

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION
OF HILLCREST SOLAR I, LLC FOR AN
AMENDMENT TO ITS CERTIFICATE
ISSUED IN CASE NO. 17-1152-EL-BGN.

CASE NO. 18-1267-EL-BGA

ORDER ON CERTIFICATE

Entered in the Journal on February 21, 2019

I. SUMMARY

{¶ 1} The Ohio Power Siting Board approves the application of Hillcrest Solar I, LLC to amend its certificate.

II. DISCUSSION

A. *Procedural History*

{¶ 2} On February 15, 2018, the Ohio Power Siting Board (Board) granted the application of Hillcrest Solar I, LLC (Hillcrest or Applicant) for a certificate to construct, operate, and maintain a 125 megawatt (MW) solar electric generating facility consisting of solar panels and related facilities in Green Township in Brown County, Ohio (the Project). *In re Hillcrest Solar I, LLC*, Case No. 17-1152-EL-BGN (Feb. 15, 2018) (*Certificate Case*).

{¶ 3} On October 17, 2018, Hillcrest filed an application for an amendment to the certificate of environmental compatibility and public need granted in the *Certificate Case*. Hillcrest now seeks an increase in the Project's electric generating output from 125 MW to 200 MW and to construct and operate the Project on up to 1,855 acres of land within the Project area. Hillcrest indicates that the increased capacity of the Project will result in two instances of different or greater impact that were not accounted for in the original application. In both cases, the resulting changes are modest. First, while the construction truck traffic will be greater because of the larger size of the Project, the original

conclusions regarding transportation impacts are essentially unchanged. Second, Hillcrest states that the ecological impacts are essentially the same, with only minor increased impacts due to more solar panels and associated adjustments in their configuration. Hillcrest represents that there are no other changes to the Project and that the Project at a capacity of 200MW will fully comply with all the stipulations and conditions set forth in Section VII of the certificate issued in the *Certificate Case*.

{¶ 4} As required by Ohio Adm.Code 4906-3-11(A)(2), Hillcrest served copies of the amendment application upon local officials and filed proof of service with the Board on October 17, 2018. Additionally, the proof of service filed by Hillcrest also indicated that copies of the amendment application were served upon the Mary P. Sheldon Public Library and the Mt. Orab Library pursuant to Ohio Adm.Code 4906-3-11(A)(3).

{¶ 5} On December 26, 2018, the Board's Staff (Staff) filed its Report of Investigation.

B. Applicable Law

{¶ 6} All proceedings before the Board are conducted according to the provisions of R.C. Chapter 4906 and Ohio Adm.Code Chapter 4906.

{¶ 7} R.C. 4906.04 provides that the Board's authority applies to major utility facilities and requires any proposed facility to be certified by the Board before the start of construction. In accordance with R.C. Chapter 4906, the Board promulgated the rules set forth in Ohio Adm.Code Chapter 4906-3 regarding the procedural requirements for filing applications for major utility facilities and amendments to certificates.

{¶ 8} Pursuant to R.C. 4906.07, when considering an application for an amendment of a certificate, the Board "shall hold a hearing * * * if the proposed change in the facility would result in any material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of such facility * * *."

R.C. 4906.06(B) and (C), as well as Ohio Adm.Code 4906-3-11, 4906-3-07, and 4906-3-09, require the applicant to provide notice of its application for amendment to interested parties and potentially effected members of the public.

{¶ 9} Hillcrest is a corporation and, therefore, a person under R.C. 4906.01(A). Additionally, pursuant to the Board's Order in the *Certificate Case*, Hillcrest is certificated to construct, operate, and maintain a major utility facility under R.C. 4906.04. As indicated above, the Applicant provided the required notices in this proceeding, its proposed amendment to its certificate.

C. Summary of Staff Report

{¶ 10} Staff explains that Hillcrest proposes to increase the area of impact within the same approximately 2,100 acre Project area, from approximately 1,100 acres to 1,855 acres and to increase the output of the facility from 125 MW to 200 MW. This increase will require approximately 500,000 to 750,000 solar modules, instead of 375,000 to 475,000 solar modules. Staff states that the proposed amendment does not introduce additional unstudied areas of impact, but would use more of the original Project area which was previously reviewed.

{¶ 11} Staff states that the proposed facility will interconnect to the electric grid at Duke Energy's existing Hillcrest 138 kilovolt (kV) substation. Staff notes that Hillcrest submitted a new service request to PJM Interconnection, LLC (PJM)¹ requesting to interconnect the Project to the bulk power system on February 24, 2016. PJM gave the interconnection request a queue ID of AC2-066. Hillcrest's original interconnection request for the Project, interconnection queue ID AB1-014, was for 125 MW and was approved in the *Certificate Case*. Staff states that the request in queue ID AC2-066 will increase the energy output of the facility by 75 MW. The total energy of the combined

¹ PJM is the regional electric transmission organization responsible for planning upgrades and administering the generation queue for the regional transmission system in Ohio.

interconnection queues AB1-014 and AC2-066 will be 200 MW, of which 75 MW will be available in the PJM capacity market, meaning electricity will be available to the system during times of high demand.

{¶ 12} According to Staff's Report, the Interconnection Service Agreement for both queue positions was issued by PJM and approved by the Federal Energy Regulatory Commission in June 2018. PJM used a 2020 summer peak power flow model to evaluate the regional reliability impacts and did not identify reliability issues with the requested 75 MW increase.

{¶ 13} Staff further explains that the expansion of the Project from 125 MW to 200 MW will result in some socioeconomic impact, namely an approximate 25 percent increase in construction traffic. However, the recommendations by Staff in the original *Certificate Case* remain unchanged. Moreover, the 75 MW capacity increase would generate \$1.4 to \$1.8 million in tax revenue for Brown County instead of \$875,000 to \$1.163 million per year as reported in the *Certificate Case*. With regard to surface waters, Staff states that updates to access roads and collection lines will result in an additional 13 stream crossings. Collection lines will cross an additional seven open-cut installation crossings and four additional horizontal directional drilling (HDD) crossings totaling an additional 166 linear feet of temporary impacts. Seven of the eight open-cut crossings will be collocated with access road crossings to consolidate the area of impact. Impacts associated with two previously impacted streams will change as a result of access road updates totaling an additional eight linear feet. Two category 1 wetlands would be crossed by collection lines; however, impacts to these wetlands will be avoided through HDD. Staff expects that the same Army Corps of Engineers Nationwide Permit 51 which was applicable to the original application will still apply to the Project as proposed in this amendment application. Lastly, Staff concludes that no additional species will be impacted as a result of the amendment.

{¶ 14} Upon its review, which included consideration of all statutory requirements, Staff states that the application meets the necessary criteria for granting the requested capacity increase. Accordingly, Staff recommends that the Board approve the proposed upgrade in capacity, provided that Hillcrest continue to adhere to all conditions set forth in the Opinion, Order, and Certificate issued in the *Certificate Case*.

D. Board's Conclusion

{¶ 15} After considering the application and the Staff report, the Board finds that the proposed change in the facility presented in the amendment to the certificate issued in the *Certificate Case* does not result in any material increase in any environmental impact or a substantial change in the location of all or a portion of the facility. Therefore, pursuant to R.C. 4906.07, the Board finds that a hearing on the application is not necessary under the circumstances presented in this case. Further, the Board finds that the proposed changes to the Project do not affect our conclusion from the *Certificate Case* that the Project satisfies the criteria set forth in R.C. Chapter 4906, promotes the public interest, and does not violate any important regulatory principle or practice. Accordingly, the Board concludes that Hillcrest's certificate should be modified as described in the amendment application, subject to the condition that the Applicant shall continue to adhere to all conditions of the Opinion, Order, and Certificate previously issued in the *Certificate Case*.

E. Findings of Fact and Conclusions of Law

{¶ 16} Hillcrest is a corporation and a person under R.C. 4906.01(A).

{¶ 17} Hillcrest's electric generation facility is a major utility facility under R.C. 4906.01(B)(1).

{¶ 18} On October 17, 2018, Hillcrest filed an application seeking an amendment to the certificate issued in the *Certificate Case*.

{¶ 19} On December 26, 2018, Staff filed its Report of Investigation containing its evaluation of the amendment application.

{¶ 20} The proposed amendment to the certificated facility does not result in a substantial change in the location of the facility or any material increase in any environmental impact; therefore, in accordance with R.C. 4906.07, an evidentiary hearing is not necessary.

{¶ 21} Based on the record, in accordance with R.C. Chapter 4906, the certificate of environmental compatibility and public need issued in the *Certificate Case* should be amended to increase the output capacity of the Project from 125 MW to 200 MW, as described in the application and subject to all conditions set forth herein.

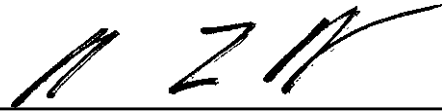
III. ORDER

{¶ 22} It is, therefore,

{¶ 23} ORDERED, That Hillcrest's amendment application be approved, subject to the conditions set forth in the *Certificate Case* and in Paragraph 15. It is, further,

{¶ 24} ORDERED, That a copy of this Order on Certificate be served upon all parties and interested persons of record.

THE OHIO POWER SITING BOARD



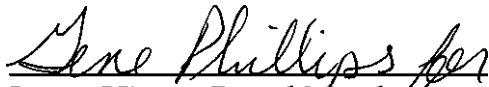
Asim Z. Haque, Chairman
Public Utilities Commission of Ohio



Lydia Mihalik, Board Member
and Director of the Ohio
Development Services Agency



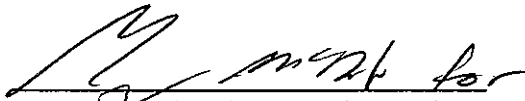
Mary Mertz, Board Member
and Director of the Ohio
Department of Natural Resources



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



Laurie Stevenson, Board Member
and Director of the Ohio
Environmental Protection Agency



Dorothy Pelanda, Board Member
and Director of the Ohio
Department of Agriculture

Greg Murphy, Board Member
and Public Member

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Tanowa Troupe
Secretary