

## THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION  
OF PLEASANT PRAIRIE SOLAR ENERGY  
LLC FOR A CERTIFICATE OF  
ENVIRONMENTAL COMPATIBILITY AND  
PUBLIC NEED.

CASE NO. 20-1679-EL-BGN

### ENTRY

Entered in the Journal on May 11, 2021

{¶ 1} Pleasant Prairie Solar Energy 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 April 9, 2021, the Director of ODH issued an Order indicating that “[i]ndividuals must avoid gathering in groups and attempt at all times to maintain social distancing.”

{¶ 5} On November 12, 2020, Applicant filed a motion seeking a limited waiver of Ohio Adm.Code 4906-3-03(B) in order to allow for the required public informational meeting to be conducted virtually and telephonically instead of in-person in the area in which the Project will be located.

{¶ 6} The motion for a limited waiver of Ohio Adm.Code 4906-3-03(B) was granted pursuant to the Entry of November 19, 2020.

{¶ 7} On November 25, 2020, Applicant filed a preapplication notification letter with the Board, consistent with Ohio Adm.Code 4906-3-03(A), regarding its proposed construction of an up to 250 megawatt solar-powered electric generation facility in Franklin County, Ohio (Project). Applicant further stated in the letter that it scheduled a virtual public information meeting for December 14, 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).

{¶ 8} On December 9, 2020, Applicant filed proof of publication regarding its planned public information meeting.

{¶ 9} On December 14, 2020, Applicant held the planned public information meeting to discuss the proposed Project with interested persons and landowners.

{¶ 10} On February 19, 2021, as supplemented on April 7, 2021, and April 21, 2021, Applicant filed an 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 250 megawatts located in Pleasant and Prairie Townships, Franklin County, Ohio.

{¶ 11} Simultaneous to the filing of 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, landmarks, recreational areas, and general visual impacts. Applicant also filed a motion for protective treatment.

{¶ 12} The motions were granted pursuant to the Entry of April 13, 2021.

{¶ 13} 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.

{¶ 14} By letter dated April 20, 2021, the Board notified the Applicant that its application was compliant and provided sufficient information to permit the Board's Staff (Staff) to commence its review and investigation. Pursuant to Ohio Adm.Code 4906-3-06 and 4906-3-07, the Staff's April 20, 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: information pertaining to final concurrence from the Ohio Historical Preservation Office (OHPO) regarding specific avoidance or mitigation measures for impacts from the Project on archaeological and historic/architecture sites as outlined in OHPO's letter to Staff dated April 9, 2021.

{¶ 15} On April 21, 2021, the Applicant filed a certificate of service of its accepted and complete application and, on May 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.

{¶ 16} 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.

{¶ 17} Therefore, the effective date of the application shall be May 11, 2021. The ALJ finds that a local public hearing in this matter shall be held on July 19, 2021, at 6:00 p.m. The evidentiary hearing shall commence on August 16, 2021, at 10:00 a.m.

{¶ 18} 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 June 25, 2021, whichever is later.

{¶ 19} 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 July 19, 2021, at 6:00 p.m.
- (b) An evidentiary hearing commencing on August 16, 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.

{¶ 20} 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 4906-3-09, or June 25, 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.

{¶ 21} 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 July 16, 2021, at <https://opsb.ohio.gov/wps/portal/gov/opsb/events/pleasant-prairie-solar-lph> or by calling the Commission at 1-800-686-7826. Testimony will be limited to five minutes in duration.

{¶ 22} Interested individuals who wish to attend the local public hearing remotely and not offer testimony can do so by calling 1-408-418-9388 and entering access code **173 860 5562**. 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/20-1679-EL-BGN> or by contacting the Commission's Consumer Call Center at 1-800-686-7826.

{¶ 23} 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.

{¶ 24} 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 July 16, 2021, at <https://opsb.ohio.gov/wps/portal/gov/opsb/events/pleasant-prairie-solar-lph> or by calling the Commission at 1-800-686-7826. Testimony to be provided will be limited to five minutes in duration.

{¶ 25} 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. 20-1679-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.

{¶ 26} For purposes of the local public hearing, the Board will begin hearing testimony at 6:00 p.m. on July 19, 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.

{¶ 27} 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. 20-1677-EL-BGN, should be provided to the Board by July 16, 2021, if possible, but no later than July

26, 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.

{¶ 28} 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.

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

{¶ 30} 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.

{¶ 31} Anyone interested in observing the evidentiary hearing as a non-party can access the hearing using the link <http://bit.ly/20-1679-EVH> and entering the password OPSB, or by calling 1-408-218-9388 and entering access code **173 706 0060**.

{¶ 32} 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 July 2, 2021.
- (b) On or before July 30, 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 August 2, 2021. All expert and factual testimony to be offered by the intervenors and Staff shall be filed by August 9, 2021.
- (d) Any stipulation entered into by the parties shall be filed by noon on August 11, 2021, along with the associated testimony supporting the stipulation.

{¶ 33} 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.

{¶ 34} It is, therefore,

{¶ 35} ORDERED, That the hearings in this matter be scheduled in accordance with Paragraph 17. It is, further,

{¶ 36} ORDERED, That the notice of the application and hearings be published by the Applicant in accordance with Paragraphs 19, 20, 23, and 24. It is, further,

{¶ 37} ORDERED, That witness registration occur pursuant to Paragraphs 21, 24 and 25. It is, further,

{¶ 38} ORDERED, That the parties observe the filing deadlines set forth in Paragraph 31. It is, further,



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

THE OHIO POWER SITING BOARD

/s/ Jay S. Agranoff

By: Jay S. Agranoff  
Administrative Law Judge

GAP/kck

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

**Commission of Ohio Docketing Information System on**

**5/11/2021 4:45:04 PM**

**in**

**Case No(s). 20-1679-EL-BGN**

Summary: Administrative Law Judge Entry ordering that the hearings in this matter be scheduled in accordance with Paragraph 17; ordering that the notice of the application and hearings be published by the Applicant in accordance with Paragraphs 19, 20, 23, and 24; ordering that witness registration occur pursuant to Paragraphs 21, 24 and 25 and ordering that the parties observe the filing deadlines set forth in Paragraph 31.  
electronically filed by Kelli C. King on behalf of Jay S. Agranoff, Administrative Law Judge,  
Public Utilities Commission of Ohio