

THE 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 29, 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. Subsequently, on December 3, 2018, and having completed steps mandated by Ohio law, 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.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 and provided sufficient information to permit Staff to commence its review and

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.

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 intended to govern this proceeding. As is currently relevant, the ALJ scheduled a local public hearing for April 30, 2019, and an evidentiary hearing for May 14, 2019. The local public hearing occurred as scheduled on April 30, 2019.

{¶ 7} Meanwhile, on April 18, 2019, the ALJ issued an Entry granting 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} By Entry issued May 7, 2019, the ALJ granted a May 3, 2019 motion to call and continue the evidentiary hearing filed by Angelina. As contemplated by the May 7, 2019 Entry, the evidentiary hearing commenced as originally scheduled on May 14, 2019, but was adjourned for the day to reconvene at a date to be set by subsequent entry. Later, in an Entry issued May 17, 2019, the ALJ determined that the evidentiary hearing should reconvene on June 18, 2019.

{¶ 9} Subsequently, on May 28, 2019, Staff filed a motion to continue the evidentiary hearing. Staff moves to delay the recommencement of the evidentiary hearing one day, until June 19, 2019, due to a scheduling conflict on the calendar of Staff's attorney. Counsel represents that all parties were contacted regarding the request, and none has an objection to the proposed continuance.

{¶ 10} The ALJ finds that Staff's motion to continue the evidentiary hearing is reasonable and should be granted. Accordingly, the evidentiary hearing shall recommence on Wednesday, June 19, 2019, at 10:00 a.m., in Hearing Room 11-A, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That Staff's motion to 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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Commission of Ohio Docketing Information System on

5/29/2019 2:54:01 PM

in

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

Summary: Administrative Law Judge Entry continuing evidentiary hearing to June 19, 2019 electronically filed by Heather A Chilcote on behalf of Patricia A. Schabo, Administrative Law Judge, Power Siting Board