

BEFORE THE OHIO POWER SITING BOARD

In the Matter of the Application of)
Hecate Energy Highland LLC for a)
Certificate of Environmental)
Compatibility and Public Need to)
Construct a Solar-Powered Electric)
Generating Facility in Highland County,)
Ohio)

Case No. 18-1334-EL-BGN

JOINT STIPULATION AND RECOMMENDATION

I. INTRODUCTION

Applicant Hecate Energy Highland, LLC (“Hecate Energy” or “Applicant”), the Ohio Farm Bureau Federation¹ and the Staff of the Ohio Power Siting Board (“Staff”), at times collectively referred to as the “Parties,” submit this Joint Stipulation and Recommendation (“Stipulation”) for adoption by the Ohio Power Siting Board (the “Board”). This Stipulation is intended by the Parties to resolve all matters pertinent to the certification and construction of the proposed Hecate Energy Highland Solar Farm.

The Hecate Energy Highland Solar Farm is a proposed 300 MW solar-powered electric generating facility to be located on approximately 3,400 acres in Highland County, Ohio. The project would consist of large arrays of ground-mounted photovoltaic (PV) modules, commonly referred to as solar panels. The project would also include associated support facilities, such as access roads, up to thirty pyranometers, buried electrical collection lines, inverter pads, and a substation.

¹ The Ohio Farm Bureau Federation has filed a Motion to Intervene, which was not opposed by Hecate Energy. However, the Administrative Law Judge (“ALJ”) has yet to rule on that Motion.

The solar panels would be attached to metal racking. The racking would include piles driven or rotated into the ground. The solar panel arrays would be grouped in large clusters that would be fenced for public safety and equipment security, with locked gates at all entrances.

The Applicant has not yet selected the final solar panel technology to be utilized for this project, but has committed to using silicon-based crystalline modules. The Applicant has not yet selected the specific module vendor, but intends to use a manufacturer that has the capability and experience to provide approximately 1,100,000 modules for this project.

The Applicant would install a collector system made up of a network of electric and communication lines that would transmit the electric power from the solar arrays to a central location, at which point the power would be delivered to the existing high-voltage transmission system.

The electricity from the solar panels would be generated in direct current (“DC”). DC power from the solar panels would be delivered through electric lines, which would travel through cable trays on the racking and then to combiner boxes. Power from the combiner boxes would be transmitted to groups of components, collectively called an inverter, which would include an inverter that converts DC to alternating current (“AC”), a step-up transformer that increases the voltage to 34.5 kV, and a cabinet containing power control electronics.

Each inverter would deliver AC power to a common substation through a system of buried electric lines and associated communication lines. The Applicant intends for each portion of the AC collector system to originate in one of the solar fields and terminate at the substation. The Applicant has committed that those portions of the AC collector system outside the fenced solar fields and fenced substation would be buried at least thirty-six inches below grade. The Applicant

will use warning tape to mark the lines and register the underground facilities with the Ohio Utilities Protection Service.

The project substation would be located on a parcel of land adjacent to a planned Dayton Power and Light 345kV 3-breaker ring bus station. The major components of the substation would be collection line feeders and breakers, a 34.5 kV bus, a main power transformer that steps up the voltage to 138 kV, a high-voltage breaker, metering/relaying transformers, disconnect switches, equipment enclosure containing power control electronics, and a lightning mast. An approximately 30 foot long 138kV transmission line would connect the project substation to the planned Dayton Power and Light substation.

The Applicant proposes to use up approximately 8 miles of access roads during construction and a maximum of 56 miles of internal roads for operation and maintenance of the facility. These roads would consist of aggregate material and/or grass and would be up to 20 feet wide.

Applicant will use pyranometers to measure the solar resource. Up to thirty (30) pyranometers would be installed, all of which would be less than ten (10) feet tall. No meteorological stations would be installed.

II. HISTORY OF THE PROCEEDINGS

On August 31, 2018, the Applicant filed a pre-application notification letter notifying the Board of its plan to develop the Hecate Energy Highland Solar Farm and the date of the public informational meeting to be held regarding the project as required by Ohio Admin. Code 4906-3-03(A).

On September 17, 2018, a public informational meeting regarding the proposed solar-powered electric generating project was held at Whiteoak High School, Student Activities Center, 44 N. High St., Mowrystown, Ohio, 45155.

On September 24, 2018, Applicant filed its proof of notice of the foregoing public information meeting as required by Ohio Admin. Code 4906-3-03(B)(1) and (2) certifying that notice had been provided as set forth therein.

On October 9, 2018, the Applicant filed its application, along with a Motion for Waiver of the requirement of Ohio Admin. Code 4906-4-08(A)(1)(c) to submit the manufacturers' safety manuals or similar documents and any manufacturer recommended setbacks to Staff as part of the detailed engineering drawings of the final Project design, as opposed to being part of the application. The Applicant also filed a Motion for Protective Order pursuant to Ohio Admin. Code 4906-2-21(D) to keep the portion of its application containing sensitive financial information confidential and not part of the public record.

On December 6, 2018, Applicant filed a Supplemental Motion for Waiver to reduce the study area for impacts to landmarks, recreation and scenic areas, and visual impacts set forth in Ohio Admin. Code 4906-4-08(D)(2) through (4) from ten miles to five miles.

On December 6, 2018, Applicant filed a Notice of Supplemental Information Regarding the application that included: (1) GIS mapping data of collection lines and access roads demonstrating no impacts to wetlands and jurisdictional waters as set forth in the application; and (2) a map of culturally significant landmarks within a ten-mile radius of the project pursuant to Ohio Admin. Code 4906-4-08(D)(1).

On December 10, 2018, the Applicant received correspondence from the Board indicating that Staff had received sufficient information to begin its review of the application.

On January 9, 2019, the Ohio Farm Bureau Federation filed a Motion to Intervene. Applicant did not oppose the Ohio Farm Bureau Federation's Motion. However, the ALJ has yet to rule on the Ohio Farm Bureau Federation's Motion.

On January 15, 2019, the ALJ granted Applicant's Motion for Waiver of the requirement of Ohio Admin. Code 4906-4-08(A)(1)(c), as well as its Supplemental Motion for Waiver of the requirements of Ohio Admin. Code 4906-4-08(D)(2) through (4). The ALJ also granted Applicant's Motion for a Protective Order with respect to the financial information set forth in the application that Applicant sought to keep confidential. Finally, the ALJ fixed the dates for the requisite hearings required by R.C. 4906.07(A), as well as the deadlines for the filing of petitions to intervene, the filing of the Staff's report of its investigation, the filing of lists of issues identifying specific concerns about which the parties may be interested in pursuing cross-examination of witnesses at the adjudicatory hearing, and the filing of all expert and factual testimony to be offered at the adjudication.

On January 14, 2019, the Applicant filed its certificate of service indicating that copies of the complete and accepted application had been served upon the appropriate governmental officials and local libraries, as well as its proof of compliance that the Applicant had otherwise met the requirements of Ohio Admin. Code 4906-3-07(C).

On January 30, 2019, Applicant filed its proof of having made the initial public notice of the project as required by Ohio Admin. Code 4906-03-09(A)(1).

On February 20, 2019, Applicant filed a Notice of Modification of the Project Footprint to add an approximately ninety-five (95) acre parcel within the central portion of the project area.

On March 4, 2019, Staff filed its Staff Report of Investigation, reflecting the conclusion of its investigation and its findings and recommendations with respect to the Application for consideration by the Board.²

² The Overview Map at p 8 of the March 4, 2019 Staff Report of Investigation does not include the 95 acre parcel added to the Project subsequent to the filing of the application. This addition was the subject of Applicant's February 20, 2019 Notice of Modification of the Project Footprint. A corrected Overview Map is attached at Exhibit A.

On March 8, 2019, Mark S. Partin filed a Motion to Intervene. Applicant opposed Mr. Partin's Motion on the basis that, *inter alia*, it was untimely. By Order dated March 15, 2019, the ALJ denied Mr. Partin's Motion to Intervene.

On March 12, 2019, Applicant filed its list identifying specific issues about which it may be interested in pursuing cross-examination of witnesses at the adjudicatory hearing.

On March 14, 2019, Applicant filed its proof of having made its second public notice as required by Ohio Admin. Code 4906-3-09.

A local public hearing was held on March 19, 2019 at 6:00 pm at Whiteoak High School, Student Activities Center, 44 N. High St., Mowrystown, Ohio 45155. The adjudicatory hearing is scheduled for March 26, 2019 at 10:00 am at the offices of the PUCO.

On March 20, 2019, Applicant filed its written expert and factual testimony to be offered at the adjudicatory hearing on March 26, 2019.

This Stipulation results from discussions among the Parties who acknowledge that this agreement is amply supported by the record and thus is entitled to careful consideration by the Board. Accordingly, the Parties recommend that the Board issue a Certificate of Environmental Compatibility and Public Need for the proposed Hecate Energy Highland Solar Farm

III. STIPULATION AND RECOMMENDATION

A. Recommended Conditions

- (1) The Applicant shall install the facility, utilize equipment and construction practices, and implement mitigation measures as described in the application and as modified and/or clarified in supplemental filings, replies to data requests, and recommendations in this Staff Report of Investigation.
- (2) The Applicant shall conduct a preconstruction conference prior to the start of any construction activities. Staff, the Applicant, and a representative or representatives of the primary contractor and the 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 conferences for each stage of construction.

- (3) The Applicant shall submit one set of detailed engineering drawings of the final project design to Staff at least 30 days before the preconstruction conference. This 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. The final project layout shall be provided in hard copy and as geographically-referenced electronic data.
- (4) If any changes to the project layout are made 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 are 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) 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 waiver or extension of time.
- (7) As the information becomes known, the Applicant shall file in this proceeding the date on which construction will begin, the date on which construction was completed, and the date on which the facility begins commercial operation.
- (8) 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 fourteen 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.
- (9) The facility shall be operated in such a way as to assure that no more than 300 MW would at any time be injected into the Bulk Power System.
- (10) 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 shall be limited to the hours between 9:00 a.m. and 7:00 p.m. Monday through Saturday;

hoe ram and blasting operations, if required, shall be limited to the hours between 10:00 a.m. and 4:00 p.m., Monday through Saturday. Construction activities that do not involve noise increases above ambient levels at 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.

- (11) Prior to construction, the Applicant shall prepare a Phase I cultural resources survey program for the project area in conjunction with Staff and the Ohio Historic Preservation Office (OHPO). If the resulting survey work discloses a find of cultural, archaeological, or architectural significance, or a site that could be eligible for inclusion on the National Register of Historic Places, then the Applicant shall prepare a modification, or mitigation plan detailing how such site(s) will be avoided or impacts minimized. Any such mitigation effort, if needed, shall be developed in coordination with the OHPO and submitted to Staff for review and acceptance.
- (12) Prior to commencement of any construction, the Applicant shall prepare a landscape and lighting plan that addresses the aesthetic and lighting impacts of the facility where an adjacent non-participating parcel contains a residence with a direct line of sight to the project area. The plan shall include measures such as alternate fencing, vegetative screening, good neighbor agreements, or other measures subject to staff review. The Applicant shall provide the plan to Staff for review and confirmation that it complies with this condition.
- (13) At least 30 days before the preconstruction conference, the Applicant shall provide Staff with a copy of its public information program, for confirmation that it complies with this condition, 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 proposed timeframe for project construction, and a schedule for restoration activities.
- (14) At least 30 days before the preconstruction conference, the Applicant shall provide Staff with a copy of a complaint resolution process to address potential public complaints resulting from facility construction and operation; the resolution process must describe how the public can contact the facility and how the facility would contact anyone issuing a complaint.
- (15) At least seven days prior to the start of facility operations, the Applicant shall notify via mail affected property owners and tenants who were provided notice of the public informational meeting, as well as anyone who has requested updates regarding the project. This notice will provide information about the start of operations and describe how the public can contact the facility.
- (16) During the construction and operation of the facility, the Applicant shall submit to Staff a complaint summary report by the fifteenth day of April, July, October, and December of each year for the first five years of operation. The report should

include a list of all complaints received through the Applicant's complaint resolution process, a description of the actions taken toward a resolution of each complaint, and a status update if the complaint has yet to be resolved.

- (17) The Applicant shall avoid, where possible, or minimize to the extent practicable, any damage to functioning field tile drainage systems and soils resulting from the construction, operation, and/or maintenance of the facility in agricultural areas. Unless otherwise agreed to by the landowner, damaged field tile systems shall be promptly repaired to at least original conditions or modern equivalent at the Applicant's expense.
- (18) Within 30 days after issuance or receipt, the Applicant shall provide Staff a copy of any arrangement or resulting resolution adopted by any county relating to the Payment in Lieu of Taxes (PILOT) program.
- (19) Prior to the preconstruction conference, the Applicant shall submit a vegetation management plan to Staff for review and confirmation that it complies with this condition. The plan would identify all areas of proposed vegetation clearing for the project, specifying the extent of the clearing, and describing how such clearing work would be done as to minimize removal of woody vegetation. The plan shall describe how trees and shrubs along access routes, at construction staging areas, during maintenance operations, and in proximity to any other project facilities would be protected from damage. The plan shall also describe the implementation and maintenance of pollinator-friendly plantings and describe any planned herbicide use. 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 and describe any planned herbicide use.
- (20) Applicant shall adhere to seasonal cutting dates of October 1 through March 31 for the removal of trees three inches or greater in diameter to avoid impacts to Indiana bats and northern long eared bats, unless coordination with the Ohio Department of Natural Resources (ODNR) and the U.S. Fish and Wildlife Service (USFWS) allows a different course of action.
- (21) Construction of loggerhead shrike preferred nesting habitat types shall be avoided during the species' nesting period of April 1 through August 1, unless coordination with the ODNR allows a different course of action.
- (22) The Applicant shall have an environmental specialist on site during construction activities that may affect sensitive areas and as shown on the Applicant's final approved construction plan. Staff shall work with the Applicant in advance of construction to identify at what times the environmental specialist should be on site. Sensitive areas include, but are not limited to, areas of vegetation clearing, designated wetlands and streams, and locations of threatened or endangered species or their identified habitat. The environmental specialist shall be familiar with water quality protection issues and potential threatened or endangered species of plants and animals that may be encountered during project construction.

- (23) The Applicant shall contact Staff, ODNR, and the U.S. Fish and Wildlife Service (USFWS) within 24 hours if state or federal listed species are encountered during construction activities. Construction activities that could adversely impact the identified plants or animals shall be immediately halted until an appropriate course of action has been agreed upon by the Applicant, Staff and the appropriate agencies.
- (24) The Applicant shall provide a construction access plan for review prior to the preconstruction conference. The plan would consider the location of streams, wetlands, wooded areas, and sensitive wildlife and plant species, and explain how impacts to all sensitive resources will be avoided or minimized during construction, operation, and maintenance. The plan would include the measures to be used for restoring the area around all temporary access points, and a description of any long-term stabilization required along permanent access routes.
- (25) Prior to the use of horizontal directional drilling, the Applicant shall provide a frac-out contingency plan detailing monitoring, environmental specialist presence, containment measures, cleanup and restoration.
- (26) Except for the areas necessary for access road and collection line installation or as otherwise approved by Staff, the Applicant shall not clear wooded areas, including scrub/shrub areas, which would lead to fragmentation and isolation of woodlots or reduce connecting corridors between one woodlot and another.
- (27) 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 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 Ohio Department of Transportation, 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.
- (28) The Applicant shall provide the Board's Staff a copy of the transportation management plan and any road use agreement(s) 30 days prior to the preconstruction conference.

B. Other Terms and Conditions

1. This Stipulation is expressly conditioned upon its acceptance by the Board without material modification. In the event the Board rejects or materially modifies all or part of this Stipulation or imposes additional conditions or requirements upon the Parties, each party shall have the right, within thirty (30) days of the Board's Order, to file an application for rehearing

with the Board. Upon an entry on rehearing being issued by the Board maintaining the material modification to the stipulation, each party shall have the right, within ten (10) days of the Board's order on rehearing, to file a notice of termination of, and withdrawal from, the Stipulation. Upon notice of termination and withdrawal of the Stipulation by any party, pursuant to the above provisions, the Stipulation shall immediately become null and void. In such an event, a hearing shall go forward, and the Parties shall be afforded the opportunity to present evidence through witnesses, to cross-examine all witnesses, to present rebuttal testimony, and to file briefs on all issues.

2. The Parties agree and recognize that this Stipulation has been entered into only for the purpose of this proceeding. Each Party agrees not to assert against another party in any proceeding before the Board or any court, other than in a proceeding to enforce the terms of this Stipulation, that party's participation in this Stipulation as support for any particular position on any issue. Each Party further agrees that it will not use this Stipulation as factual or legal precedent on any issue. The Parties request that the Board recognize that its use of this Stipulation in any proceeding other than this proceeding is contrary to the intentions of the parties entering into this Stipulation

IV. RECOMMENDED FINDINGS AND CONCLUSIONS OF LAW

The Parties agree that the record in this case, provided the Board approves the Conditions in this Stipulation, contains sufficient probative evidence for the Board to find and determine, as Findings of Fact and Conclusions of Law, that:

A. Recommended Findings of Fact

1. Hecate Energy Highland, LLC is licensed to do business in the State of Ohio.

2. The Hecate Energy Highland Solar Farm is a proposed 300 MW solar-powered electric generating facility to be located on approximately 3,400 acres in Highland County, Ohio and thus qualified as a major utility facility as defined in R.C. 4906.01(B)(1).

3. On August 31, 2018, the Applicant filed a pre-application notification letter under Case No. 18-1334-EL-BGN notifying the Board of Hecate Energy's plan to develop the facility and the date of the public informational hearing required by Ohio Adm. Code 4906-30-3.

4. On September 17, 2019, Hecate Energy held a public informational meeting on at Whiteoak High School, Student Activities Center, 44 N. High St., Mowrystown, Ohio 45155.

5. On September 24, 2018, Applicant filed its proof of notice of the foregoing public information meeting as required by Ohio Admin. Code 4906-3-03(B)(1) and (2) certifying that notice had been provided as set forth therein.

6. On October 9, 2018, the Applicant filed its application, along with a Motion for Waiver of the requirement of OAC 4906-4-08(A)(1)(c) to submit the manufacturers' safety manuals or similar documents and any manufacturer recommended setbacks to Staff as part of the detailed engineering drawings of the final Project design, as opposed to being part of the application.

7. On December 6, 2018, Applicant filed a Supplemental Motion for Waiver to reduce the study area for impacts to landmarks, recreation and scenic areas, and visual impacts set forth in OAC 4906-4-08(D)(2) through (4) from ten miles to five miles.

8. On December 10, 2018, the Applicant received correspondence from the Board indicating that Staff had received sufficient information to begin its review of the application.

9. On January 9, 2019, the Ohio Farm Bureau Federation filed a Motion to Intervene. Applicant did not oppose the Ohio Farm Bureau Federation's Motion. However, the ALJ has yet to rule on the Ohio Farm Bureau Federation's Motion.

10. On January 15, 2019, the ALJ granted Applicant's Motion for Waiver of the requirement of Ohio Admin. Code 4906-4-08(A)(1)(c), as well as its Supplemental Motion for Waiver of the requirements of Ohio Admin. Code 4906-4-08(D)(2) through (4).

11. On January 14, 2019, the Applicant filed its certificate of service indicating that copies of the complete and accepted application had been served upon the appropriate governmental officials and local libraries, as well as its proof of compliance that the Applicant had otherwise met the requirements of Ohio Admin. Code 4906-3-07(C).

12. On January 30, 2019, Applicant filed its proof of having made the initial public notice of the project as required by Ohio Admin. Code 4906-03-09(A)(1).

13. On March 4, 2019, Staff filed its Staff Report of Investigation, reflecting the conclusion of its investigation and its findings and recommendations with respect to the Application for consideration by the Board.

14. On March 14, 2019, Applicant filed its proof of having made its second public notice as required by Ohio Admin. Code 4906-3-09.

15. A local public hearing was held on March 19, 2019 at 6:00 pm at Whiteoak High School, Student Activities Center, 44 N. High St., Mowrystown, Ohio 45155.

16. The adjudicatory hearing is scheduled for March 26, 2019 at 10:00 am at the offices of the PUCO.

17. Because no electric transmission line or gas pipeline is being proposed in this Application, R.C. 4906.10(A)(1) is not applicable.

18. Adequate data on the Hecate Energy Highland Solar Farm has been provided to determine the nature of the probable environmental impact as required by R.C. 4906.10(A)(2)

19. Adequate data on the Hecate Energy Highland Solar Farm has been provided to determine that the facilities described in the Application and supplemental filings and subject to the Conditions in this Stipulation represent the minimum adverse environmental impact, considering the available technology and nature and economics of the various alternatives, and other pertinent considerations as required by R.C. 4906.10(A)(3).

20. Adequate data on the Hecate Energy Highland Solar Farm has been provided to determine that the proposed electric generating facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving the State of Ohio and interconnected utility systems, that the Hecate Energy Highland Solar Farm will serve the interests of electric system economy and reliability, and the requirements of R.C. 4906.10(A)(4) are met.

21. Adequate data on the Hecate Energy Highland Solar Farm has been provided to determine that this facility will either comply with, or is not subject to, the requirements in the Ohio Revised Code regarding air and water pollution control, withdrawal of waters of the state, solid and hazardous waste, air navigation, and all regulations thereunder, as required by R.C. 4906.10(A)(5).

22. Adequate data on the Hecate Energy Highland Solar Farm has been provided to determine that it will serve the public interest, convenience and necessity, as required by R.C. 4906.10(A)(6).

23. Adequate data on the Hecate Energy Highland Solar Farm has been provided to determine what its impact will be on the viability as agriculture land of any land in the existing

agricultural district established under R.C. Chapter 929 that is located within the site of the proposed facility, as required by R.C. 4906.10(A)(7).

24. Adequate data on the Hecate Energy Highland Solar Farm has been provided to determine that the facility as proposed incorporates maximum feasible water conservative practices, considering available technology and the nature and economics of the various alternatives as required by R.C. 4906.10(A)(8).

25. The record evidence in this matter provides sufficient factual data to enable the Board to make an informed decision.

B. Recommended Conclusions of Law

1. Hecate Energy Highland, LLC is a “person” under R.C. 4906.01(A).

2. The proposed Hecate Energy Highland Solar Farm is a major utility facility as defined in R.C. 4906.01(B)(1).

3. The record establishes the nature of the probable environmental impact from construction, operation and maintenance of the Hecate Energy Highland Solar Farm under R.C. 4906.10(A)(2).

4. Application, and the record establishes that the Hecate Energy Highland Solar Farm described in the Application, and subject to the conditions in this Stipulation represent the minimum adverse environmental impact, considering the state of available technology, and the nature and economics of the various alternatives, and other pertinent considerations under R.C. 4906.10(A)(3).

5. The record establishes that the Hecate Energy Highland Solar Farm is consistent with regional plans for expansion of the electric power grid of the electric systems serving the

State of Ohio and interconnected utility systems, and will serve the interests of electric system economy and reliability as required by R.C. 4906.10(A)(4).

6. The record establishes, as required by R.C. 4906.10(A)(5) that to the extent that it is applicable, construction of the proposed Hecate Energy Highland Solar Farm will comply with the requirements in the Ohio Revised Code regarding air and water pollution control, withdrawal of waters of the state, solid and hazardous waste, air navigation, and all rules and standards adopted under the relevant Chapters of the Ohio Revised Code.

7. The record establishes that the Hecate Energy Highland Solar Farm described in the Application, and subject to the conditions in this Stipulation, will serve the public interest, convenience and necessity under R.C. 4906.10(A)(6).

8. The impact of the Hecate Energy Highland Solar Farm on the viability as agricultural land of any land in an existing agricultural district has been determined under R.C. 4906.10(A)(7).

9. The record establishes that the Hecate Energy Highland Solar Farm would incorporate maximum feasibility water conservation practices under R.C. 4906.10(A)(8).

10. Based on the record, the Parties recommend that the Board issue a Certificate of Environmental Compatibility and Public Need for construction, operations and maintenance of the Hecate Energy Highland Solar Farm.

The undersigned hereby stipulate, agree and represent that they are authorized to enter into this Joint Stipulation and Recommendation on this 25th day of March, 2019. Furthermore, the Parties expressly agree that this Joint Stipulation and Recommendation may be amended and/or supplemented in a writing executed by the Parties.

Respectfully submitted,

/s/Thomas Lindgren (per email authorization, KAW)

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Summary: Stipulation Joint Stipulation and Recommendation electronically filed by Ms. Karen A. Winters on behalf of Hecate Energy Highland LLC