

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 June 14, 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} Pursuant to subsequent Entries, the ALJ issued a procedural schedule, granted various notices and motions to intervene by effected governmental entities and a group of concerned citizens, granted a motion filed by Angelina to call and continue the original evidentiary hearing, established a date to reconvene the hearing, and granted a motion filed by Staff to continue the hearing. As result of those entries, the evidentiary hearing is currently scheduled to reconvene on June 19, 2019.

{¶ 7} On June 14, 2019, Applicant filed a joint stipulation and recommendation (Stipulation) entered into by Angelina, the Ohio Farm Bureau Federation, the Preble County Commissioners, 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 Preble County Planning Commission, and the Staff of the Ohio Power Siting Board.²

{¶ 8} Also on June 14, 2019, Applicant filed a motion to continue the evidentiary hearing and request for expedited ruling. Angelina requests that the evidentiary hearing be continued such that the parties have time to prepare testimony regarding the terms of the Stipulation. Angelina proposes that the June 19, 2019 hearing date be converted into a status conference where the parties can discuss with the ALJ, either in person or telephonically, dates for submitting testimony in support of or against the Stipulation, as well as a new date for the evidentiary hearing to reconvene. For additional cause, Angelina represents that one of its intended witnesses is not available for the currently scheduled hearing date and that a continuance will allow for the witness's participation. Finally, Applicant's counsel

² Not joining the Stipulation are the Eaton Community School District and the 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.

represents that counsel for all other parties have been contacted, and none oppose the continuance or an expedited ruling without further memoranda.

{¶ 9} The ALJ finds that Angelina's motion to continue the evidentiary hearing and suggestion to hold a status conference to discuss future dates is reasonable and should be granted. Accordingly, the evidentiary hearing currently scheduled to recommence on June 19, 2019, is cancelled and will be continued to a date determined by subsequent entry. Meanwhile, the ALJ will conduct a telephonic status conference on June 19, 2019 at 10:00 a.m. Counsel for Angelina shall contact the ALJ and all parties with a conference-call number and all information necessary to participate in that call prior to the scheduled date.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That Angelina's motion to continue the evidentiary hearing be granted as stated in Paragraph 9. It is, further,

{¶ 12} ORDERED, That counsel for Angelina provide the necessary information for the ALJ to conduct a telephonic status conference with counsel for all parties on June 19, 2019, at 10:00 a.m. as stated in Paragraph 9. 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

MJA/hac

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

Summary: Administrative Law Judge Entry granting motion for continuance and ordering Angelina to provide information for telephonic status conference electronically filed by Heather A Chilcote on behalf of Patricia A. Schabo, Administrative Law Judge, Power Siting Board