

BEFORE THE OHIO POWER SITING BOARD

In the Matter of the Application of)	
Hecate Energy Highland 4, LLC for a)	
Certificate of Environmental)	Case No. 20-1288-EL-BGN
Compatibility and Public Need to)	
Construct a Solar-Powered Electric)	
Generating Facility in Clay and)	
Whiteoak Townships, Highland County,		
Ohio		

SUPPLEMENTAL JOINT STIPULATION AND RECOMMENDATION

On January 22, 2021, Applicant Hecate Energy Highland 4, LLC (“Hecate Energy” 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,” submitted a *Joint Stipulation and Recommendation* for adoption by the Ohio Power Siting Board (the “Board”) in Case No. 20-1288-EL-BGN. Within the *Joint Stipulation and Recommendation*, **Part IV. BIFURCATION** the Parties agreed, stipulated, and recommended that the Board: (a) issue a certificate to Hecate Energy Highland 4, LLC for the entirety of the 100 MW Project, (b) simultaneously with issuance of the certificate, immediately bifurcate or split the certificate into two parts: the first for New Market Solar I, the 65 MW project to be constructed and operated by Hecate Energy Highland 4, LLC; the second being New Market Solar II, the 35 MW project to be constructed and operated by Hecate Energy Highland 2, LLC; and (c) assign the 35 MW portion of the certificate to Hecate Energy Highland 2, LLC. That portion of the *Joint Stipulation and Recommendation* was in response to the Applicant’s December 1, 2020 supplement to the application requesting the bifurcation and assignment of the certificate. A map reflecting the location of New Market Solar I and New Market Solar II is attached.

In further support of the bifurcation and assignment of the certificate as requested in the *Joint Stipulation and Recommendation*, Hecate Energy Highland 2, LLC has provided a letter to the Applicant and the Ohio Power Siting Board committing to comply with the terms and conditions of this *Joint Stipulation and Recommendation*, as revised by this *Supplemental Joint Stipulation and Recommendation*. A copy of that correspondence is attached to this *Supplemental Joint Stipulation and Recommendation*.¹

Should the Board conclude that bifurcation is both appropriate and timely as part of the overall certificate issuance, the Parties agree the following modifications and clarifications should be made to the conditions enumerated in the *Joint Stipulation and Recommendation*:

1. Replace Condition 1 with the Following:

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 the *Joint Stipulation and Recommendation* or as further modified by the *Supplemental Joint Stipulation and Recommendation*.

2. Replace Condition 10 with the Following:

The New Market Solar II portion of the facility shall be operated in such a way to assure that it injects no more than 35 megawatts into the Bulk Power System and the New Market Solar I portion of the facility shall be operated in such a way to assure that it injects no more than 65 megawatts into the Bulk Power System.

3. Replace Condition 12 with the Following:

Prior to commencement of any 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

¹ A similar procedure was employed in *In the Application of Matter of Paulding Wind Farm II LLC for a Certificate to Install Numerous Electricity Generating Turbines in Paulding County, Ohio* Case No. 10-369-EL-BGN. See December 29, 2010 Joint Application to Assign Submitted by Paulding Wind Farm II LLC and Paulding Wind Farm III LLC and February 28, 2011 Entry granting same.

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. Special vegetative screening shall be planted along Stringtown Road and Edwards Road to mitigate visual impacts for the New Market Solar II portion of the facility and along South Hollowtown Road and West New Market Roads for the New Market Solar I portion of the facility.

In all other manners, the Parties agree that all other provisions enumerated in the *Joint Stipulation and Recommendation* shall remain in full force and effect. Additionally and unless otherwise enumerated above, the Parties specifically recognize and agree that the Recommended Conditions enumerated in the *Joint Stipulation and Recommendation* shall apply individually to both Hecate Energy Highland 4, LLC and Hecate Energy Highland 2, LLC for their respective portions of the facility, New Market Solar I and New Market Solar II, including, but not limited to the provisions related to decommissioning and noise studies.

The undersigned hereby stipulate, agree and represent that they are authorized to enter into this *Supplemental Stipulation and Recommendation* on this 24th day of January, 2021.

Respectfully submitted,

/s/ Thomas Lindgren (per email
Authorization 1/25/21)
Thomas Lindgren (0039210)
Robert A. Eubanks (0073386)
Assistant Attorney General
Public Utilities Section
30 E. Broad Street, 16th Floor
Columbus, OH 43215-3793
(614) 644-8599
thomas.lindgren@ohioattorneygeneral.gov
Robert.eubanks@ohioattorneygeneral.gov

Attorneys for Ohio Power Siting Board

/s/ Amy M. Milam (per email
Authorization 1/25/21)
Chad A. Endsley (0080648)
Leah F. Curtis (0086257)
Amy M. Milam (0082375)
Ohio Farm Bureau Federation
280 North High Street
P.O. Box 182383
Columbus, OH 43218-2383
(614) 246-8258
cendsley@ofbf.org
lcurtis@ofbf.org
amilam@ofbf.org

*Attorneys for the Ohio Farm Bureau
Federation*

/s/ Karen A. Winters
Karen A. Winters (0015731)
Danelle M. Gagliardi (0093893)
Squire Patton Boggs (US) LLP
2000 Huntington Center
41 S. High Street
Columbus, OH 43215-3793
614-365-2700
karen.winters@squirepb.com
danelle.gagliardi@squirepb.com

Attorneys for Hecate Energy Highland 4, LLC

CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will automatically serve notice of the filing of this *Supplemental Joint Stipulation and Recommendation* referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned certifies that a courtesy copy of this *Supplemental Joint Stipulation and Recommendation* has been emailed to the following:

Counsel:

Thomas Lindgren
thomas.lindgren@ohioattorneygeneral.gov

Robert A. Eubanks
robert.eubanks@ohioattorneygeneral.gov

Chad A. Endsley
cendsley@ofbf.org

Leah F. Curtis
lcurtis@ofbf.org

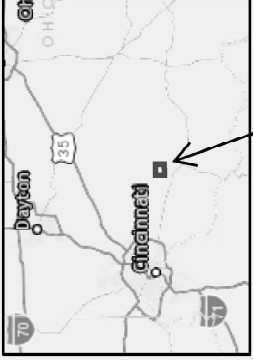
Amy M. Milam
amilam@ofbf.org

Administrative Law Judges:

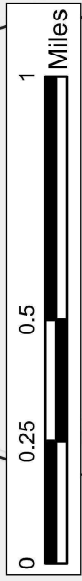
Michael J. Williams
michael.williams@puco.ohio.gov

Jesse Davis
jesse.davis@puco.ohio.gov

/s/ Karen A. Winters
Karen A. Winters (0015731)
Attorney for Hecate Energy Highland 4, LLC



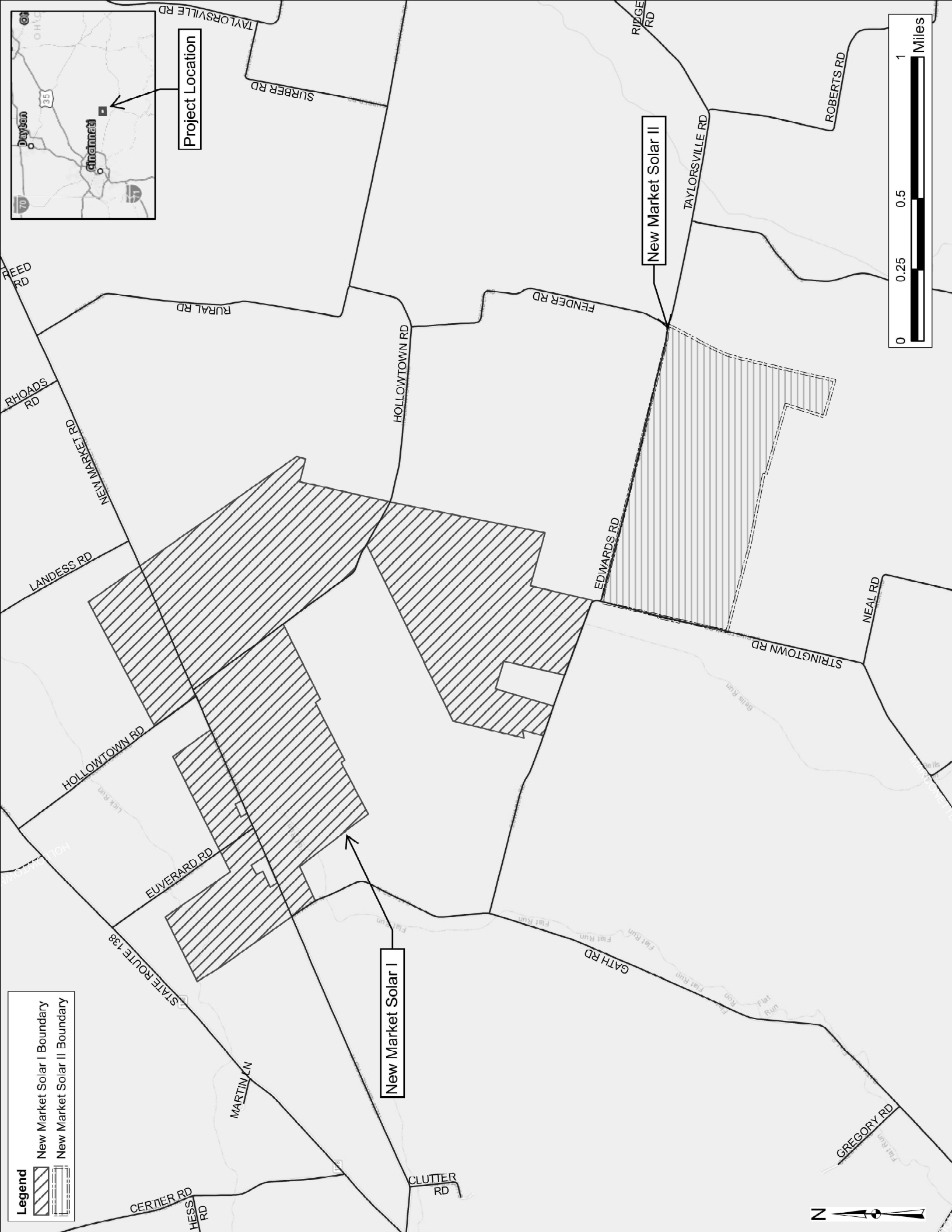
Project Location



Legend

New Market Solar I Boundary

New Market Solar II Boundary



January 25, 2021

VIA E-MAIL (Theresa.White@puco.ohio.gov)

Theresa White
Executive Director
Ohio Power Siting Board
180 East Broad Street, 6th Floor
Columbus, OH 43215

Re: Assignment of a Portion of the Certificate Issued in Case Number 20-1288-EL-BGN

Dear Director White:

Currently pending before the Ohio Power Siting Board is an application for a Certificate of Environmental Compatibility and Public Need (“Certificate”) for Hecate Energy Highland 4, LLC’s New Market Solar Farm, a 100 MW solar-powered electric generating facility to be located in Clay and Whiteoak Townships, Highland County, Ohio. Hecate Energy Highland 4, LLC, the Ohio Farm Bureau Federation and the Staff of the Ohio Power Siting Board have agreed, stipulated and recommended that the Board that it: (a) issue a Certificate to Hecate Energy Highland 4, LLC for the entirety of the 100 MW project, (b) simultaneously with issuance of the Certificate, immediately bifurcate or split the certificate into two parts, the first for New Market Solar I, the 65 MW project to be constructed and operated by Hecate Energy Highland 4, LLC and the second being New Market Solar II, the 35 MW project to be constructed and operated by Hecate Energy Highland 2, LLC.

Hecate Energy Highland 2, LLC, a Delaware limited liability company and affiliate of Hecate Energy Highland, 4, LLC, is requesting bifurcation as well. It intends to adhere to all terms and conditions of any Certificate granted to Hecate Energy Highland 4, LLC, including the recommended conditions in the *Joint Stipulation and Recommendation* filed on January 22, 2021 as modified by the *Supplemental Joint Stipulation and Recommendation* filed on January 25, 2021.

If you have questions, please feel free to contact me.

Very truly yours,

A handwritten signature in purple ink, reading "Karen A. Winters". The signature is written in a cursive style with a large, stylized "K" and "W".

Karen A. Winters
Attorney for Hecate Energy Highland 2, LLC

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

1/25/2021 9:39:02 AM

in

Case No(s). 20-1288-EL-BGN

Summary: Stipulation Supplemental Joint Stipulation and Recommendation electronically filed by Ms. Karen A. Winters on behalf of Hecate Energy Highland 4 LLC