is, further,

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

THE OHIO POWER SITING BOARD

/s/Jay S. Agranoff

By: Jay S. Agranoff
Administrative Law Judge

NJW/mef

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in

Case No(s). 17-0774-EL-BGN

Summary: Administrative Law Judge Entry revising the procedural schedule and granting the motion for intervention. electronically filed by Ms. Mary E Fischer on behalf of Jay S. Agranoff, Administrative Law Judge, Ohio Power Siting Board