

## THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF  
YELLOWBUD SOLAR, LLC FOR A  
CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY AND PUBLIC NEED.

CASE NO. 20-972-EL-BGN

### ENTRY

Entered in the Journal on December 30, 2020

{¶ 1} Yellowbud Solar, LLC (Yellowbud) is a person as defined in R.C. 4906.01.

{¶ 2} Pursuant to R.C. 4906.04, no person shall construct a major utility facility without first having obtained a certificate from the Ohio Power Siting Board (Board). In seeking a certificate, Yellowbud must comply with the filing requirements outlined in R.C. 4906.04, as well as Ohio Adm.Code Chapters 4906-2 through 4906-4.

{¶ 3} On July 21, 2020, Yellowbud filed an application with the Board for a certificate of environmental compatibility and public need to construct a 274 megawatt solar-powered electric generation facility in Ross and Pickaway counties, Ohio.

{¶ 4} By Entry issued October 7, 2020, the effective date of the application was established as October 7, 2020, the public hearing scheduled for December 15, 2020, and the adjudicatory hearing scheduled to commence on January 12, 2021. Also, the October 7, 2020 Entry advised that the Board would accept petitions to intervene up to 30 days following the service of the notice required by Ohio Adm.Code 4906-3-09 or by November 16, 2020, whichever is later, and established a procedural schedule directing Staff to file its report of investigation on or before November 30, 2020; parties to file a list of issues citing specific concerns about which they may be interested in pursuing cross-examination of witnesses at the adjudicatory hearing by December 29, 2020; Yellowbud to file all expert and factual testimony by December 31, 2020; Staff and intervenors to file all expert and factual testimony by January 6, 2021; and parties to file any stipulation no later than 12:00 p.m. on January 8, 2021, along with associated testimony supporting the stipulation.

{¶ 5} On November 13, 2020, the Ohio Farm Bureau Federation (OFBF) filed a motion to intervene in this proceeding. In its motion, OFBF asserts that it has a real and substantial interest in this matter. More specifically, OFBF asserts that it is a non-profit organization representing agricultural and rural community interests and includes as members hundreds of families in Ross and Pickaway counties. OFBF asserts that its members have an interest in solar energy development in order to enhance their income, to ensure construction activities adhere to proper procedures, and to address environmental considerations. No memorandum contra OFBF's motion to intervene was filed.

{¶ 6} The Staff filed the Report of Investigation on November 30, 2020.

{¶ 7} The public hearing was held, as scheduled, on December 15, 2020.

{¶ 8} On December 29, 2020, Yellowbud filed notice of a list of issues citing specific concerns about which it may be interested in pursuing cross-examination of witnesses at the adjudicatory hearing.

{¶ 9} On December 30, 2020, Yellowbud and Staff filed a joint motion to continue deadlines for filing of expert and factual testimony and a request for an expedited ruling. In support of the motion, the joint movants state that they and OFBF have been engaged in discussions regarding a possible stipulation in this proceeding but note that these discussions are not likely to be completed by Yellowbud's December 31, 2020 deadline to file expert and factual testimony. To allow for sufficient time to engage in settlement discussions and, if a stipulation is reached, to enable Yellowbud to file one set of testimony that supports the stipulation instead of two sets of testimony, the joint movants request that the December 31, 2020 deadline for Yellowbud to file its expert and factual testimony be extended to January 6, 2021, and request that the January 6, 2021 deadline for Staff and intervenors to file expert and factual testimony be extended to January 8, 2021. The parties further request that all other deadlines established by the October 7, 2020 Entry remain the same. Finally, the joint movants state that OFBF supports and does not oppose this motion.

{¶ 10} In accordance with Ohio Adm.Code 4906-2-12, the administrative law judge (ALJ) finds that the motion to intervene filed by OFBF is reasonable and should be granted.

{¶ 11} In accordance with Ohio Adm.Code 4906-2-7, the ALJ finds that the joint motion to continue deadlines for filing of expert and factual testimony is reasonable and should be granted to allow the parties to engage in settlement discussions. The ALJ directs Yellowbud to file its expert and factual testimony on or before January 6, 2021, and directs Staff and OFBF to file its expert and factual testimony by January 8, 2021. The remaining procedural deadlines established in the October 7, 2020 Entry will remain the same.

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That OFBF's motion to intervene be granted. It is, further,

{¶ 14} ORDERED, That the joint motion to continue deadlines for filing of expert and factual testimony be granted and that Yellowbud file its expert and factual testimony on or before January 6, 2021, and that Staff and OFBF file their expert and factual testimony by January 8, 2021. It is, further,

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

THE OHIO POWER SITING BOARD

/s/ Matthew J. Sandor

By: Matthew J. Sandor  
Administrative Law Judge

MJA/kck

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

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**Case No(s). 20-0972-EL-BGN**

Summary: Administrative Law Judge Entry granting OFBF's motion to intervene; ordering that the joint motion to continue deadlines for filing of expert and factual testimony be granted and that Yellowbud file its expert and factual testimony on or before January 6, 2021, and that Staff and OFBF file their expert and factual testimony by January 8, 2021.  
electronically filed by Kelli C. King on behalf of Matthew Sandor, Administrative Law Judge,  
Ohio Power Siting Board