

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

OPINION, ORDER, AND CERTIFICATE

Entered in the Journal on September 20, 2018

I. SUMMARY

{¶ 1} The Ohio Power Siting Board approves and adopts the stipulation and recommendation between Vinton Solar Energy LLC, the Ohio Farm Bureau Federation, and the Board Staff, and directs that a certificate be issued to Vinton Solar Energy LLC for the construction, operation, and maintenance of a 125 megawatt solar-powered electric generation facility in Vinton County, Ohio.

II. PROCEDURAL BACKGROUND

{¶ 2} All proceedings before the Ohio Power Siting Board (Board) are conducted according to the provisions of R.C. Chapter 4906 and Ohio Adm.Code Chapter 4906-1, et seq.

{¶ 3} Pursuant to R.C. 4906.04, no person shall construct a major utility facility without first having obtained a certificate from the Board. In seeking a certificate, an applicant must comply with the filing requirements outlined in R.C. 4906.06, as well as Ohio Adm.Code Chapters 4906-2 and 4906-4.

{¶ 4} On March 20, 2017, Vinton Solar Energy LLC (Vinton or Applicant) filed a pre-application notification letter with the Board regarding its proposal to develop and construct a 125 megawatt (MW) solar electric generating facility in Vinton County, Ohio.

Vinton held a public information meeting to discuss the project with interested persons and landowners on April 5, 2017, at the Vinton County Community Building in McArthur, Ohio.

{¶ 5} On July 5, 2017, Vinton submitted two filings to the record in this proceeding. First, Vinton filed part one of its application for approval to construct the new 125 MW solar generating electric facility. Parts two through five of the application were filed on July 6, 2017.

{¶ 6} Second, Vinton filed a motion for protective treatment pursuant to Ohio Adm. Code 4906-2-21(D). The motion is unopposed and is addressed in the next section below.

{¶ 7} On August 16, 2017, Vinton filed the first supplement to its application.

{¶ 8} By letter dated September 5, 2017, the Board notified Vinton that its application was sufficiently complete to permit the Board's Staff (Staff) to commence its review and investigation. The letter directed the Applicant to serve appropriate government officials and public agencies with copies of the complete, certified application and to file proof of service with the Board. The letter further instructed Vinton to submit its application fee pursuant to R.C. 4906.06(F) and Ohio Adm.Code 4906-3-12.

{¶ 9} On September 8, 2017, Vinton submitted two filings to the record. First, the Applicant filed a certificate of service of its accepted, complete application as required by Ohio Adm.Code 4906-3-07. Second, Vinton filed proof that it submitted its application fee.

{¶ 10} By Entry dated September 26, 2017, the administrative law judge (ALJ) established the effective date of the application as September 26, 2017. The Entry also set forth a procedural schedule under which a local public hearing would be conducted on December 5, 2017, and an evidentiary hearing would commence December 15, 2017. The ALJ also directed Vinton to issue public notices of the application and hearings in accordance with Ohio Adm.Code 4906-3-09 and indicated that petitions to intervene would

be accepted up to 30 days following publication of that notice or by November 21, 2017, whichever was later.

{¶ 11} On October 17, 2017, the Ohio Farm Bureau Federation (Farm Bureau) filed a motion to intervene and memorandum in support. In support of its request, the Farm Bureau stated that its members have an interest in effective solar energy development and 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.

{¶ 12} By Entry issued on June 21, 2018, the ALJ granted the Farm Bureau's motion to intervene.

{¶ 13} On November 16, 2017, Vinton filed a motion to toll the procedural schedule along with a request for an expedited ruling on the motion pursuant to Ohio Adm.Code 4906-2-27(C). In support of its motion, the Applicant stated that the tolling of the procedural schedule was necessary until such time that it received the System Impact Study (SIS) from PJM Interconnection, LLC (PJM).¹

{¶ 14} On November 17, 2017, the ALJ issued an Entry granting Vinton's motion to toll the procedural schedule. The Applicant subsequently published notice that the public and evidentiary hearings had been postponed until further notice.

{¶ 15} On February 28, 2018, Vinton filed a second supplement to its application, proposing a tracking system as an alternative option to the fixed-tilt racking system described in the initial application.

{¶ 16} On June 18, 2018, Vinton filed its third supplement to its application for the purpose of submitting its SIS. Accordingly, by Entry dated June 21, 2018, the ALJ

¹ PJM Interconnection, LLC is the regional transmission organization charged with planning for upgrades to the regional transmission system in Ohio.

rescheduled the local public hearing for July 24, 2018, in McArthur Ohio. The evidentiary hearing was rescheduled for August 1, 2018 at the Board's offices.

{¶ 17} On July 5, 2018, Staff filed its report of investigation (Staff Report) pursuant to R.C. 4906.07(C).

{¶ 18} The local public hearing was conducted as scheduled on July 24, 2018.

{¶ 19} On July 27, 2018, Vinton, the Farm Bureau, and Staff filed a joint stipulation and recommendation (Stipulation).

{¶ 20} On August 1, 2018, the ALJ conducted the evidentiary hearing where the Stipulation was presented for the Board's consideration. Vinton presented the testimony of Michael R. Kaplan in support of the Stipulation. Staff presented the testimony of Jon C. Pawley in support of both the Staff Report and the Stipulation.

III. MOTION FOR PROTECTIVE ORDER

{¶ 21} As stated above, Vinton filed an unopposed motion for protective order on July 5, 2017, seeking protective treatment of Exhibits A, B, and C of the application (Module Tracking and Inverter Specifications), Exhibit J of the application (Certificate of Insurance Liability), and specific financial information set forth in the application.

{¶ 22} On July 31, 2018, Vinton filed an amended motion for protective treatment. Specifically, Vinton now states that Exhibit A, the vast majority of Exhibit B, and portions of Exhibit J of the application can now be released into the public record. Vinton reasserts that the financial narrative at pages 29-31 of the Application, the manufacturer's technical specifications document for the General Electric 4 MVA UL Inverter (GE Inverter) contained in Exhibit B, Item 5, and the policy numbers and certificate number in Exhibit J continue to be confidential and should not be part of the record as these documents contain trade secrets as defined by R.C. 1333.61(D).

{¶ 23} In support of the requested protective order, Vinton asserts that the information it seeks to keep confidential meets the Ohio Supreme Court's six-factor test² to qualify as trade secret information. The Applicant states that the information it is seeking to protect has independent economic value, is the subject of reasonable efforts to maintain its secrecy, is not generally known inside or outside the business of Vinton, or in the case of the specific information contained in Exhibit B, the business of GE. Additionally, Vinton avers that disclosure of the information will likely not assist the Board in carrying out its duties in light of the fact that the Board can view the unredacted version that was filed under seal.

{¶ 24} Specific to the financial data on pages 29-31 of the Application, Vinton states that this information represents estimated capital and intangible costs, operation and maintenance costs, the estimated total and present worth of construction and operation payroll, and other sensitive financial information.

{¶ 25} Specific to the GE Inverter specifications, Vinton represents that the document contains the manufacturer's technical specifications that address the reliability and safety certifications for the equipment. According to Vinton, GE provided the information to it under the direction of strict confidentiality and that the document contains insider information that reveals the source within GE that authored the modifications. Further, Vinton states that this information is held closely within GE and is not revealed in the public domain. Vinton submits that if the GE Inverter manufacturer's specification documents were made available to the public through this docket, the time and money expended for the purposes of developing the information would be unfairly bestowed on competitors.

² *State ex rel. The Plain Dealer v. Ohio Dept. of Ins.*, 80 Ohio St.3d 513, 524-525, 687 N.E.2d 661 (1997).

{¶ 26} Specific to the Exhibit J (Certificate of Insurance Liability), Vinton represents that this document includes financial information regarding its insurance for the development, construction, operation, and decommissioning of the proposed facility.

{¶ 27} Ohio law defines a trade secret as “information that satisfies both of the following: (1) It derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use. (2) It is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.” R.C. 1333.61(D).

{¶ 28} The Board has examined the information filed under seal, as well as the assertions set forth in the Applicant’s memorandum in support of a protective order. Applying the requirements that the information have independent economic value and be the subject of reasonable efforts to maintain its secrecy pursuant to R.C. 1333.61(D), as well as the six-factor test set forth by the Ohio Supreme Court in *The Plain Dealer* at 80 Ohio St.3d 513, 524-525, 687 N.E.2d 661, the Board finds that the motion should be granted. Specifically, the Board finds that the financial narrative at pages 29-31 of the Application, the manufacturer’s technical specifications document for the GE 4 MVA UL Inverter contained in Exhibit B, Item 5, and the policy numbers and certificate number in Exhibit J should be afforded protective treatment consistent with Ohio Adm. Code 4906-2-21(D).

{¶ 29} Ohio Adm.Code 4906-2-21(F) provides that, “[u]nless otherwise ordered, any order prohibiting public disclosure pursuant to this rule shall automatically expire twenty-four months after the date of its issuance, and such information may then be included in the public record of the proceeding.” The information protected by this order shall remain under seal for a period ending 24 months from the date of this Order.

{¶ 30} Ohio Adm.Code 4906-2-21(F) requires a party wishing to extend a protective order to file an appropriate motion at least 45 days in advance of the expiration date. If no such motion to extend confidential treatment is filed, the Docketing Division may release the information without prior notice to the Applicant.

IV. PROJECT DESCRIPTION

{¶ 31} Vinton seeks certification to build a 125 MW solar-powered generating facility (Solar Farm or Project) in Elk Township, Vinton County, Ohio. The project will be located on approximately 1,950 acres of leased land which is predominantly pasture and was previously used for coal mining. The Solar Farm would consist of large arrays of photovoltaic modules, commonly referred to as solar panels. Depending on the exact modules used, the Project is expected to include over 496,000 modules and to produce over 241,000 MW hour/year. The solar panels will be mounted on a fixed-tilt racking system, or, as an alternative, on a tracking system. The Solar Farm will include associated support facilities, such as access roads, fencing, buried electrical collection lines, inverter pads, and a collector substation. (App. Ex. 1 at 1-3.) Vinton is proposing to begin construction as early as the first quarter of 2019, and operations as soon as the end of 2019 (Jt. Ex. 1 at 2.).

V. CERTIFICATION CRITERIA

{¶ 32} Pursuant to R.C. 4906.10(A), the Board shall not grant a certificate for the construction, operation, and maintenance of a major utility facility, either as proposed or as modified by the Board, unless it finds and determines all of the following:

- (1) The basis of the need for the facility if the facility is an electric transmission line or a gas pipeline;
- (2) The nature of the probable environmental impact;
- (3) The facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations;
- (4) In the case of an electric transmission line or generating facility, that the facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected

utility systems, and that the facility will serve the interests of electric system economy and reliability;

- (5) The facility will comply with R.C. Chapters 3704, 3734, and 6111, as well as all rules and standards adopted under those chapters and under R.C. 1501.33, 1501.34, and 4561.32;
- (6) The facility will serve the public interest, convenience, and necessity;
- (7) The impact of the facility on the viability as agricultural land of any land in an existing agricultural district established under R.C. Chapter 929 that is located within the site and alternate site of any proposed major facility; and,
- (8) The facility incorporates maximum feasible water conservation practices as determined by the Board, considering available technology and the nature and economics of the various alternatives.

VI. SUMMARY OF THE EVIDENCE

{¶ 33} The Board will review the evidence presented with regard to each of the eight criteria by which we are required to evaluate these applications. Any evidence not specifically addressed herein has, nevertheless, been considered and weighed by the Board in reaching its final determination.

A. Local Public Hearing

{¶ 34} Five individuals testified at the local public hearing held on July 24, 2018, in the village of McArthur, Ohio. Witnesses expressed concerns regarding the potential impact of the proposed project on surrounding properties including how the project will adversely affect the use, value, and view of surrounding properties. These concerns include the possible effects of nighttime light produced by the project and the impact on roads and water wells. (Jul. 24, 2018 Tr. at 5, 10, 11, 16, 17, 18-21.)

B. Staff Report

{¶ 35} Pursuant to R.C. 4906.07(C), Staff completed an investigation into the application, which included recommended findings regarding R.C. 4906.10(A). The following is a summary of Staff's findings.

1. BASIS OF NEED

{¶ 36} R.C. 4906.10(A)(1) requires an applicant for an electric transmission line or gas pipeline to demonstrate the basis of the need for such a facility. As the project is a proposed electric generating facility, Staff recommends that the Board find that this consideration is inapplicable to this application (Staff Ex. 1 at 11).

2. NATURE OF PROBABLE ENVIRONMENTAL IMPACT

{¶ 37} R.C. 4906.10(A)(2) requires that the Board determine the nature of the probable environmental impact of the proposed facility. As part of its investigation, Staff reviewed the nature of the probable impact of the Solar Farm. The following is a summary of Staff's findings.

a. Socioeconomic Impacts

{¶ 38} Vinton is seeking to construct the project on approximately 1,950 acres of leased land in Vinton County, Ohio, 658 acres of which would be utilized for the solar modules. In 2010, Vinton County's population was 13,430, with a population density of 32.6 persons per square mile. Also in 2010, Ohio's general population density was 282.3 persons per square mile. The population of Vinton County is projected to increase by approximately 0.014 percent by 2020. (Staff Ex. 1 at 12.)

{¶ 39} The project is consistent with the goals highlighted by the Ohio Valley Regional Development Commission (OVRDC), of which Vinton County is a member. The project is not expected to significantly impact housing, transportation system development, or other public services and facilities. (Staff Ex. 1 at 12.)

{¶ 40} Approximately 33 percent of the project area will be temporarily impacted during construction, while 1.6 percent of the project area will be permanently impacted after construction. The project will include access roads, 7-foot high fencing, racking posts, racking system, photovoltaic modules, inverters/transformers, an underground alternating current collection system, a collector substation, and an operations and maintenance building. Throughout the construction period, the Applicant's contractor would provide temporary construction facilities, contractor construction trailers, space for subcontractor trailers and parking, and a graveled laydown area, which will be approximately 7-10 acres and would be reclaimed at the end of construction. (Staff Ex. 1 at 12-13.)

{¶ 41} Of the land uses on site of the project, all parcels are designated by Vinton County as either Other Agricultural Use or Agricultural Vacant Land. None of the land is listed as an Agricultural District in Vinton County. The project area boundary is located approximately 1,500 feet east of the village of McArthur at its closest point. There is substantial land buffer between the perimeter of the project boundary and the perimeter fence of the project. (Staff Ex. 1 at 13.)

{¶ 42} There are 46 residences located within 1,000 feet of the project boundary, 11 of which are within 1,000 feet of the fence line. No residences are located within 100 feet of the fence line. The residence located nearest to the surrounding fence line is approximately 440 feet away. There are no residences, parks, commercial or institutional structures, or places of worship located within the project site. Four structures are located within the project site, three of which are sheds or small barns used for cattle production. These three structures would be removed from the site for construction and operation of the project. Although Zaleski State Forest and the Vinton Furnace State Forest are located east of the project, the Applicant states that it is unlikely that the project would be visible from these areas due to its low profile, density of surrounding woodlots, and the terrain of the area. (Staff Ex. 1 at 13.)

{¶ 43} Vinton enlisted a consultant to complete a cultural resource records review for the Area of Potential Effect (APE), defined as the 658 acre area of disturbance. The review reflected four Phase I archaeology surveys previously within the two-mile project study area. The Applicant identified 434 archaeological resources that were previously documented within a five-mile radius of the project, 101 of which were located within one mile, and 22 of which were located within the APE itself. There were five National Register of Historic Places listed architectural resources within the five-mile radius around the proposed project and 351 resources listed in the Ohio Archaeological Inventory. The majority of these resources are located within the town of Zaleski and the village of McArthur. None of the architectural resources are located within the project site. In order to ensure minimal impacts on cultural resources from the construction and operation of the project, the Applicant will conduct an archaeological and architectural Phase I survey for those portions of the project area where previous surveys were not performed, and where architectural resources may be visible from the site. Staff concurs that these surveys should be conducted. (Staff Ex. 1 at 13-14.)

{¶ 44} With respect to aesthetics, Staff indicates that the project is to be constructed along the ridgetop of a network of hills, elevated from the surrounding community. The highest elevation of the solar panels would be 15 feet above ground level, which would be the primary landscape alteration. The project area is generally surrounded by dense forest and rolling hills, which will naturally reduce visibility of the facility. Based on an analysis conducted by Vinton, the solar panels would not likely be visible at locations beyond two miles of the perimeter of the project. Staff states that the impact of viewing the panels themselves is subjective, and depends on the viewer. In order to reduce the visibility of the project, the Applicant intends to include fencing and use minimal lighting necessary to satisfy safety requirements. In order to further minimize visibility, Staff recommends that Vinton utilize native vegetative plantings, good neighbor agreements, or other methods subject to Staff review where an adjacent non-participating parcel contains a residence with a direct line of sight to the project area. (Staff Ex. 1 at 14.)

{¶ 45} According to Staff, glare occurs when sunlight reflects from a solar panel, creating a long duration of bright light or a momentary flash of bright light. Potential impacts of glare include brief loss of vision, a safety risk to pilots, and a nuisance to neighbors. The Applicant contracted with Forge Solar to conduct a glare analysis. By constructing the project in a remote rural area, the potential impacts of glare would be minimized. Additionally, the anti-reflective coating and the light texture on the panels created during the manufacturing process will further reduce the impact of glare while maximizing the amount of solar energy that the panels capture. In considering the potential impacts of the facility on local airports, Staff consulted with the Ohio Department of Transportation (ODOT) Office of Aviation. Based on the Staff Report, ODOT determined that it is likely that the proposed Solar Farm will not be an airspace permit issue and that Vinton's glare analysis is satisfactory. (Staff Ex. 1 at 14-15.)

{¶ 46} Economically, Vinton estimates that the proposed Solar Farm would create 225 on-site construction jobs, in addition to four annual operations jobs. During the construction period, wages could produce \$10.6 million in income to the Vinton County area, plus operations could add an additional annual income impact of \$210,000. The construction phase of the project would add \$29.9 million in economic output to the Vinton County area. Operation of the facility would add approximately \$460,000 of economic output on an annual basis. The Applicant estimates that, based on an assumed Payment in Lieu of Taxes (PILOT) program, annual tax revenue from the project would be \$780,000 to be distributed among various taxing districts in the area. (Staff Ex. 1 at 15; Aug. 1, 2018 Tr. at 11-13.)

b. Ecological Impacts

{¶ 47} The bedrock that underlies Vinton County consists of sedimentary rock of Mississippian and Pennsylvanian age. Pennsylvanian age rock are the rocks exposed at the project area. The project area has been affected by both surface and underground mining for coal, with four coal seams having been mined. However, there are no active mining

operations within the project area. Similarly, although there are a few abandoned and plugged wells in the vicinity of the project area, there are no current oil and gas drilling operations within the project area. The soils in the project area generally consist of silt loam and is predominantly mine soil. These soils were stripped and then resurfaced in most of the project area. Even though much of the project area is currently used as pasture, less than one percent of the project area is considered prime farm land. As the soil's depth is varied around the project site, settlement issues may arise, which could cause serious damage and distortion to structures. However, Staff states that the present site conditions should not adversely affect or prevent the construction and future operation of this solar facility. Staff notes that Vinton will provide it with a preliminary geotechnical engineering report prior to the development of the final design. (Staff Ex. 1 at 16.)

{¶ 48} The Applicant noted 17 streams, 17 wetlands (including 5 Category 2 wetlands and 12 Category 1 wetlands), and 17 very small ponds within the project area. Additionally, the Applicant intends to utilize some or all of the ponds in the project area as storm water basins where applicable. Although no streams, wetlands, or ponds will be crossed during construction, 2.18 acres of Category 1 and 2 wetlands combined may be temporarily impacted by such things as storm water runoff caused by construction activities. Similarly .59 acres of temporary impacts to ponds and 935 linear feet of temporary impacts to streams may occur. The Applicant is coordinating with the Ohio Environmental Protection Agency (Ohio EPA) and the United States Army Corps of Engineers to ensure that all anticipated wetland and stream impacts are properly permitted. The Applicant identified the various permits that would be obtained as determined necessary after final engineering of the project is completed. (Staff Ex. 1 at 17.)

{¶ 49} Additional measures to reduce water quality impacts will be taken through the development of a Storm Water Pollution Prevention Plan (SWPPP). If determined necessary, Vinton will obtain a National Pollutant Discharge Elimination System (NPDES) permit from the Ohio EPA for storm water discharge associated with construction activities.

No proposed facility components are within the 100-year floodplain of the nearby streams. (Staff Ex. 1 at 17.)

{¶ 50} The project area is within range of the Indiana bat, a state and federal endangered species, and the northern long-eared bat, which is listed as a federal threatened species. In order to avoid impacts on these bat species, Staff recommends that Vinton adhere to seasonal tree cutting dates of October 1 through March 31 for all trees three inches or greater in diameter. Vinton asserts that no tree clearing will be necessary for this project and, therefore, no impacts to these species are anticipated. The project area also lies within the range of the timber rattlesnake, which is state endangered and a federal species of concern, the black bear, a state endangered species, and the American burying beetle, a state and federal endangered species. Due to the mobility of these species and lack of suitable habitat, no impacts to these species are anticipated. (Staff Ex. 1 at 18-19.)

{¶ 51} The project area is within the range of several endangered or threatened aquatic species. Accordingly, the Ohio Department of Natural Resources (ODNR) recommends no in-water work in perennial streams from April 15 through June 30 to reduce impacts to these species. Vinton states that as no in-water work is necessary for this project, no significant impacts on these species are anticipated. (Staff Ex. 1 at 19.)

{¶ 52} Permanent vegetative impacts associated with the project would be limited to approximately 710 acres primarily consisting of grazed pastureland within a total of 1,250 acres of disturbed land. Additionally, the Solar Farm's final design would include the planting and maintenance of pollinator-friendly, native plantings in selected locations along the outside border of the Solar Farm. It is the intent of Vinton to not only enhance the visual appeal of the Solar Farm with these native plants, but to enrich the local wildlife habitat, help reduce erosion, reduce fertilizer, herbicide, and pesticide use, discourage invasive species, and improve water quality. Staff recommends that Vinton be required to provide a vegetation management plan in which it details impacts to vegetation for review prior to the preconstruction conference. (Staff Ex. 1 at 19-20.)

c. Public Services, Facilities, and Safety

{¶ 53} The principal impact on public services would be minimal increases in traffic on routes leading to the project area, mainly during construction. According to Staff, some traffic management during the construction phase may be necessary in the immediate vicinity of the project to ensure safe and efficient maintenance of existing traffic patterns and usages. Once the proposed facility is operational, related traffic would be minimal. Vinton has committed to coordinating with local officials to ensure that the impacts associated with increased traffic will be minimal. Staff recommends that the Applicant develop a required final Transportation Management Plan to address the need to repair any roads or bridges damaged by the Applicant. (Staff Ex. 1 at 20.)

{¶ 54} Adverse noise impacts are expected. Although many of the construction activities will generate significant noise levels, the activities would be limited to the 12-18 months of anticipated construction. Further, the construction noise will be temporary and intermittent, would occur away from most residential structures, and would be limited to daytime working hours. The Applicant intends to use equipment mitigation practices such as maintaining engines and mufflers in good operating order, limiting construction to daylight hours, and establishing a complaint resolution process to further mitigate adverse noise impacts. During operation, impacts will be small and would only occur during the day. After the Applicant conducted a background ambient noise level study, it concluded that both the fixed-tilt racking system and the tracking option would be expected to have minimal adverse noise impacts on the adjacent community. (Staff Ex. 1 at 20-21.)

{¶ 55} Vinton compiled wind velocity data collected by Ohio State University's Ohio Agricultural Research and Development Center. The Applicant found that there is a low probability of extreme high wind speeds in the project area. Therefore, Staff believes that this low probability does not warrant that Vinton mitigate for anticipated adverse impact from extreme high wind velocities. (Staff Ex. 1 at 20.)

{¶ 56} Staff recommends that the Board find that Vinton has determined the nature of the environmental impact for the proposed facility and, therefore, complies with the requirements specified in R.C. 4906.10(A)(2), provided that any certificate issued by the Board include the conditions specified in the Staff Report (Staff Ex. 1 at 21).

3. MINIMUM ADVERSE ENVIRONMENTAL IMPACT

{¶ 57} Pursuant to R.C. 4906.10(A)(3), the proposed facility must represent the minimum environmental impact, considering the state of available technology and the nature of the various alternatives, along with other pertinent considerations.

{¶ 58} According to Staff, the proposed Solar Farm will have an overall positive impact on the local economy due to the increase in construction spending, wages, purchasing of goods and services, annual lease payments to the local landowner, and PILOT revenue. The Applicant has sited and designed the Solar Farm to minimize potential impacts, and has taken measures to reduce those it could not avoid. For example, where possible, the Applicant has committed to using horizontal directional drilling to install underground electric collection cable under streams and wetlands. Impacts on wildlife and habitat will be avoided by following seasonal restrictions for construction in certain habitats. Noise impacts are expected to be limited to the construction phase, and would be intermittent, away from most residential structures, and limited to daytime working hours; traffic impacts would also be temporary. Further, visual impacts would be most prominent to landowners in the immediate vicinity of the facility itself due to the project's low profile and vegetation in the area. Remaining aesthetic impacts would be lessened due to measures committed to by the Applicant as well as the landscape and aesthetics plan recommended by Staff. (Staff Ex. 1 at 22-23.)

{¶ 59} Staff recommends that the Board find that the proposed facility represents the minimum adverse environmental impact and, therefore, complies with the requirements of R.C. 4906.10(A)(3), provided that any certificate issued by the Board include the conditions specified in the Staff Report (Staff Ex. 1 at 23).

4. ELECTRIC POWER GRID

{¶ 60} Pursuant to R.C. 4906.10(A), the Board must determine that the proposed facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems. Under the same authority, the Board must also determine that the proposed facility will serve the interest of the electric system economy and reliability.

{¶ 61} The North American Electric Reliability Corporation (NERC) is responsible for the development and enforcement of the federal government's approved reliability standards, which are applicable to all owners, operators, and users of the bulk power system (BPS). As an owner, operator, and/or user of the BPS, the Applicant is subject to compliance with various NERC reliability standards. NERC reliability standards are included as part of the system evaluations conducted by PJM. (Staff Ex. 1 at 24.)

{¶ 62} PJM is the regional transmission organization charged with planning for upgrades and administering the generation queue for the regional transmission system in Ohio. PJM reviews applications for expansions and upgrades of the PJM transmission system to ensure compliance with reliability criteria. Vinton submitted an application to PJM on October 10, 2016. PJM released its System Impact Study (SIS) in June 2018. PJM analyzed the bulk electric system with the proposed facility interconnected to the bulk power system via the AEP Ohio Elk 138 kV substation. A 2020 summer peak power flow model was used to evaluate the regional reliability impacts. Through its analysis of the bulk electric system and the SIS, PJM found no reliability problems or circuit breaker problems. (Staff Ex. 1 at 24-25.)

{¶ 63} Staff recommends that the Board find that the proposed facility is consistent with regional plans for the expansion of the electric power grid of the electric systems serving this state and interconnected utility systems, and that the facility would serve the interests of electric system economy and reliability. Accordingly, Staff recommends that the Board find that the facility complies with the requirements of R.C. 4906.10(A)(4) provided

any certificate issued for the proposed facility includes the conditions specified in the Staff Report. (Staff Ex. 1 at 25.)

5. AIR, WATER, SOLID WASTE, AND AVIATION

{¶ 64} Pursuant to R.C. 4906.10(A)(5), the facility must comply with Ohio law regarding air and water pollution control, withdrawal of waters of the state, solid and hazardous wastes, and air navigation.

{¶ 65} Although air quality permits are not required for construction of the proposed facility, fugitive dust rules adopted under R.C. Chapter 3704 may be applicable to its construction. Accordingly, Vinton would need to minimize construction-related dust through dust suppression techniques such as application of water or dust suppressant, or temporary paving. This project would not include any stationary sources of air emissions and, therefore, would not require air pollution control equipment. (Staff Ex. 1 at 27.)

{¶ 66} Neither construction nor operation of the proposed facility would require the use of a significant amount of water. Therefore, the requirements under R.C. 1501.33 and 1501.34 are not applicable to this project. (Staff Ex. 1 at 27.)

{¶ 67} The potential for storm water pollution from the project's construction would be limited in scope. However, if determined to be needed after finalization of the project engineering design, Vinton anticipates obtaining the following permits or authorizations: National Pollutant Discharge Elimination System Construction Storm Water General Permits from Ohio EPA; U.S. Army Corps of Engineer's (USACE) Section 404 individual permit or nationwide permit for limited stream crossings; Ohio EPA Section 401 water quality certification of those same USACE permits; Ohio EPA Isolated Wetland Permit; Storm Water Pollution Prevention Plan that identifies potential sources of pollution and describes and ensures the implementation of best management practices; and Spill Prevention, Control, and Countermeasure Plan to prevent the release of hazardous substances. (Staff Ex. 1 at 27.)

{¶ 68} Staff opines that with these measures, construction and operation of the facility would comply with the requirements of R.C. Chapter 6111, and the rules and laws adopted under that chapter (Staff Ex. 1 at 28).

{¶ 69} Debris generated from construction would include items such as plastic, wood, cardboard and metal packing materials, construction scrap, and general refuse. Vinton intends that all construction-related debris would be disposed of at a licensed solid waste disposal facility. During operation, the facility would generate small amounts of non-hazardous, solid waste, all of which would be disposed of in accordance with federal, state, and local requirements. (Staff Ex. 1 at 28.)

{¶ 70} Staff notes that the Applicant's solid waste disposal plans would comply with solid waste disposal requirements as required in R.C. Chapter 3734 (Staff Ex. 1 at 28).

{¶ 71} The Vinton County Airport lies approximately three miles north of the project site. After notifying the Vinton County Pilots and Boosters Association, the manager of the airport, the Applicant does not anticipate that the Solar Farm would impact landing or approach procedures, air navigation, or air traffic communications at the airport. Vinton found no other public use airports, helicopter pads, or landing strips within five miles of the project. ODOT has determined that it is likely the proposed Solar Farm development will not be an airspace permit issue. (Staff Ex. 1 at 28.)

{¶ 72} Based on these findings, Staff recommends that the Board find that the proposed facility complies with the requirements specified in R.C. 4906.10(A)(5), provided that any certificate issued for the facility include the conditions specified in the Staff Report (Staff Ex. 1 at 28).

6. PUBLIC INTEREST, CONVENIENCE, AND NECESSITY

{¶ 73} Pursuant to R.C. 4906.10(A)(6), the Board must determine that the facility will serve the public interest, convenience, and necessity.

{¶ 74} The Applicant states that no public or private water supplies would be impacted by the construction and operation of this project. Staff's review confirms this analysis. (Staff Ex. 1 at 29.)

{¶ 75} In the interest of public safety, Vinton would comply with safety standards promulgated by the Occupational Safety and Health Administration and National Fire Protection Association. Additionally, the Applicant states that it plans to use equipment compliant with applicable industry standards. Vinton intends to restrict public access to the facility during construction by installing either a six-foot chain-link fence with barbed wire, or a seven-foot chain-link fence without barbed wire. Further, Vinton states that construction activities would occur on mainly private land away from roads and residences. (Staff Ex. 1 at 29.)

{¶ 76} The Applicant plans to work with local fire departments and other emergency responders in order to provide training for response to emergencies related to the Solar Farm. Additionally, the Applicant intends to develop and implement an emergency action plan prior to construction and consult with all necessary local emergency responders. (Staff Ex. 1 at 29).

{¶ 77} In addition to providing the availability of copies of its application consistent with the Board's rules, Vinton hosted a public informational open house on April 5, 2017, where attendees were given the opportunity to provide feedback. The Applicant also maintains a project website where visitors can obtain information about the project and access the application. During the construction and operation of the project, the Applicant intends to make representatives available to respond to questions and concerns regarding the project. (Staff Ex. 1 at 29.)

{¶ 78} The Applicant intends to implement a complaint resolution plan outlined in the application in which it has committed to filing all complaints received, as well as their resolutions, with the Board on a quarterly basis. Staff recommends that the Applicant file these quarterly reports in the case record. Further, the Applicant has committed to provide

notice to adjacent landowners immediately surrounding the proposed site regarding construction information and its complaint resolution process at least seven days prior to the commencement of any construction activity. Staff recommends that this notice also be given to tenants of adjacent property. (Staff Ex. 1 at 29-30.)

{¶ 79} Vinton has a long-term lease for the property comprising the project area. However, Vinton has not yet secured easements for a transmission line right-of-way from the facility to the point of interconnection. (Staff Ex. 1 at 30.)

{¶ 80} Vinton states that it would carry insurance to cover liability claims during development, construction, operation, and decommissioning of the proposed Solar Farm (Staff Ex. 1 at 29-30).

{¶ 81} Staff recommends that the Board find that the proposed facility would serve the public interest, convenience, and necessity, and, therefore, complies with the enumerated requirements specified in R.C. 4906.10(A)(6), provided that any certificate issued by the Board includes the conditions specified in the Staff Report (Staff Ex. 1 at 30).

7. AGRICULTURAL DISTRICTS

{¶ 82} Pursuant to R.C. 4906.10(A)(7), the Board must determine the facility's impact on the agricultural viability of any land in an existing agricultural district within the project area of the proposed utility facility. Agricultural district land is exempt from sewer, water, or electrical service tax assessments.

{¶ 83} Staff states that no agricultural district parcels would be impacted by the construction or operation of the proposed Solar Farm. The construction and operation of the proposed facility would disturb 687 acres of agricultural land, 658 acres of which would be occupied by solar panel modules. The remaining land of the 1,950 acre project would remain available to serve its current function as grazing land. (Staff Ex. 1 at 31.)

{¶ 84} Agricultural land that has not been classified as an agricultural district in the project area may experience some construction-related activities that could lead to temporary reductions in farm productivity, but Vinton has discussed and approved the siting of facility components with the landowner in order to minimize those impacts. The Applicant also intends to take steps to address potential impacts to farmland, soil compaction, removing construction debris, and restoring temporarily impacted land to its original use. After construction, only the agricultural land associated with solar production and access roads would be removed from farm production. (Staff Ex. 1 at 31.)

{¶ 85} Staff recommends that the Board find that the impact of the proposed facility on the viability of existing agricultural land in an agricultural district has been determined and, therefore, complies with the requirements of R.C. 4906.10(A)(7), provided that any certificate issued by the Board includes the conditions specified in the Staff Report (Staff Ex. 1 at 31).

8. WATER CONSERVATION PRACTICE

{¶ 86} Pursuant to R.C. 4906.10(A)(8), the proposed facility must incorporate maximum feasible water conservation practices, considering available technology and the nature and economics of the various alternatives.

{¶ 87} Construction of the proposed facility would not require a significant amount of water, and the Applicant intends to truck water in from off-site. Once operational, significant amounts of water are not required, as no water is needed for any function. No water or wastewater discharge is expected during operation of the proposed facility. (Staff Ex. 1 at 32.)

{¶ 88} Staff recommends that the Board find that the proposed facility would incorporate maximum feasible water conservation practices, and, therefore, complies with the requirements specified in R.C. 4906.10(A)(8). Staff further recommends that any

certificate issued by the Board for the certification of the proposed facility include the conditions specified in the Staff Report. (Staff Ex. 1 at 32.)

9. RECOMMENDATIONS

{¶ 89} In addition to making various findings throughout its report, Staff recommended that 23 conditions be made part of any certificate issued by the Board for the proposed facility (Staff Ex. 1 at 33-36). After some revisions, the recommended conditions found within the Staff Report were adopted and re-enumerated in the parties' July 27, 2018 Stipulation (Staff Ex. 2 at 2; Aug. 1, 2018 Tr. at 21-26). The conditions are discussed below.

VII. STIPULATION AND CONDITIONS

{¶ 90} At the August 1, 2018 adjudicatory hearing, counsel for Vinton presented the Stipulation entered into by the Applicant, the Farm Bureau, and Staff that resolves all issues. (Jt. Ex. 1; Aug. 1, 2018 Tr. at 7, 29). Pursuant to the Stipulation, the parties agree that the Board issue the Certificate of Environmental Compatibility and Public Need, as requested by Vinton, subject to the 23 listed conditions.

{¶ 91} The following is a summary of the conditions agreed to by the parties and is not intended to replace or supersede the actual Stipulation. The parties agree as follows:

- (1) The facility shall be installed at the Applicant's proposed site as presented in the application and as modified and/or clarified by supplemental filing, replies to data requests, and the recommendations in the Staff Report, as presented and modified by this Stipulation.
- (2) The Applicant shall conduct a preconstruction conference prior to the start of any construction activities. Staff, the Applicant, and representatives of the prime contractor and all subcontractors for the project shall attend the preconstruction conference. The conference shall include a presentation of the measures to be taken by the Applicant and

contractors to ensure compliance with all conditions of the certificate, and discussion of the procedures for on-site investigations by Staff during construction. Prior to the conference, the Applicant shall provide a proposed conference agenda for Staff review. The Applicant may conduct separate preconstruction meetings for each stage of construction.

- (3) At least 30 days before the preconstruction conference, the Applicant shall submit to Staff one set of detailed engineering drawings of the final project design, including the facility, temporary and permanent access roads, any crane routes, construction staging areas, and any other associated facilities and access points, so that Staff can determine that the final project design is in compliance with the terms of the certificate. The final project layout shall be provided in hard copy and as geographically-referenced electronic data. The final design shall include all conditions of the certificate and references at the locations where the Applicant and/or its contractors must adhere to a specific condition in order to comply with the certificate.
- (4) If the Applicant makes any changes to the project layout after the submission of final engineering drawings, the Applicant shall provide all such changes to Staff in hard copy and as geographically-referenced electronic data. All changes will be subject to Staff review to ensure compliance with all conditions of the certificate, prior to construction in those areas.
- (5) Within 60 days after the commencement of commercial operation, the Applicant shall submit to Staff a copy of the as-built specifications for the entire facility. If the Applicant demonstrates that good cause prevents it from submitting a copy of the as-built specifications for the entire facility

within 60 days after commencement of commercial operation, it may request an extension of time for the filing of such as-built specifications. The Applicant shall use reasonable efforts to provide as-built drawings in both hard copy and as geographically-referenced electronic data.

- (6) Prior to the commencement of construction activities in areas that require permits or authorizations by federal or state laws and regulations, the Applicant shall obtain and comply with such permits or authorizations. The Applicant shall provide copies of permits and authorizations, including all supporting documentation, to Staff within seven days of issuance or receipt by the Applicant. The Applicant shall provide a schedule of construction activities and acquisition of corresponding permits for each activity at the preconstruction conference.
- (7) The certificate shall become invalid if the Applicant has not commenced a continuous course of construction of the proposed facility within five years of the date of journalization of the certificate, unless the Board grants a request for waiver or an extension of time.
- (8) As the information becomes known, the Applicant shall docket in the case record the date on which construction will begin, the date on which construction was completed, and the date on which the facility begins commercial operation.
- (9) The Applicant shall not commence any construction of the facility until it has a signed Interconnection Service Agreement (ISA) or Interim ISA with PJM Interconnection, LLC (PJM). In addition, the Applicant shall not operate the facility without having a signed ISA with PJM, which includes construction, operation, and maintenance of system upgrades necessary to reliably and safely integrate the proposed generating facility into the regional transmission system. The Applicant shall docket in the

case record a separate letter for each Agreement stating the Agreement has been signed, or a copy of the signed Agreement(s).

- (10) At least 30 days prior to the preconstruction conference, the Applicant shall provide to Staff a copy of its public information program that informs affected property owners and tenants of the nature of the project, specific contact information of Applicant personnel who are familiar with the project, the complaint resolution process, the proposed timeframe for project construction, and a schedule for restoration activities. The Applicant shall give notification of planned construction to affected property owners and tenants at least seven days prior to commencement of construction.
- (11) During the construction and first year of operation of the project, the Applicant shall file a complaint summary report in the case record by the fifteenth day of January, April, July, and October of each year. The report should include a list of all complaints received through its complaint resolution process, a description of the actions taken to resolve each complaint, and a status update if the complaint has yet to be resolved.
- (12) General construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m., or until dusk when sunset occurs after 7:00 p.m. Impact pile driving, hoe ram, and blasting operations, if required, shall be limited to the hours between 9:00 a.m. to 7:00 p.m., Monday through Friday. Construction activities that do not involve noise increases above ambient levels at nonparticipating sensitive receptors are permitted outside of daylight hours when necessary. The Applicant shall notify property owners or affected tenants within the meaning of Ohio Adm.Code 4906-3-03(B)(2) of upcoming construction activities including potential for nighttime construction activities.

- (13) Prior to the commencement of construction, the Applicant shall finalize coordination of the assessment of potential effects of the proposed facility on cultural resources, if any, with Staff and the Ohio Historic Preservation Office (OHPO). If the resulting coordination discloses a find of cultural or archaeological significance, or a site that could be eligible for inclusion in the National Register of Historic Places, then the Applicant shall submit a modification or mitigation plan to Staff. Any such mitigation effort, if needed, shall be developed in coordination with the OHPO and submitted to Staff for review that it complies with this condition.
- (14) Prior to commencement of any construction, the Applicant shall prepare a landscape and lighting plan that addresses any reasonable concerns regarding the aesthetic and lighting impacts of the facility on any adjacent nonparticipating residences with a direct and open line of sight to the facility in existence or under construction at the commencement of construction of the facility. The Applicant shall provide the plan to Staff for review and confirmation, and Staff shall review the plan within 30 days and confirm that it complies with this condition.
- (15) The Applicant shall avoid, where possible, or minimize to the extent practicable, any damage to surface and subsurface drainage systems, drainage related infrastructure, and soils resulting from construction, operation, and/or maintenance of the facility in agricultural areas. Damaged surface or subsurface drainage systems and drainage related infrastructure shall be promptly repaired to at least original requirements, or requirements otherwise approved via a SWPPP. All repairs will be made at the Applicant's expense.

- (16) If applicable, excavated topsoil shall be segregated and restored in accordance with the Applicant's lease agreement with the landowner. Severely compacted soils shall be plowed or otherwise de-compacted, if necessary, to restore them to original condition unless otherwise agreed to by the landowner.
- (17) The Applicant shall complete a full detailed geotechnical exploration and evaluation across a broad enough portion of the site to confirm that there are no issues to preclude development of the solar energy facility. The geotechnical exploration and evaluation shall include borings across the site to provide subsurface soil description and properties, static water level, and recommendations needed for the final design and construction of each pile foundation, as well as the final location of the battery storage facility. The Applicant must fill all boreholes, and borehole abandonment must comply with state and local regulations. The Applicant shall provide copies of all geotechnical boring logs to Staff and to the ODNR Division of Geological Survey prior to construction.
- (18) The Applicant shall provide to Staff a copy of any arrangement or resulting resolution adopted by any county relating to the Payment in Lieu of Taxes (PILOT) program within a reasonable time after issuance or receipt.
- (19) The Applicant shall contact Staff, the ODNR, and the United States Fish and Wildlife Service (USFWS) within 24 hours if state or federal threatened or endangered species are encountered during construction activities. Construction activities that could adversely impact the identified plants or animals shall be halted until an appropriate course of action has been agreed upon by the Applicant, Staff, and the ODNR in coordination with the USFWS. Nothing in this condition shall preclude

agencies having jurisdiction over the facility with respect to threatened or endangered species from exercising their legal authority consistent with law.

- (20) The Applicant shall adhere to seasonal cutting dates of October 1 through March 31 for removal of any trees greater than or equal to three inches in diameter, unless coordination efforts with the ODNR and the USFWS allow a different course of action.
- (21) If any caves or abandoned mines may be disturbed, the Applicant shall coordinate with the USFWS to determine if fall or spring portal surveys are warranted.
- (22) The Applicant shall have a vegetation management plan that addresses the concerns outlined in the Vegetation section of the Staff Report. Prior to the preconstruction conference, the Applicant shall submit this plan to Staff for review and confirmation that it complies with this condition. The plan shall also describe the steps to be taken to prevent establishment and/or further propagation of noxious weeds identified in Ohio Adm.Code 901:5-37 during implementation of pollinator-friendly plantings.
- (23) Prior to commencement of construction activities that require transportation permits, the Applicant shall obtain all such permits. The Applicant shall coordinate with the appropriate authority regarding any temporary or permanent road closures, lane closures, road access restrictions, and traffic control necessary for construction and operation of the proposed facility. Coordination shall include, but not be limited to, the county engineer, the ODOT, local law enforcement, and health and safety officials. The Applicant shall detail this coordination as part of a final traffic plan submitted to Staff prior to the preconstruction

conference for review and confirmation by Staff that it complies with this condition.

VIII. CONCLUSION

[¶ 92] Ohio Adm.Code 4906-2-24 authorizes parties to Board proceedings to enter into stipulations concerning issues of fact, the authenticity of documents, or the proposed resolution of some or all of the issues in a proceeding. Although not binding on the Board, pursuant to Ohio Adm.Code 4906-2-24(D), the terms of such an agreement are accorded substantial weight. The standard of review for considering the reasonableness of a stipulation has been discussed in a number of prior Board proceedings. *See, e.g., In re Northwest Ohio Wind Energy, LLC*, Case No. 13-197-EL-BGN (Dec. 16, 2013); *In re American Transm. Systems Inc.*, Case No. 12-1727-EL-BSB (Mar. 11, 2013); *In re Rolling Hills Generating LLC*, Case No. 12-1669-EL-BGA (May 1, 2013); *In re AEP Transm. Co., Inc.*, Case No. 12-1361-EL-BSB (Sept. 13, 2013); *In re Hardin Wind LLC*, Case No. 13-1177-EL-BGN (Mar. 17, 2014). The ultimate issue for the Board's consideration is whether the agreement, which embodies considerable time and effort by the signatory parties, is reasonable and should be adopted. In considering the reasonableness of a stipulation, the Board has used the following criteria:

- (1) Is the settlement a product of serious bargaining among capable, knowledgeable, parties?
- (2) Does the settlement, as a package, benefit ratepayers and the public interest?
- (3) Does the settlement package violate any important regulatory principle or practice?

[¶ 93] Vinton witness Michael R. Kaplan testified that the Stipulation meets the criteria for Board approval of stipulations. The witness testified that the Stipulation is a good faith settlement that resulted from serious negotiations among capable, knowledgeable parties and that it will benefit the public interest and addresses all legitimate

concerns that have been expressed by the parties. He represents that the project will benefit the local economy through the additional jobs, economic stimulus, and tax revenue. (Applicant Ex. 16 at 4-6.) Witness Kaplan opines that the Stipulation does not violate any regulatory principle or practice (Applicant Ex. 16 at 6).

{¶ 94} Upon review, the Board finds that, as a package, the Stipulation appears to be the product of serious bargaining among capable, knowledgeable parties. The Board also finds that the public interest is served by resolving the issues raised in this matter without litigation. The Board recognizes that the proposed electric generation facility will provide a clean, sustainable source of electricity that will improve the quality and reliability of electric service in the area. Additionally, the project will have a positive effect on the Ohio economy through the creation of jobs and the addition of school district, municipal, county, and state revenues. (Applicant Ex. 1, Appendix H at 1; Applicant Ex. 16 at 5.) The Board finds that the Stipulation does not violate any important regulatory principle or practice. Based upon the record in these proceedings, the Board finds that all of the criteria established in accordance with R.C. Chapter 4906 are satisfied for the construction, operation, and maintenance of the facility as described in the application filed in this case, subject to the conditions set forth in the Stipulation and this Order. Accordingly, based upon all of the above, the Board approves and adopts the Stipulation and hereby issues a certificate to Vinton in accordance with R.C. Chapter 4906.

IX. FINDINGS OF FACT AND CONCLUSIONS OF LAW

{¶ 95} Vinton is a person under R.C. 4906.01(A) and is licensed to do business in the state of Ohio.

{¶ 96} The proposed electric generation facility is a major utility facility, as defined in R.C. 4906.01(B).

{¶ 97} On March 20, 2017, Vinton filed a pre-application notification letter regarding its proposed project.

{¶ 98} On April 19, 2017, in accordance with Ohio Adm.Code 4906-3-03, Vinton filed proof that legal notice was published in the Vinton Courier, a newspaper of general circulation in Vinton County, regarding the public informational meeting on its application.

{¶ 99} The Applicant held a public information meetings to discuss the project with interested persons and landowners on April 5, 2017.

{¶ 100} On July 5, 2017, and July 6, 2017, Vinton filed an application to construct and operate a new 125 MW solar generating electric facility. Amendments to the application were filed on August 16, 2017, February 28, 2018, and June 18, 2018.

{¶ 101} By letter filed September 5, 2017, the Board notified Vinton that its application had been found to be sufficiently complete pursuant to Ohio Adm.Code 4906-1, et seq.

{¶ 102} In a filing docketed on September 8, 2017, the Applicant certified that on that date it served copies of the accepted and complete application upon government officials and libraries in accordance with Ohio Adm.Code 4906-3-07.

{¶ 103} On September 26, 2017, the ALJ issued a procedural Entry that scheduled a local public hearing for December 5, 2017, an adjudicatory hearing for December 15, 2017, and found the effective date of the filing of the application to be September 26, 2017.

{¶ 104} On October 17, 2017, the Farm Bureau filed a motion to intervene.

{¶ 105} On June 21, 2018, the ALJ issued an Entry granting the Farm Bureau's motion.

{¶ 106} On November 16, 2017, Vinton filed a motion to toll the procedural schedule.

{¶ 107} On November 17, 2017, the ALJ issued an Entry granting Vinton's motion to toll the procedural schedule. The Applicant subsequently published notice that the public and evidentiary hearings had been postponed until further notice.

{¶ 108} Pursuant to the Entry of June 21, 2018, the procedural schedule was untolled and a local public hearing was scheduled for July 24, 2018, in McArthur Ohio and the evidentiary hearing was rescheduled for August 1, 2018, at the Board's offices.

{¶ 109} On July 5, 2018, Staff filed a Report of Investigation of the project proposed in the application.

{¶ 110} In compliance with Ohio Adm.Code 4906-3-09, on July 11, 2018, and July 18, 2018, Vinton filed proof of publication showing that notice was published in The Vinton County Courier on June 27, 2018 and July 4, 2018.

{¶ 111} A local public hearing was held on July 24, 2018, in McArthur, Ohio. Five witnesses testified at the local public hearing.

{¶ 112} On July 27, 2018, Vinton and Staff filed the testimony of their respective witnesses.

{¶ 113} On July 27, 2018, Vinton, the Farm Bureau, and Staff filed a Stipulation resolving the issues in this proceeding.

{¶ 114} An adjudicatory hearing was held on August 1, 2018. A witness for Vinton offered testimony in support of the Stipulation.

{¶ 115} Adequate data on the proposed generation facility has been provided to make the applicable determination required by R.C. 4906.10(A). The record evidence in this matter provides sufficient factual data to enable the Board to make an informed decision.

{¶ 116} The Stipulation satisfies the criteria established by the Board for review and consideration of stipulations.

{¶ 117} Based on the record, the Board finds that Vinton's application should be approved and a certificate should be issued, pursuant to R.C. Chapter 4906, for the

construction, operation, and maintenance of the electric generation facility, subject to the conditions set forth in the Stipulation and this Order.

X. ORDER

{¶ 118} It is, therefore,

{¶ 119} ORDERED, That the Stipulation be approved and adopted. It is, further,

{¶ 120} ORDERED, That a certificate be issued to Vinton for the construction, operation, and maintenance of the electric generation facility, subject to the conditions set forth in the Stipulation and this Order. It is, further,

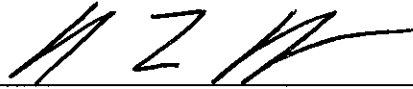
{¶ 121} ORDERED, That the motion for protective order filed by Vinton be granted. It is, further,

{¶ 122} ORDERED, That the Commission's Docketing Division maintain, under seal, the financial information contained on pages 29-31 of the application narrative; Ex. B, Item 5, the GE Inverter manufacturer's specification documents; and Ex. J, the policy numbers and certificate number. It is, further,

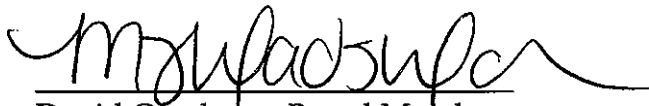
{¶ 123} ORDERED, That this protective order shall be effective for a period of 24 months from the date of this Order. It is, further,

[¶ 124] ORDERED, That a copy of this Opinion, Order, and Certificate be served upon all parties and interested persons of record.


THE OHIO POWER SITING BOARD



Asim Z. Haque, Chairman
Public Utilities Commission of Ohio



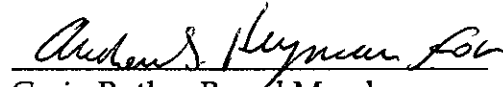
David Goodman, Board Member
and Director of the Ohio
Development Services Agency



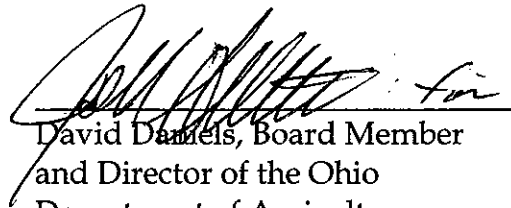
James Zehringer, Board Member
and Director of the Ohio
Department of Natural Resources



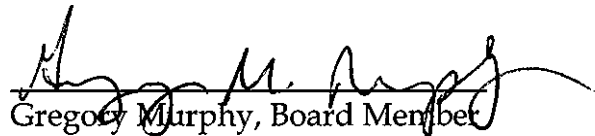
Lance Himes, Board Member
and Director of the Ohio
Department of Health



Craig Butler, Board Member
and Director of the Ohio
Environmental Protection Agency



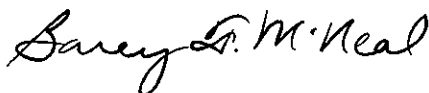
David Daniels, Board Member
and Director of the Ohio
Department of Agriculture



Gregory Murphy, Board Member
and Public Member

JSA/mef

Entered in the Journal
SEP 20 2018



Barcy F. McNeal
Secretary