

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 May 7, 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. After filing an affidavit of publication demonstrating its compliance with the notice requirements of Ohio Adm.Code 4906-3-03, and holding a public information meeting on November 14, 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, on December 3, 2018.¹

{¶ 4} By Entry dated January 17, 2019, the administrative law judge (ALJ) granted motions filed by Applicant to waive certain provisions of the Board's rule requirements and a motion for protective order to keep portions of its application confidential.

{¶ 5} By letter dated February 1, 2019, the Board notified Angelina that its application was compliant with pertinent statutory and administrative code requirements

¹ 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.

and provided sufficient information to permit Staff to commence its review and investigation. And, 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.

{¶ 6} By Entry dated February 14, 2019, the ALJ issued a procedural schedule that announced an effective date for Angelina's application; set filing deadlines for petitions to intervene, Staff's report of investigation (Staff Report), an issues list, and direct testimony; established dates and locations for a local public hearing and an evidentiary hearing; and directed Angelina to publish public notice of the hearings and additional information required by Ohio Adm.Code 4906-3-09. Pursuant to that Entry and in accordance with Ohio Adm.Code 4906-3-09(A)(1), Angelina filed initial proofs of publication of public notice on March 15, 2019, and March 27, 2019. The Staff Report was filed on April 15, 2019, and several entities filed issues lists by the deadline of April 24, 2019. Angelina filed proof of its second public notice pursuant to Ohio Adm.Code 4906-3-09(A)(2) on April 26, 2019.

{¶ 7} Meanwhile, by Entry dated April 18, 2019, the ALJ granted the various notices and motions to intervene filed by the Preble County Commissioners; Kyle Cross, the Preble County Engineer; the Preble County Soil & Water Conservation District; the Board of Trustees of Israel Township; the Board of Trustees of Dixon Township; the Eaton Community School District; the Ohio Farm Bureau Federation; and Concerned Citizens of Preble County, LLC, Robert Black, Marja Brandly and Michael Irwin, Campbell Brandly Farms, LLC, Kevin and Tina Jackson, Vonderhaar Family ARC, LLC, and Vonderhaar Farms, Inc.

{¶ 8} The local public hearing occurred as scheduled on April 30, 2019.

{¶ 9} Subsequently, on May 3, 2019, Angelina filed a motion to call and continue the evidentiary hearing and request for expedited ruling. Angelina requests that the record for the evidentiary hearing be opened as scheduled on May 14, 2019, but then be continued to

a future date such that the parties can engage in settlement discussions. For cause, Angelina points to the need to accommodate settlement discussions to attempt to resolve some or all of the issues in this proceeding within what is, currently, a strained case schedule; Angelina also notes that opening the evidentiary hearing as scheduled on May 14, 2019, will preserve its efforts to publish notice of the hearing as required by Ohio Adm.Code 4906-3-09. Angelina states that, prior to filing the motion, it contacted all parties and none opposes the motion nor its request for an expedited ruling.

{¶ 10} Upon review, the ALJ finds that Angelina's motion to call and continue the evidentiary hearing is reasonable and should be granted. The ALJ will open the evidentiary record in this matter as scheduled on May 14, 2019, at 10:00 a.m., will take appearances of counsel, and will take testimony from members of the public who are present before adjourning for the day to reconvene the hearing at a later date. All parties will be expected to remain and participate in settlement negotiations, as well as discuss and propose a date to resume the evidentiary proceedings, which date will be set by future entry.

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That Angelina's motion to call and continue the evidentiary hearing be granted as stated in Paragraph 10. It is, further,

{¶ 13} 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

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Summary: Administrative Law Judge Entry granting Angelina's motion to call and continue evidentiary hearing electronically filed by Heather A Chilcote on behalf of Patricia A. Schabo, Administrative Law Judge, Power Siting Board