

## 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.

CASE NO. 18-1578-EL-BGN

### ENTRY

Entered in the Journal on September 24, 2020

{¶ 1} Alamo Solar I, LLC (Alamo 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, Alamo, a subsidiary of Blue Planet Renewable Energy, LLC, filed a pre-application notification letter with the Board regarding its proposed 89.9 megawatt (MW) solar electric generating facility in Gasper and Washington 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 13, 2018, Alamo 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 (the Project) of up to 69.9 MW in Preble County, Ohio on December 10, 2018, as supplemented on January 31, 2019.<sup>1</sup>

{¶ 4} By letter dated February 8, 2019, the Board notified Applicant that its application was compliant with pertinent statutory and administrative code requirements and provided sufficient information to permit the Board to commence its review and investigation of the application. On March 20, 2019, Alamo filed its certificate of service of

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<sup>1</sup> Alamo explains that the application seeks approval for 69.9 MW which is revised since the issuance of the pre-application notification letter.

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.

{¶ 5} Pursuant to the administrative law judge (ALJ) Entry of June 10, 2019, the evidentiary hearing in this matter was scheduled for a call and continue on June 26, 2019, with the evidentiary hearing to reconvene on July 17, 2019.

{¶ 6} On July 5, 2019, Alamo filed a Joint Stipulation and Recommendation (Stipulation) executed by Alamo; the Staff of the Ohio Power Siting Board; Ohio Farm Bureau Federation; Preble County Commissioners; the Preble County Engineer; Preble County Soil and Water Conservation District; the Gasper Township Board of Trustees; the Washington Township Board of Trustees; and the Preble County Planning Commission (collectively, Signatory Parties). The Eaton Community School District; Preble Shawnee Local School District; and the Concerned Citizens of Preble County, LLC, (CCPC), consisting of Eric and Kelly Altom, Mary Bullen, Camden Holdings, LLC, John and Joanna Clippinger, Joseph and Linda DeLuca, Jason and Tonya Heggs, Donn Kolb as trustee for the Donn E. Kolb Revocable Living Trust, Doris Jo Ann Kolb as the trustee for the Doris Jo Ann Kolb Revocable Living Trust, Kenneth and Elaine Kolb, James and Carla Lay, Clint and Jill Sorrell, John and Linda Wambo, John Frederick Winter, and Michael and Patti Young (collectively, CCPC members) did not join in the Stipulation.

{¶ 7} Beginning on July 17, 2019, the ALJs conducted the adjudicatory hearing where the Stipulation was presented for the Board's consideration. On September 13, 2019, Alamo, Staff, and CCPC filed initial post-hearing briefs. Reply briefs were submitted by the same parties on September 27, 2019. To date, the Board has not issued a final order regarding Alamo's application.

{¶ 8} On March 9, 2020, the governor signed Executive Order 2020-01D (Executive Order), declaring a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19. As described in the Executive Order, state agencies are required to implement procedures consistent with recommendations from the Department

of Health to prevent or alleviate the public health threat associated with COVID-19. Additionally, all citizens are urged to heed the advice of the Department of Health regarding this public health emergency in order to protect their health and safety. The Executive Order was effective immediately and will remain in effect until the COVID-19 emergency no longer exists. The Department of Health is making COVID-19 information, including information on preventative measures, available via the internet at [coronavirus.ohio.gov/](https://coronavirus.ohio.gov/).

{¶ 9} On July 30, 2020, the Signatory Parties filed an Amended and Restated Joint Stipulation and Recommendation (Amended Stipulation). With the Amended Stipulation, these parties also filed a joint motion to reopen the hearing record and to schedule a prehearing conference. No memoranda contra were filed in response to the joint motion.

{¶ 10} By Entry dated September 14, 2020, the ALJ granted the motion to reopen the hearing record upon finding that the Signatory Parties demonstrated good cause to reopen the record for the purpose of considering the Amended Stipulation and any testimony in support of, or in opposition to, the same. Additionally, the ALJ scheduled a prehearing conference to take place by remote-access technology on September 18, 2020.

{¶ 11} Based on a discussion held at the scheduled prehearing conference, during which all counsel participated, the ALJ finds that the following procedural schedule shall take effect:

- (a) Testimony shall be filed by October 9, 2020.
- (b) Any motions to strike testimony shall be filed by October 16, 2020.
- (c) Any memoranda contra motions to strike testimony shall be filed by October 21, 2020.
- (d) All exhibits intended to be used on direct and cross-examination shall be marked and exchanged by the parties and provided to the ALJs via electronic means no later than 10:00 a.m. EST on October 22, 2020. The

parties are not required to re-file or exchange information that is already included in the case docket. Counsel should be mindful of exhibits already marked and admitted into the record during the previous hearing.

- (e) The evidentiary hearing shall be conducted using virtual hearing technology on October 26, 2020, and October 27, 2020, with each hearing day beginning at 10:00 a.m. EST.
- (f) Counsel shall participate in a technology test session prior to the hearing.
- (g) Instructions for participation in both the technology test session and the evidentiary hearing will be emailed to the parties.
- (h) Anyone interested in attending the evidentiary hearing as a non-party can access the hearing using the link <http://bit.ly/18-1578-EVH>, and entering the password OPSB, or by calling 1-408-418-9388, and entering code 173-375-9000.

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That the evidentiary hearing will be conducted via remote-access technology on October 26, 2020, and October 27, 2020, as stated in Paragraph 11. It is, further,

{¶ 14} ORDERED, That the parties observe the procedural schedule set forth in Paragraph 11. It is, further,

{¶ 15} ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE OHIO POWER SITING BOARD

/s/Lauren L. Augostini

By: Lauren L. Augostini  
Administrative Law Judge

SJP/hac

**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 18-1578-EL-BGN**

Summary: Administrative Law Judge Entry ordering that the evidentiary hearing be conducted via remote-access technology on October 26, 2020, and October 27, 2020, as stated in Paragraph 11 and that the parties observe the procedural schedule set forth in Paragraph 11 electronically filed by Heather A Chilcote on behalf of Lauren L. Augostini, Administrative Law Judge, Power Siting Board