

## OHIO POWER SITING BOARD

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

CASE NO. 20-1362-EL-BGN

### ENTRY

Entered in the Journal on March 15, 2021

{¶ 1} Clearview Solar I, LLC (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 first obtaining a certificate for the facility from the Ohio Power Siting Board (Board).

{¶ 3} 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 Ohio Department of Health (ODH) to prevent or alleviate the public health threat associated with COVID-19. Additionally, all citizens are urged to heed the advice of ODH 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 ODH is making COVID-19 information, including information on preventative measures, available via the internet at [coronavirus.ohio.gov/](https://coronavirus.ohio.gov/).

{¶ 4} Pursuant to R.C. 3701.13, the ODH has supervision of “all matters relating to the preservation of the life and health of the people” and the “ultimate authority in matters of quarantine and isolation.” On March 12, 2020, the Director of ODH issued an Order indicating that “all persons are urged to maintain social distancing (approximately six feet away from other people) whenever possible.”

{¶ 5} On September 17, 2020, Applicant filed a preapplication notification letter with the Board, consistent with Ohio Adm.Code 4906-3-03(A), regarding its proposed

construction of a 144 megawatt solar-power electric generation facility in Champaign County, Ohio (Project). In the letter, Applicant explained that construction is anticipated to begin as early as fourth quarter 2022, resulting in commercial operations in fourth quarter 2023. Applicant further stated in the letter that it scheduled a virtual public information meeting for October 6, 2020, as well as a telephone-only public information meeting on October 8, 2020. Contemporaneous with its preapplication letter, Applicant also filed a notice of compliance with the service requirement set forth in Ohio Adm.Code 4906-3-03(B)(2).

{¶ 6} On October 2, 2020, Applicant filed proof of publication regarding its planned public information meetings.

{¶ 7} On October 6, 2020 and October 8, 2020, Applicant held the planned public information meetings to discuss the proposed Project with interested persons and landowners.

{¶ 8} On December 18, 2020, Applicant filed an application with the Board for a certificate of environmental compatibility and public need to construct the Project. Consistent with the requirements of Ohio Adm.Code 4906-3-06, a determination on the Applicant's application was due by February 16, 2021.

{¶ 9} Simultaneous with its application, Applicant filed a motion requesting a waiver of the requirements of Ohio Adm.Code 4906-4-08-(D)(2)-(4) in order to reduce the study area of impacts to cultural resources and landmarks and the study area of impacts for recreation and scenic areas and visual impacts.

{¶ 10} On December 29, 2020, Staff filed correspondence regarding Applicant's motion for waiver, in which Staff stated that it feels that the requested waiver should be granted based upon the rationale offered by Applicant in its motion and supporting memorandum. Staff also noted that it reserves the right to require the results from

Applicant in the area covered by the requested waiver if Staff determines such information to be necessary during the course of its investigation.

{¶ 11} By Entry issued January 11, 2021, the administrative law judge (ALJ), pursuant to Ohio Adm.Code 4906-4-01(B), granted Applicant's request for waiver of Ohio Adm.Code 4906-4-08(D)(2)-(4).

{¶ 12} Pursuant to Ohio Adm.Code 4906-3-06, within 60 days of receipt of an application for a major utility facility, the Chairman of the Board must either accept the application as complete and compliant with the content requirements of R.C. 4906.06 and Ohio Adm.Code Chapters 4906-1 through 4906-7 or reject the application as incomplete.

{¶ 13} By letter dated February 16, 2021, the Board notified the Applicant that its application was compliant and provided sufficient information to permit Staff to commence its review and investigation. Pursuant to Ohio Adm.Code 4906-3-06 and 4906-3-07, the Board's February 16, 2021 letter directed the Applicant to serve appropriate government officials and public agencies with copies of the complete, certified application and to file proof of service with the Board. The letter further instructed the Applicant to submit its application fee pursuant to R.C. 4906.06(F) and Ohio Adm.Code 4906-3-12. Staff also identified additional information that would be requested during the course of its investigation to ensure that Staff would be able to conduct its review of the application. This information included the following: final concurrence, memorandum of understanding, or programmatic agreement from the Ohio Historic Preservation Office on specific avoidance or mitigation measures for impacts from the Project on archaeological and historic/architectural sites.

{¶ 14} On March 1, 2021, the Applicant filed a certificate of service of its accepted and complete application and, on March 4, 2021, filed proof that it submitted its application fee to the Treasurer of the State of Ohio as required by Ohio Adm.Code 4906-3-07.

{¶ 15} Ohio Adm.Code 4906-3-08(A) states that, once the applicant has complied with Ohio Adm.Code 4906-3-07, the Board or the ALJ shall file an entry indicating the date on which the accepted, complete application is deemed filed. Additionally, once the effective date is established, the ALJ must promptly fix the dates for public hearings. Under R.C. 4906.07(A), the public hearing must be held not less than 60 nor more than 90 days after the effective date.

{¶ 16} Therefore, the effective date of the application shall be March 15, 2021. The ALJ finds that a local public hearing in this matter shall be held on June 8, 2021, at 6:00 p.m. The evidentiary hearing shall commence on July 1, 2021, at 10:00 a.m.

{¶ 17} Petitions to intervene in this proceeding will be accepted by the Board up to 30 days following the service of the notice required by Ohio Adm.Code 4906-3-09 or by April 29, 2021, whichever is later.

{¶ 18} In accordance with Ohio Adm.Code 4906-3-09, the Applicant should issue public notices of the application and hearings. Pursuant to the same rule, in addition to other required information, that notice shall include a statement that the public hearing in this case shall consist of two parts and will not be held in-person:

- (a) A local public hearing, pursuant to R.C. 4906.08(C), where the Board shall accept written or oral testimony from any person on June 8, 2021, at 6:00 p.m.
- (b) An evidentiary hearing commencing on July 1, 2021, at 10:00 a.m.
- (c) Due to the continued state of emergency, the local public and evidentiary hearings will both be held using remote access technology that facilitates participation by telephone and/or live video on the internet.

{¶ 19} Further, under R.C. 4906.06(C) and Ohio Adm.Code 4906-3-09, the initial notice shall include the following language:

Petitions to intervene in the evidentiary hearing will be accepted by the Board up to 30 days following service of the notice required by R.C. 4906.06(C) and Ohio Adm.Code 4606-3-09, or April 29, 2021, whichever is later. However, the Board strongly encourages interested persons who wish to intervene in the adjudicatory hearing to file their petitions as soon as possible. Petitions should be addressed to Docketing Division, the Ohio Power Siting Board, 180 East Broad Street, Columbus, Ohio 43215-3793 and cite the above-listed case number.

{¶ 20} Due to the continued state of emergency, the local public and evidentiary hearings will both be held using remote access technology that facilitates participation by telephone and/or live video on the internet. With regard to the local public hearing, interested persons who wish to provide testimony regarding the project must pre-register with the Public Utilities Commission of Ohio (Commission) before 12:00 p.m., on June 7, 2021, at <https://opsb.ohio.gov/wps/portal/gov/opsb/events/clearview-solar-public-hearing> or by calling the Commission at 1-800-686-7826. Testimony will be limited to five minutes in duration.

{¶ 21} Interested individuals who wish to attend the local public hearing remotely and not offer testimony can do so by calling 408-418-9388 and entering access code 129 190 5313. The local public hearing will also be live streamed for viewing at [www.youtube.com/user/PUCOhio](http://www.youtube.com/user/PUCOhio). Additional information is available on the Board's website at <https://opsb.ohio.gov/wps/portal/gov/opsb/cases/20-1362-EL-BGN> or by contacting the Commission's Consumer Call Center at 1-800-686-7826.

{¶ 22} Applicant shall issue public notice of the hearings and application in this matter. The notice should be published in newspapers of general circulation in those municipal corporations and counties in which the chief executive officer received service of

a copy of the application pursuant to Ohio Adm.Code 4906-3-07. The notice should be published with letters not less than ten-point type, bear the heading “Notice of Proposed Major Utility Facility” in bold type not less than one-fourth inch high or 30-point type, and include the following information: the name and a brief description of the project; a map showing the location and general layout of the proposed facility; a statement, including the assigned docket number, that an application for a certificate to construct, operate, and maintain said facility is pending before the Board; the date and time of the evidentiary and local public hearings; a statement that the hearings will be conducted by telephone and live video on the internet; and a statement that the public will be given an opportunity to comment on the proposed facility.

{¶ 23} The notice shall also state that interested persons who wish to provide testimony regarding the project must pre-register with the Commission before 12:00 p.m. on June 7, 2021, at <https://opsb.puco.ohio.gov/wps/portal/gov/opsb/events/clearview-solar-public-hearing> or by calling the Commission at 1-800-686-7826. Testimony to be provided will be limited to five minutes in duration.

{¶ 24} Individuals interested in providing public testimony will be required to provide their full name, home address, telephone number, and e-mail address, if available; state that they wish to register for the local public hearing in Case No. 20-1362-EL-BGN; specify whether they plan to join the remote access event by internet or by telephone; and indicate that they intend to offer testimony. All individuals who plan to provide testimony using video access to the Webex event, as opposed to providing testimony by telephone, must have a computer or smart device with a microphone and speakers, an e-mail address, and reliable internet service.

{¶ 25} For purposes of the local public hearing, the Board will begin hearing testimony at 6:00 p.m. on June 8, 2021. Individuals who have registered to testify will be asked to speak beginning shortly after 6:00 p.m., so all those who have registered to testify should be prepared to speak at that time. For individuals who are speaking by telephone,

the Board's staff will contact those individuals by telephone when it is time for their testimony and connect them to the public hearing. If access or other issues are experienced during the local public hearing, individuals should immediately use the chat function within Webex or contact the Board's legal department at 1-614-466-6843 for assistance.

{¶ 26} If individuals wish to supplement their testimony with an exhibit for the Board's consideration, a copy of the document, along with a reference to Case No. 20-1362-EL-BGN, should be provided to the Board by June 7, 2021, if possible, but no later than June 15, 2021, by e-mail to [contactOPSB@puco.ohio.gov](mailto:contactOPSB@puco.ohio.gov) or by mail to Ohio Power Siting Board, 180 East Broad Street, Columbus, Ohio 43215.

{¶ 27} Public comments can be provided in writing on the Board's website at <https://opsb.ohio.gov/wps/portal/gov/opsb/help-center/contact-us>, by e-mail at [contactOPSB@puco.ohio.gov](mailto:contactOPSB@puco.ohio.gov), or by mail to Ohio Power Siting Board, 180 East Broad Street, Columbus, Ohio 43215. Written comments should reference the case number for this matter.

{¶ 28} Access information for the local public hearing will be provided to counsel for the parties at their e-mail address of record.

{¶ 29} For individuals who experience difficulty participating in the local public hearing, an opportunity for public testimony may also be available, for good cause shown, at the beginning of the evidentiary hearing.

{¶ 30} Ohio Adm.Code 4906-2-09 provides that the ALJ shall regulate the course of the hearing. In so doing, the ALJ may require expert or factual testimony to be offered at Board proceedings to be reduced to writing and filed with the Board. Accordingly, the ALJ establishes the following procedural schedule and process:

- (a) Pursuant to Ohio Adm.Code 4906-3-06(C), Staff shall file its report of investigation on or before May 24, 2021.

- (b) On or before June 4, 2021, each party shall file a list of issues citing specific concerns about which they may be interested in pursuing cross-examination of witnesses at the evidentiary hearing.
- (c) All expert and factual testimony to be offered by the Applicant shall be filed by June 18, 2021. All expert and factual testimony to be offered by the intervenors and Staff shall be filed by June 25, 2021.
- (d) Any stipulation entered into by the parties shall be filed by noon on June 30, 2021, along with the associated testimony supporting the stipulation.

{¶ 31} The ALJ encourages the parties to arrange for electronic service of testimony and other pleadings among themselves. If electronic service is agreed to, the parties are also directed to provide an electronic copy to the ALJ.

{¶ 32} It is, therefore,

{¶ 33} ORDERED, That the hearings in this matter be scheduled in accordance with Paragraph 16. It is, further,

{¶ 34} ORDERED, That the notice of the application and hearings be published by the Applicant in accordance with Paragraphs 18, 19, 22, and 23. It is, further,

{¶ 35} ORDERED, That witness registration occur pursuant to Paragraphs 20, 23, and 24. It is, further,

{¶ 36} ORDERED, That the parties observe the filing deadlines set forth in Paragraph 30. It is, further,



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

THE OHIO POWER SITING BOARD

/s/ David M. Hicks

By: David M. Hicks  
Administrative Law Judge

MJA/kck

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

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**Case No(s). 20-1362-EL-BGN**

Summary: Administrative Law Judge Entry setting the procedural schedule and ordering publication of notices electronically filed by Ms. Mary E Fischer on behalf of David M. Hicks, Administrative Law Judge, Ohio Power Siting Board