

## OHIO POWER SITING BOARD

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

CASE NO. 18-1579-EL-BGN

### ENTRY

Entered in the Journal on February 14, 2019

{¶ 1} Angelina Solar I, LLC (Angelina or Applicant) 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 October 22, 2018, Angelina, a subsidiary of Open Road Renewables, LLC, filed a pre-application notification letter with the Board regarding its proposed 100 megawatt (MW) solar electric generating facility in Israel and Dixon townships, Preble County, Ohio.

{¶ 4} On November 15, 2018, Applicant held a public information meeting to discuss the proposed project with interested persons and property owners. Previously, on November 5, 2018, Angelina filed an affidavit of publication demonstrating its compliance with the notice requirements of Ohio Adm.Code 4906-3-03.

{¶ 5} On December 3, 2018, Angelina filed its application with the Board for a certificate of environmental compatibility and public need to construct and operate a solar-powered electric generation facility of up to 80 MW in Preble County, Ohio.<sup>1</sup>

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<sup>1</sup> Angelina explains that the application seeks approval for 80 MW, but studies panel locations which can accommodate a 100 MW project size in order to provide it with flexibility in locating panels after final engineering is complete.

{¶ 6} Also on December 3, 2018, Applicant filed a motion seeking waivers from certain provisions of the Board's rule requirements and a motion for protective order to keep portions of its application confidential. Staff did not file a response to either motion. By Entry dated January 17, 2019, the administrative law judge (ALJ) granted both motions.

{¶ 7} Pursuant to Ohio Adm.Code 4906-3-06, within 60 days of receipt of an application for a major utility facility, the Chairman of the Board must either accept the application as complete and compliant with the content requirements of R.C. 4906.06 and Ohio Adm.Code Chapters 4906-1 through 4906-7 or reject the application as incomplete. By letter dated February 1, 2019, the Board notified Angelina that its application was compliant and provided sufficient information to permit Staff to commence its review and investigation. Pursuant to Ohio Adm.Code 4906-3-06 and 4906-3-07, the Board's February 1, 2019 letter directed Angelina 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 Angelina to submit its application fee pursuant to R.C. 4906.06(F) and Ohio Adm.Code 4906-3-12.

{¶ 8} On February 7, 2019, Angelina filed a certificate of service of its accepted and complete application and proof that it submitted its application fee to the Treasurer of the State of Ohio as required by Ohio Adm.Code 4906-3-07.

{¶ 9} Ohio Adm.Code 4906-3-08(A) states that, once the applicant has complied with Ohio Adm.Code 4906-3-07, the Board or the ALJ shall file an entry indicating the date on which the accepted, complete application is deemed filed. Additionally, once the effective date is established, the ALJ must promptly fix the dates for public hearings. Under R.C. 4906.07(A), the public hearing must be held not less than 60 nor more than 90 days after the effective date.

{¶ 10} Therefore, the effective date of the application shall be February 15, 2019. The ALJ finds that a local public hearing in this matter shall be held on April 30, 2019, at 6:00 p.m., at Eaton Fire Division Station #2, 391 West Lexington Road, Eaton, Ohio 45320.

The evidentiary hearing shall commence on May 14, 2019, at 10:00 a.m., in Hearing Room 11-D at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.

{¶ 11} Petitions to intervene in this proceeding will be accepted by the Board up to 30 days following the service of the notice required by Ohio Adm.Code 4906-3-09 or by March 29, 2019, whichever is later.

{¶ 12} In accordance with Ohio Adm.Code 4906-3-09, Angelina should issue public notices of the application and hearings. Pursuant to the same rule, in addition to other required information, that notice 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 on April 30, 2019, at 6:00 p.m., Eaton Fire Division Station #2, 391 West Lexington Road, Eaton, Ohio 45320.
- (b) An evidentiary hearing commencing on May 14, 2019, at 10:00 a.m., in Hearing Room 11-D at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.

{¶ 13} Further, under R.C. 4906.06(C) and Ohio Adm.Code 4906-3-09, the initial notice shall include the following language:

Petitions to intervene in the adjudicatory hearing will be accepted by the Board up to 30 days following service of the notice required by R.C. 4906.06(C) and Ohio Adm.Code 4606-3-09, or March 29, 2019, whichever is later. However, the Board strongly encourages interested persons who wish to intervene in the adjudicatory hearing to file their petitions as soon as possible. Petitions should be addressed to

Docketing Division, the Ohio Power Siting Board, 180 East Broad Street, Columbus, Ohio 43215-3793 and cite the above-listed case number.

{¶ 14} Ohio Adm.Code 4906-2-09 provides that the ALJ shall regulate the course of the hearing. In so doing, the ALJ may require expert or factual testimony to be offered at Board proceedings to be reduced to writing and filed with the Board. Accordingly, the ALJ establishes the following procedural schedule and process:

- (a) Pursuant to Ohio Adm.Code 4906-3-06(C), Staff shall file its report of investigation (Staff Report) on or before April 15, 2019.
- (b) On or before April 24, 2019, each party shall file a list of issue(s) citing specific concerns about 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 Angelina shall be filed by May 3, 2019. All expert and factual testimony to be offered by the intervenors and Staff shall be filed by May 10, 2019.
- (d) The parties are strongly encouraged to arrange for electronic service of testimony and other pleadings amongst themselves. If electronic service is agreed to, the parties are also directed to provide an electronic copy to the assigned ALJ.

{¶ 15} It is, therefore,

{¶ 16} ORDERED, That the hearings in this matter be scheduled at the times and places designated in Paragraph 10. It is, further,

{¶ 17} ORDERED, That notices of the application and hearings be issued by Angelina in accordance with Paragraphs 12 and 13. It is, further,

{¶ 18} ORDERED, That Staff file its Staff Report pursuant to Paragraph 14. It is, further,

{¶ 19} ORDERED, That the parties file their issues lists and testimony in accordance with Paragraph 14. It is, further,

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

THE OHIO POWER SITING BOARD

/s/Patricia A. Schabo

By: Patricia A. Schabo  
Administrative Law Judge

SJP/hac

**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 18-1579-EL-BGN**

Summary: Administrative Law Judge Entry scheduling hearings and setting procedural schedule and process electronically filed by Heather A Chilcote on behalf of Patricia A. Schabo, Administrative Law Judge, Power Siting Board