

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 September 25, 2020

{¶ 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 a proposed 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 megawatts in Preble County, Ohio.

{¶ 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 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 issued February 14, 2019, the ALJ issued a procedural schedule, which was altered by subsequent Entries such that the evidentiary hearing was called-and-continued on the original hearing date but eventually scheduled to reconvene on July 31, 2019.

{¶ 7} On June 14, 2019, a Joint Stipulation and Recommendation (Stipulation) executed by Angelina; the Ohio Farm Bureau Federation; the Preble County Commissioners; the Preble County Engineer; the Preble Soil & Water Conservation District; the Board of Trustees of Israel Township, the Board of Trustees of Dixon Township; the Preble County Planning Commission; and Board Staff (collectively, Signatory Parties) was filed. The Eaton Community School District did not join the Stipulation. The Concerned Citizens of Preble County, LLC, Robert Black, Marja Brandly, Michael Irwin, Campbell Brandly Farms, LLC, Kevin and Tina Jackson, Vonderhaar Family ARC, LLC, and Vonderhaar Farms, Inc. (collectively, CCPC) actively opposed the Stipulation.¹

{¶ 8} On July 31, 2019, the hearing reconvened as scheduled, carried over to August 1, 2019, and convened again on August 12, 2019; the hearing reconvened on September 10, 2019, for the purpose of taking rebuttal testimony. On October 18, 2019, Angelina, Staff, and CCPC filed initial post-hearing briefs. Reply briefs were submitted by the same parties on November 1, 2019.

{¶ 9} 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

¹ The ALJ granted intervenor status to each of these named entities in an April 18, 2019 Entry.

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/.

{¶ 10} On July 29, 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 party opposed the motion.

{¶ 11} By Entry dated September 14, 2020, the ALJ granted the motion to reopen the hearing record upon finding that the Signatory Parties had 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. In the same Entry, the ALJ scheduled a prehearing conference to take place by remote-access technology on September 18, 2020.

{¶ 12} Based on discussion at the scheduled conference, at which all counsel participated, the ALJ finds that the following procedural schedule should be established:

- (a) Testimony shall be filed by October 13, 2020.
- (b) Any motions to strike testimony shall be filed by October 19, 2020.
- (c) Any memoranda contra motions to strike testimony shall be filed by October 23, 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 23, 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 29, 2020 and October 30, 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 <https://bitly/18-1579-EVH>, and entering the password OPSB, or by calling 1-408-418-9388, and entering access code/event number 173-668-1285.

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That the evidentiary hearing will be conducted via remote-access technology on October 29, 2020, and October 30, 2020, as stated in Paragraph 12. It is, further,

{¶ 15} ORDERED, That the parties observe the procedural schedule set forth in Paragraph 12. It is, further,

{¶ 16} 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

JRJ/hac

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

Summary: Administrative Law Judge Entry ordering that the evidentiary hearing will be conducted via remote-access technology on October 29, 2020, and October 30, 2020, as stated in Paragraph 12 and hat the parties observe the procedural schedule set forth in Paragraph 12 electronically filed by Heather A Chilcote on behalf of Patricia A. Schabo, Administrative Law Judge, Power Siting Board