

BEFORE THE OHIO POWER SITING BOARD

**In the Matter of the Application of Alamo)
Solar I, LLC, for a Certificate of)
Environmental Compatibility and Public)
Need to Construct a Solar Electric Generation)
Facility in Preble County, Ohio)**

Case No. 18-1578-EL-BGN

**MOTION FOR LEAVE TO INTERVENE OF THE
PREBLE SHAWNEE LOCAL SCHOOL DISTRICT**

Pursuant to Ohio Administrative Code Section 4906-2-12, the Preble Shawnee Local School District ("Preble Shawnee") hereby moves to intervene in Case Number 18-1578-EL-BGN as a full party of record.

The attached memorandum in support sets forth Preble Shawnee's real and substantial interest in this matter that is not represented by existing parties. Preble Shawnee's intervention will contribute to a just and expeditious resolution of the issues involved in the proceeding, will not unduly delay the proceeding, and will not unjustly prejudice an existing party.

Respectfully submitted,

/s/Thaddeus M. Boggs

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**MEMORANDUM IN SUPPORT
OF MOTION FOR LEAVE TO INTERVENE OF THE
PREBLE SHAWNEE LOCAL SCHOOL DISTRICT**

Preble Shawnee Local School District (“Preble Shawnee”) moves to intervene in the above-referenced case as a full party of record, pursuant to Section 4906-2-12 of the Ohio Administrative Code. The school board has authorized this action. (See Exhibit A.) Section 4906-2-12 provides that the Board or administrative law judge may grant leave to intervene upon a showing of good cause, considering the following factors:

1. The nature and extent of the potential intervenor’s interest;
2. The extent to which the potential intervenor’s interest is represented by existing parties;
3. The potential intervenor’s potential contribution to a just and expeditious resolution of the issues involved in the proceeding; and
4. Whether granting the requested intervention would unduly delay the proceeding or unjustly prejudice an existing party.

Preble Shawnee’s intervention would satisfy these considerations, and its motion for leave to intervene should be granted.

A. Preble Shawnee Local School District has a real and substantial interest in this matter that is not represented by existing parties.

Preble Shawnee is a K–12 public school district located in Preble County, Ohio, serving the Villages of Camden, Gratis, and West Elkton, and surrounding areas in Gasper, Somers, and Gratis Townships. The location of the approximately 1,000-acre facility proposed in this application includes approximately 355 acres in the Preble Shawnee Local School District.

Preble Shawnee derives a significant percentage of its revenues from taxes levied on real property located within its district boundaries. Additionally, Preble Shawnee levies an income tax within its district boundaries. The applicant states that the project is anticipated to be a qualified energy project (“QEP”) under Section 5727.75 of the Ohio Revised Code, eligible for exemption from real property taxes for the duration of its operation. The applicant has also stated that it will pay service payments in lieu of taxes throughout the exemption period.

Without question, the decision to approve or deny the application will have significant financial impacts on Preble Shawnee. Preble Shawnee, at this time, has not adopted a position of support or opposition to the application, and Preble Shawnee is actively evaluating scenarios to determine which will be net-positives for Preble Shawnee. The financial impacts of the facility, whether determined to be positive or negative, will be particularly acute for Preble Shawnee due to the substantial acreage involved in proportion to Preble Shawnee’s total acreage. By comparison, while the County levies real property taxes, those are levied upon properties throughout the entire county, and so the relative impact on the County is less. The County also has additional opportunity for service payments in lieu of taxes from the facility if it is determined to be a QEP for tax exemption. *See* R.C. §5727.75(E). Preble Shawnee’s interests would not adequately be represented by the County’s participation in the proceeding.

Preble Shawnee understands that the Eaton Community School District has been permitted to intervene in this proceeding. While Preble Shawnee anticipates that its interests generally align with those of the Eaton CSD, Preble Shawnee is also a unique entity with its own perspective.

Additionally, the application notes that a significant number of people will be involved in the construction of the project. If these individuals relocate their families to Preble Shawnee and have school-aged children, their children may attend Preble Shawnee schools. Preble Shawnee has a real and substantial interest in participating in this proceeding to ascertain the demands that the facility will place on district resources and to advocate for Preble Shawnee's interests, which are not represented by other parties.

Finally, Preble Shawnee's long-term sustainability depends upon a community that is attractive to residents and potential residents as a place to raise and educate their children. Factors may include property values in areas near the requested facility, which in turn are impacted by viewsheds, stormwater and groundwater impacts, and the availability of safe, affordable, and reliable supplies of electric service.

These factors directly affect the real and substantial interests of Preble Shawnee and bear directly upon the question of whether the requested facility will "serve the public interest, convenience, and necessity," one of the siting factors to be considered by the Board or administrative law judge per Section 4906.10 of the Ohio Revised Code.

B. Preble Shawnee's participation would contribute to a just and expeditious resolution of the issues in the proceeding.

School district finance in Ohio is a complicated system with numerous variables—taxable values of real property, incomes within the district, the effect of facilities on a school district's state-funding calculation, etc. Preble Shawnee has the expertise to bring these

considerations before the Board or administrative law judge so that the District's real and substantial interests are not overlooked.

If granted leave to intervene pursuant to this timely motion, Preble Shawnee will work diligently and promptly to participate in these proceedings and work with other parties to create a useful record for the Board and administrative law judge's evaluation of this application.

C. Preble Shawnee's participation will not unduly prejudice any existing party.

Preble Shawnee approaches this application with an open mind and has not taken a position in support of, or in opposition to, this application. By requesting intervention, Preble Shawnee simply hopes to have its real and substantial interests represented in the proceeding. Preble Shawnee reserves the right to take a position either in support of, or opposition to, the application at a later date. But if it does take a position, that position will be the result of Preble Shawnee's contribution to development of the relevant issues and so will not unjustly prejudice any existing party.

CONCLUSION

Because the Preble Shawnee Local School District has a real and substantial interest in this proceeding that is not represented by an existing party, and because Preble Shawnee's participation in the proceeding will contribute to the just and expeditious resolution of the proceeding without causing undue delay or unjust prejudice to any existing party, Preble Shawnee respectfully requests that its motion for leave to intervene be GRANTED.

Respectfully submitted,

/s/Thaddeus M. Boggs

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that, in addition to e-service through the Board's DIS system, a true and accurate copy of the foregoing Motion for Leave to Intervene, and Memorandum in Support of that Motion, were served by electronic mail on this 9th day of May, to the persons listed below:

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Summary: Motion Motion for Leave to Intervene of the Preble Shawnee Local School District electronically filed by Mr. Thaddeus M Boggs on behalf of Preble Shawnee Local School District