

BEFORE THE OHIO POWER SITING BOARD

In the Matter of the Application of)
Yellowbud Solar, LLC for a)
Certificate of Environmental) **Case No. 20-0972-EL-BGN**
Compatibility and Public Need)

JOINT STIPULATION AND RECOMMENDATION

I. INTRODUCTION

Applicant Yellowbud Solar, LLC (“Yellowbud” or “Applicant”), the Ohio Farm Bureau Federation, and the Staff of the Ohio Power Siting Board (“Staff”), at times collectively referred to as the “Parties,” submit this Joint Stipulation and Recommendation (“Stipulation”) for adoption by the Ohio Power Siting Board (the “Board”). This Stipulation is intended by the Parties to resolve all matters pertinent to the certification and construction of the proposed Yellowbud Solar Project (“Project”).

The Applicant intends to build the Project as an up to 274 MW solar-powered generating facility in Deerfield and Union Townships in Ross County, and Deercreek and Wayne Townships in Pickaway County, Ohio. The Project would consist of large arrays of photovoltaic (“PV”) modules, commonly referred to as solar panels, ground-mounted on a tracking rack system. The Project would also include associated support facilities, such as access roads, meteorological stations, underground and/or overhead electric collection lines, inverters and transformers, a substation, a 138 kV gen-tie line, a point of interconnection switchyard, and an operations and maintenance building. The point of interconnection including a short gen-tie line from the Project substation and a switchyard with line loop to connect to the existing 138 kV line will be the subject of a separate application(s) to the Board.

The Applicant has not yet selected the PV modules or racking system to be utilized for the Project. However, the Applicant anticipates that depending on the PV module selected, the facility would include approximately 833,000 panels. The Applicant would install a collector system made up of a network of electric and communication lines that would transmit the electric power from the solar arrays to a central location.

The electricity from the solar panels would be generated in direct current (“DC”). DC power from the solar panels would be delivered to circuits, which would be routed through cable trays, then to combiner boxes through cable that will be buried or attached to the racking system. Power from the combiner boxes would be transmitted to an inverter through underground cables. Each inverter would deliver alternating current (“AC”) power to the project substation through a system of collection lines, which would be installed underground by open cut trench, plowed method, or horizontal directional drilling, or located overhead on poles. The below grade portion of the collector system would be buried at least 36 inches, and the Project will include a substation located on a parcel of land near the intersection of Westfall Road and Lutz Road.

The Applicant proposes to construct approximately 27.6 miles of new access roads for use in connection with the Project. The access roads would consist of aggregate gravel and would not exceed 16 feet in width. The Project will also include up to nine meteorological stations that would be approximately 20 feet tall and installed on a concrete base adjacent to inverters. The meteorological stations would include pyranometers, which measure the solar resource, an anemometer to measure wind speed and direction, and a thermometer.

The Project would also include an operations and maintenance building approximately 100 feet long by 50 feet wide and 20 feet tall, and would include a 40,000 square foot parking lot.

II. HISTORY OF THE APPLICATION

On May 4, 2020, the Applicant filed a motion for waiver of the requirement to conduct an in-person public informational meeting. The motion was granted on May 26, 2020.

On June 5, 2020, the Applicant filed a pre-application notification letter regarding the Project.

On June 19, 2020, the Applicant filed a proof of notice of public informational meeting, indicating that notice of its June 22, 2020 public informational meeting was mailed to affected landowners on May 29, 2020, and published in the Circleville Herald and Chillicothe Gazette on June 6, 2020, newspapers of general circulation in Pickaway and Ross Counties.

On June 22, 2020, the Applicant held web-based and phone-based public informational meetings regarding the Project.

On July 6, 2020, the Applicant filed a motion for waiver from Ohio Adm.Code 4906-4-08(D)(2) and (D)(4) to allow for a reduced study area regarding the impact on landmarks and visual impact of the facility. The motion was granted on July 9, 2020.

On July 21, 2020, the Applicant filed the Project Application as well as a motion for protective order to keep portions of its Application confidential.

On August 28, 2020, the Applicant filed a supplement to the Application as the result of the completion of additional cultural resource surveys along with the receipt of concurrence letters from the State Historic Preservation Office, as well as a motion for protective order to keep portions of its Application supplement confidential.

On September 21, 2020, the Executive Director of the Board issued a letter of compliance regarding the Application to the Applicant.

On September 22, 2020, the Applicant filed a proof of service, indicating that a copy of its accepted, complete Application was served upon the appropriate governmental officials and local libraries.

On October 7, 2020, the Administrative Law Judge issued an Entry scheduling hearings in the matter, directing the Staff to file its Staff Report of Investigation, and for parties to file their issues list and testimony.

On October 27, 2020, the Applicant filed a proof of initial public notice and publication of initial public notice, indicating that notice of its accepted, complete Application was mailed to affected landowners and appropriate governmental officials on October 15, 2020, and published in the Circleville Herald and Chillicothe Gazette on October 6, 2020 and October 15, 2020, newspapers of general circulation in Pickaway and Ross Counties.

On November 13, 2020, the Ohio Farm Bureau Federation filed a motion to intervene.

On November 30, 2020, the Staff filed its Staff Report of Investigation.

A remote local public hearing was held on December 15, 2020 at 6:00 p.m. A remote adjudicatory hearing has been scheduled for January 12, 2021 at 10:00 a.m.

This summary of the history of the Application does not include every filing in Case No. 20-0972-EL-BGN. The docketing record for this case, which lists all documents filed to date, can be found online at <http://dis.puc.state.oh.us>.

This Stipulation results from discussions among the Parties who acknowledge that this agreement is amply supported by the record and thus is entitled to careful consideration by the Board. Accordingly, the Parties recommend that the Board issue a Certificate of Environmental Compatibility and Public Need for the proposed Yellowbud Solar Project.

III. STIPULATION AND RECOMMENDATION

A. Recommended Conditions

- (1) The Applicant shall install the facility, utilize equipment and construction practices, and implement mitigation measures as described in the application and as modified and/or clarified in supplemental filings, replies to data requests, and recommendations in the *Staff Report of Investigation* as modified by this Stipulation.
- (2) The Applicant shall conduct a preconstruction conference prior to the commencement of any construction activities. Staff, the Applicant, and representatives of the primary contractor and all subcontractors for the project shall attend the preconstruction conference. The conference shall include a presentation of the measures to be taken by the Applicant and contractors to ensure compliance with all conditions of the certificate, and discussion of the procedures for on-site investigations by Staff during construction. Prior to the conference, the Applicant shall provide a proposed conference agenda for Staff review. The Applicant may conduct separate preconstruction conferences for each stage of construction.
- (3) Within 60 days after the commencement of commercial operation, the Applicant shall submit to Staff a copy of the as-built specifications for the entire facility. If the Applicant demonstrates that good cause prevents it from submitting a copy of the as-built specifications for the entire facility within 60 days after commencement of commercial operation, it may request an extension of time for the filing of such as-built specifications. The Applicant shall use reasonable efforts to provide as-built drawings in both hard copy and as geographically referenced electronic data.
- (4) The certificate shall become invalid if the Applicant has not commenced a continuous course of construction of the proposed facility within five years of the date of journalization of the certificate, unless the Board grants a waiver or extension of time.
- (5) As the information becomes known, the Applicant shall file in this proceeding the date on which construction will begin, the date on which construction was completed, and the date on which the facility begins commercial operation.
- (6) Prior to the commencement of construction activities in areas that require permits or authorizations by federal or state laws and regulations, the Applicant shall obtain and comply with such permits or authorizations. The Applicant shall provide copies of permits and authorizations, including all supporting documentation, to Staff no less than seven days prior to the applicable construction activities. The Applicant shall provide a schedule of construction activities and acquisition of corresponding permits for each activity at the preconstruction conference.
- (7) To the extent permitted by R.C. 4906.13(B), the certificate authority provided in this case shall not exempt the facility from any other applicable and lawful local, state, or federal rules or regulations nor be used to affect the exercise of discretion of any other

local, state, or federal permitting or licensing authority with regard to areas subject to their supervision or control.

- (8) At least 30 days prior to the preconstruction conference, the Applicant shall submit to Staff, for review and acceptance, one set of detailed engineering drawings of the final project design and mapping in the form of PDF, which the Applicant shall also file on the docket of this case, and geographically referenced data (such as shapefiles or KMZ files) based on final engineering drawings to confirm that the final design is in conformance with the certificate. Mapping shall include the limits of disturbance, permanent and temporary infrastructure locations, areas of vegetation removal and vegetative restoration as applicable, and specifically denote any adjustments made from the siting detailed in the application. The detailed engineering drawings of the final project design shall account for geological features and include the identity of the registered professional engineer(s), structural engineer(s), or engineering firm(s), licensed to practice engineering in the state of Ohio who reviewed and approved the designs. All final geotechnical study results shall be included in the submission of the final project design to Staff.
- (9) If any changes to the project layout are made after the submission of final engineering drawings, the Applicant shall provide all such changes to Staff in hard copy and as geographically-referenced electronic data. All changes are subject to Staff review to ensure compliance with all conditions of the certificate, prior to construction in those areas.
- (10) At least seven days prior to the start of construction and at least seven days prior to the start of facility operations, the Applicant shall notify via mail affected property owners and tenants including those individuals who were provided notice of the public informational meeting, residences located within one mile of the project area, parties to this case, county commissioners, township trustees, emergency responders, schools, and libraries, as well as anyone who has requested updates regarding the project. These notices shall provide information about the project, including contact information, a copy of the complaint resolution plan and a reference to the Board's docketing information system for additional information. The start of construction notice shall include a timeline for construction and restoration activities. The start of facility operations notice shall include a timeline for the start of operations. The Applicant shall file a copy of these notices on the public docket including written confirmation that the Applicant has complied with all preconstruction-related conditions of the certificate. During the construction and operation of the facility, the Applicant shall submit to Staff a complaint summary report by the fifteenth day of April, July, October, and January of each year for the first five years of operation. The report shall include a list of all complaints received through the Applicant's complaint resolution process, a description of the actions taken toward the resolution of each complaint, and a status update if the complaint has yet to be resolved.
- (11) The Applicant shall not commence any construction of the facility until it has executed an Interconnection Service Agreement and Interconnection Construction Service Agreement with PJM Interconnection, which includes construction,

operation, and maintenance of system upgrades necessary to integrate the proposed generating facility into the regional transmission system reliably and safely. The Applicant shall docket in the case record a letter stating that each agreement has been signed or a copy of the executed Interconnection Service Agreement and Interconnection Construction Service Agreement.

- (12) The facility shall be operated in such a way as to assure that no more than 274 MW would at any time be injected into the Bulk Power System.
- (13) Prior to commencement of construction, the Applicant shall prepare a landscape and lighting plan in consultation with a landscape architect licensed by the Ohio Landscape Architects Board that addresses the aesthetic and lighting impacts of the facility with an emphasis on any locations where an adjacent non-participating parcel contains a residence with a direct line of sight to the project area and also include a plan describing the methods to be used for fence repair. The plan shall include measures such as fencing, vegetative screening or good neighbor agreements. Unless alternative mitigation is agreed upon with the owner of any such adjacent, non-participating parcel containing a residence with a direct line of sight to the fence of the facility, the plan shall provide for the planting of vegetative screening designed by the landscape architect to enhance the view from the residence and be in harmony with the existing vegetation and viewshed in the area. The Applicant shall maintain vegetative screening for the life of the facility and the Applicant shall replace any failed plantings so that, after five years, at least 90 percent of the vegetation has survived. The Applicant shall maintain all fencing along the perimeter of the project in good repair for the term of the project and shall promptly repair any damage as needed. Lights shall be motion-activated and designed to narrowly focus light inward toward the facility, such as being downward-facing and/or fitted with side shields. The Applicant shall provide the plan to Staff for review and confirmation that it complies with this condition.
- (14) General construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m., or until dusk when sunset occurs after 7:00 p.m. Impact pile driving shall be limited to the hours between 9:00 a.m. and 7:00 p.m. or until dusk when sunset occurs after 7:00 p.m. Impact pile driving may occur between 7:00 a.m. and 9:00 a.m. if the noise impact at non-participating receptors is not greater than daytime ambient Leq plus 10 dBA. Hoe ram operations, if required, shall be limited to the hours between 10:00 a.m. and 4:00 p.m., Monday through Friday. Construction activities that do not involve noise increases above ambient levels at sensitive receptors are permitted outside of daylight hours when necessary. The Applicant shall notify property owners or affected tenants within the meaning of Ohio Adm. Code 4906-3-03(B)(2) of upcoming construction activities including potential for nighttime construction.
- (15) The Applicant shall avoid, where possible, or minimize to the extent practicable, any damage to functioning field tile drainage systems and soils resulting from the construction, operation, and/or maintenance of the facility in agricultural areas. Damaged field tile systems shall be promptly repaired to at least original conditions or modern equivalent at the Applicant's expense. The affected landowner may agree

to not having the damaged field tile system repaired only if the field tile systems of adjacent landowners remain unaffected by the non-repair of the landowner's field tile system.

- (16) At least 30 days prior to construction, the Applicant shall submit an updated noise model for the project using noise data from the inverter and substation transformer(s) chosen for the project. The updated noise model shall show that sound levels will not exceed the Project Area average daytime ambient Leq of 41.3 dBA plus five dBA at any non-participating sensitive receptor.
- (17) The Applicant shall adhere to seasonal cutting dates of October 1 through March 31 for the removal of trees three inches or greater in diameter to avoid impacts to Indiana bats and northern long-eared bats, unless coordination with the Ohio Department of Natural Resources (ODNR) and the U.S. Fish and Wildlife Service (USFWS) allows a different course of action.
- (18) The Applicant shall have an environmental specialist on site during construction activities that may affect sensitive areas, to be mutually agreed upon by the Applicant and Staff. Sensitive areas which would be impacted during construction shall be identified on a map provided to Staff, and may include, but are not limited to, wetlands and streams, and locations of threatened or endangered species. The environmental specialist shall be familiar with water quality protection issues and potential threatened or endangered species of plants and animals that may be encountered during project construction. The environmental specialist mutually agreed upon by Staff and the Applicant shall be authorized to report any issues simultaneously to Staff and the Applicant. To allow time for the Applicant and Staff to respond to any reported issues, the environmental specialist shall have authority to stop construction activities for up to 48 hours if the construction activities are creating unforeseen environmental impacts in the sensitive areas identified on the map.
- (19) The Applicant shall contact Staff, the ODNR, and the USFWS within 24 hours if state or federal listed species are encountered during construction activities. Construction activities that could adversely impact the identified plants or animals shall be immediately halted until an appropriate course of action has been agreed upon by the Applicant, Staff and the appropriate agencies. If any listed plant or animal species are encountered prior to construction, the Applicant shall include the location and how impacts would be avoided in a final access plan to be provided to Staff prior to the preconstruction conference.
- (20) The Applicant will incorporate post construction stormwater management under OHC00005 (Part III.G.2.e, pp. 19-27) as applicable and will also incorporate applicable guidance from the Ohio Environmental Protection Agency's Guidance on Post-Construction Storm Water Controls for Solar Panel Arrays dated October 2019.
- (21) The Applicant will take steps to prevent establishment and/or further propagation of noxious weeds identified in Ohio Adm. Code Chapter 901:5-37 during implementation of any pollinator-friendly plantings.

- (22) Prior to commencement of construction activities that require transportation permits, the Applicant shall obtain all such permits. The Applicant shall coordinate with the appropriate authority regarding any temporary road closures, road use agreements, driveway permits, lane closures, road access restrictions, and traffic control necessary for construction and operation of the proposed facility. Coordination shall include, but not be limited to, the county engineer, the Ohio Department of Transportation, local law enforcement, and health and safety officials. The Applicant shall detail this coordination as part of a final transportation management plan submitted to Staff prior to the preconstruction conference for review and confirmation by Staff that it complies with this condition.
- (23) The Applicant shall develop a final transportation management plan which shall include any county-required road use maintenance agreements prior to the start of construction.
- (24) At least 30 days prior to the preconstruction conference, the Applicant shall provide the status (i.e. avoidance, mitigation measures, or capping) of each water well. The Applicant shall indicate to Staff whether the nearest solar components to each uncapped well within the project area meets or exceeds any applicable minimum isolation distances outlined in Ohio Adm.Code 3701-28-7.

B. Other Terms and Conditions

(1) This Stipulation is conditioned upon adoption of the Stipulation by the Board in its entirety and without material modification. Each Signatory Party has the right, in its sole discretion, to determine whether the Board's approval of this Stipulation constitutes a "material modification" thereof. If the Board rejects or materially modifies all or any part of this Stipulation, any Signatory Party shall have the right to apply for rehearing. If the Board does not adopt the Stipulation without material modification upon rehearing, or if the Board makes a material modification to any Order adopting the Stipulation pursuant to any reversal, vacation and/or remand by the Supreme Court of Ohio, then within thirty (30) days of the Board's Entry on Rehearing or Order on Remand any Signatory Party may withdraw from the Stipulation by filing a notice with the Board ("Notice of Withdrawal"). No Signatory Party shall file a Notice of Withdrawal without first negotiating in good faith with the other Signatory Parties to achieve an outcome that substantially satisfies the intent of the Stipulation. If a new agreement achieves such an outcome, the Signatory Parties will file the new agreement for Board review and approval. If

the discussions to achieve an outcome that substantially satisfies the intent of the Stipulation are unsuccessful, and a Signatory Party files a Notice of Withdrawal, then the Board will convene an evidentiary hearing to afford that Signatory Party the opportunity to contest the Stipulation by presenting evidence through witnesses, to cross examine witnesses, to present rebuttal testimony, and to brief all issues that the Board shall decide based upon the record and briefs. If the discussions to achieve an outcome that substantially satisfies the intent of the Stipulation are successful, then some or all of the Signatory Parties shall submit the amended Stipulation to the Board for approval after a hearing if necessary.

(2) The Parties agree and recognize that this Stipulation has been entered into only for the purpose of this proceeding. Each Party agrees not to assert against another party in any proceeding before the Board or any court, other than in a proceeding to enforce the terms of this Stipulation, that party's participation in this Stipulation as support for any particular position on any issue. Each Party further agrees that it will not use this Stipulation as factual or legal precedent on any issue. The Parties request that the Board recognize that its use of this Stipulation in any proceeding other than this proceeding is contrary to the intentions of the parties in entering into this Stipulation.

IV. RECOMMENDED FINDINGS AND CONCLUSIONS OF LAW

The Parties agree that the record in this case, provided the Board approves the Conditions in this Stipulation, contains sufficient probative evidence for the Board to find and determine, as Findings of Fact and Conclusions of Law, that:

A. Recommended Findings of Fact

1. Yellowbud Solar, LLC is licensed to do business in the State of Ohio.

2. The Yellowbud Solar Project qualifies as a major utility facility as defined in R.C. 4906.01(B)(1).

3. On May 4, 2020, the Applicant filed a motion for waiver of the requirement to conduct an in-person public informational meeting. The motion was granted on May 26, 2020.

4. On June 5, 2020, the Applicant filed a pre-application notification letter informing the Board of a public informational meeting in Case No. 20-0972-EL-BGN.

5. On June 19, 2020, the Applicant filed a proof of notice of public informational meeting, indicating that notice of its June 22, 2020 public informational meeting was mailed to affected landowners on May 29, 2020, and published in the Circleville Herald and Chillicothe Gazette on June 6, 2020, newspapers of general circulation in Pickaway and Ross Counties.

6. On June 22, 2020, the Applicant held web-based and phone-based public informational meetings in Case No. 20-0972-EL-BGN.

7. On July 6, 2020, the Applicant filed a motion for waiver from Ohio Adm.Code 4906-4-08(D)(2) and (D)(4) to allow for a reduced study area regarding the impact on landmarks and visual impact of the facility. The motion was granted on July 9, 2020.

8. On July 21, 2020, the Applicant filed its Application in Case No. 20-0972-EL-BGN to construct the Yellowbud Solar Project, as well as a motion for protective order to keep portions of its Application confidential.

9. On August 28, 2020, the Applicant filed a supplement to its Application in Case No. 20-0972-EL-BGN as the result of the completion of additional cultural resource surveys along with the receipt of concurrence letters from the State Historic Preservation Office, as well as a motion for protective order to keep portions of its Application supplement confidential.

10. On September 21, 2020, the Executive Director of the Board issued a letter of compliance regarding the Application in Case No. 20-0972-EL-BGN to the Applicant.

11. On September 22, 2020, the Applicant filed correspondence indicating that the Application fee was paid.

12. On September 22, 2020, the Applicant filed a proof of service, indicating that a copy of its accepted, complete Application was served upon the appropriate governmental officials and local libraries.

13. On October 7, 2020, the Administrative Law Judge issued an Entry scheduling hearings in Case No. 20-0972-EL-BGN, directing the Staff to file its Staff Report of Investigation, and for parties to file their issues list and testimony.

14. On October 27, 2020, the Applicant filed a proof of initial public notice and publication of initial public notice, indicating that notice of its accepted, complete Application was mailed to affected landowners and appropriate governmental officials on October 15, 2020, and published in the Circleville Herald and Chillicothe Gazette on October 6, 2020 and October 15, 2020, newspapers of general circulation in Pickaway and Ross Counties.

15. On November 13, 2020, the Ohio Farm Bureau Federation filed a motion to intervene.

16. On November 30, 2020, the Staff filed its Staff Report of Investigation.

17. A remote local public hearing was held on December 15, 2020 at 6:00 p.m.

18. A remote adjudicatory hearing has been scheduled for January 12, 2021 at 10:00 a.m.

19. Because no electric transmission line or gas pipeline is being proposed in this Application, R.C. 4906.10(A)(1) is not applicable.

20. Adequate data on the Yellowbud Solar Project has been provided to determine the nature of the probable environmental impact, as required by R.C. 4906.10(A)(2).

21. Adequate data on the Yellowbud Solar Project has been provided to determine that the facilities described in the Application and supplemental filings, and subject to the Conditions in this Stipulation represent the minimum adverse environmental impact, considering the state of available technology and nature and economics of the various alternatives, and other pertinent considerations, as required by R.C. 4906.10(A)(3).

22. Adequate data on the Yellowbud Solar Project has been provided to determine that the proposed electric generating facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving the State of Ohio and interconnected utility systems, that the Yellowbud Solar Project will serve the interests of electric system economy and reliability, and the requirements of R.C. 4906.10(A)(4) are met.

23. Adequate data on the Yellowbud Solar Project has been provided to determine that this facility will either comply with, or is not subject to, the requirements in the Ohio Revised Code regarding air and water pollution control, withdrawal of waters of the state, solid and hazardous waste, air navigation, and all regulations thereunder, as required by R.C. 4906.10(A)(5).

24. Adequate data on the Yellowbud Solar Project has been provided to determine that it will serve the public interest, convenience and necessity, as required by R.C. 4906.10(A)(6).

25. Adequate data on the Yellowbud Solar Project has been provided to determine what its impact will be on the viability as agriculture land of any land in the existing agricultural district established under R.C. Chapter 929 that is located within the site of the proposed facility, as required by R.C. 4906.10(A)(7).

26. Adequate data on the Yellowbud Solar Project has been provided to determine that the facility as proposed incorporates maximum feasible water conservation practices, considering

available technology and the nature and economics of the various alternatives, as required by R.C. 4906.10(A)(8).

27. The record evidence in this matter provides sufficient factual data to enable the Board to make an informed decision.

B. Recommended Conclusions of Law

1. Yellowbud Solar, LLC is a “person” under R.C. 4906.01(A).

2. The proposed Yellowbud Solar Project is a major utility facility as defined in R.C. 4906.01(B)(1).

3. The record establishes the nature of the probable environmental impact from construction, operation and maintenance of the Yellowbud Solar Project, as required by R.C. 4906.10(A)(2).

4. The record establishes that the Yellowbud Solar Project described in the Application and supplemental filings, and subject to the Conditions in this Stipulation represent the minimum adverse environmental impact, considering the state of available technology, and the nature and economics of the various alternatives, and other pertinent considerations, as required by R.C. 4906.10(A)(3).

5. The record establishes that the Yellowbud Solar Project is consistent with regional plans for expansion of the electric power grid of the electric systems serving the State of Ohio and interconnected utility systems, and will serve the interests of electric system economy and reliability, as required by R.C. 4906.10(A)(4).

6. The record establishes, as required by R.C. 4906.10(A)(5), that to the extent that it is applicable, construction of the proposed Yellowbud Solar Project will comply with the requirements in the Ohio Revised Code regarding air and water pollution control, withdrawal of

waters of the state, solid and hazardous waste, air navigation, and all rules and standards adopted under the relevant Chapters of the Ohio Revised Code.

7. The record establishes that the Yellowbud Solar Project described in the Application and supplemental filings, and subject to the Conditions in this Stipulation, will serve the public interest, convenience and necessity, as required by R.C. 4906.10(A)(6).

8. The impact of the Yellowbud Solar Project on the viability as agricultural land of any land in an existing agricultural district has been determined, as required by R.C. 4906.10(A)(7).

9. The record establishes that the Yellowbud Solar Project would incorporate maximum feasibility water conservation practices, as required by R.C. 4906.10(A)(8).

10. Based on the record, the Parties recommend that the Board issue a Certificate of Environmental Compatibility and Public Need for the construction, operation and maintenance of the Yellowbud Solar Project.

The undersigned hereby stipulate, agree and represent that they are authorized to enter into this Joint Stipulation and Recommendation on this 6th day of January, 2021. Furthermore, the Parties expressly agree that this Joint Stipulation and Recommendation may be amended and/or supplemented in a writing executed by the Parties.

Respectfully submitted,

/s/ Werner Margard per authorization (MJS)

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Summary: Stipulation -Joint Stipulation and Recommendation electronically filed by Mr. Michael J. Settineri on behalf of Yellowbud Solar, LLC