

**BEFORE THE OHIO POWER SITING BOARD**

<b>In the Matter of the Application of</b>	)	
<b>Ross County Solar, LLC for a</b>	)	
<b>Certificate of Environmental</b>	)	<b>Case No. 20-1380-EL-BGN</b>
<b>Compatibility and Public Need</b>	)	

**JOINT STIPULATION AND RECOMMENDATION**

**I. INTRODUCTION**

Applicant Ross County Solar, LLC (“Ross County Solar” or “Applicant”), the Board of Trustees of Buckskin Township, 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 Ross County Solar (the “Project”).

The Applicant intends to build the Project as a 120 MW solar-powered generating facility in Buckskin and Paint Townships in Ross County, Ohio. The Project will be located on approximately 1,400 acres of land near the intersection of Lower Twin Road and Rapid Forge Road. The Project will consist of large arrays of photovoltaic (“PV”) modules, commonly referred to as solar panels, ground-mounted on a tracking rack system. The Project will also consist of the fenceline, access roads, weather stations, underground and/or overhead electric collection lines, inverters and transformers, a substation, laydown yards, and an operations and maintenance building. The facility will deliver power to a single point of interconnection (“POI”) at the existing Buckskin 69 kilovolt (“kV”) substation, owned by AEP Ohio Transmission Company, Inc. The POI will consist of a short generation interconnection (“gen-tie”) line from the facility substation to the Buckskin substation, which will be expanded with two new 69 kV breakers. The POI, including the short gen-tie line, is included in the Project Application.

The Applicant has not yet selected the final PV modules or racking system to be utilized for the Project. However, the Applicant anticipates the facility will include approximately 365,000 panels. The Applicant will 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 will be generated in direct current (“DC”). Sets of panels are electrically connected in a series and terminated at an inverter. The inverters convert the DC power (approximately 1,500 volts) from the panels to alternating current (“AC”) power (650-950 volts depending on the inverter specifications). Next, a transformer steps up the AC voltage of generated electricity from the inverter output voltage to 34.5 kV. From the transformers, buried electrical cables will transmit the electrical output to the facility substation, where the electricity will be stepped up from 34.5 kV to 69 kV to interconnect to the existing transmission infrastructure.

The below grade portion of the collector system would be buried at least 36 inches, and the Project will include a substation located immediately south of Lower Twin Road in the Project area.

The Applicant proposes to construct approximately 12.4 miles of new access roads for use in connection with the Project. Access roads will be gravel surfaced and up to 16 feet wide along straight portions of the roads, and wider along curves and at internal road intersections. The Project will also include nine weather stations that would be approximately 20 feet tall and installed on a concrete base adjacent to inverters. The meteorological stations will include pyranometers, which measure the solar resource, an anemometer to measure wind speed and direction, and a thermometer.

The Project will 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 August 13, 2020, the Applicant filed a motion for waiver of the requirement to conduct an in-person public informational meeting. The motion was granted on September 2, 2020.

On September 14, 2020, the Applicant filed a pre-application notification letter regarding the Project.

On September 28, 2020, the Applicant filed a proof of notice of the public informational meeting, indicating that notice of its September 30, 2020 virtual public informational meeting was mailed to affected landowners on September 8, 2020, and published in the Hillsboro Times Gazette, a newspaper of general circulation in Highland County, and the Chillicothe Gazette, a newspaper of general circulation in Ross County, on September 18, 2020 and September 19, 2020, respectively.

On September 30, 2020, the Applicant held web-based and phone-based public informational meetings regarding the Project.

On October 30, 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 January 20, 2020.

Also on October 30, 2020, the Applicant filed the Project Application as well as a motion for protective order to keep certain portions of its Application confidential.

On December 29, 2020, the Executive Director of the Board issued a letter of compliance regarding the Application to the Applicant.

On January 8, 2021, the Applicant filed correspondence indicating that the Application fee was paid and a proof of service, indicating that a copy of its accepted, complete Application was served upon the appropriate governmental officials and local libraries.

On January 20, 2021 and January 26, 2021, the Administrative Law Judge (“ALJ”) issued Entries to schedule 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 February 16, 2021, 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 February 2, 2021, and published in the Chillicothe Gazette and Hillsboro Times Gazette on January 29, 2021.

On March 1, 2021, the Ohio Farm Bureau Federation filed a motion to intervene.

On March 8, 2021, the Boards of Trustees of Buckskin and Paint Townships filed notices of intervention.

On March 19, 2021, the ALJ issued an Entry granting intervention and setting a prehearing conference in the matter for April 19, 2021.

On March 22, 2021 Staff filed its Staff Report of Investigation.

A remote local public hearing was held on April 6, 2021 at 6:00 p.m. A remote adjudicatory hearing was called and continued on April 27, 2021 at 10:00 a.m.

This summary of the history of the Application does not include every filing in Case No. 20-1380-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> and searching Case No. 20-1380-EL-BGN.

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 Ross County 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 the 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) Separate preconstruction conferences may be held for the different phases of civil construction and equipment installation. 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 (including, but not limited to Karst topography and groundwater depth) 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/evaluation, including boring test results, shall be included in the submission of the final project design to Staff.

- (5) 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.
- (6) 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.
- (7) 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.
- (8) 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.
- (9) 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.
- (10) At least 30 days prior to the start of construction, the Applicant shall file a copy of the final complaint resolution plan on the public docket. 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, airports, 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 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 condition 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) Prior to the preconstruction conference, the Applicant shall provide Staff , for review and acceptance, the fire protection, safety, and medical emergency plan(s) to be used during construction and operation of the facility.
- (12) 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.
- (13) The facility shall be operated in such a way as to assure that no more than 120 MW would at any time be injected into the Bulk Power System.
- (14) The Applicant shall implement the landscape mitigation planting modules listed in the Landscape Mitigation Plan and implement the Lighting Plan. Any modifications to the Landscape Mitigation Plan and/or Lighting Plan as a result of final engineering or agreement with non-participating property owners shall be provided to Staff for confirmation of compliance with this condition at least 30 days prior to implementation. The Applicant shall maintain these vegetative screening measures for the life of the facility and the Applicant shall replace and maintain 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.
- (15) 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. Prior to pile driving activities, the Applicant will provide a map to Staff indicating areas where pile driving cannot occur between 7:00 a.m. and 9:00 a.m., based on the daytime ambient Leq plus 10 dBA from the sound data previously collected to support Exhibit Q of the Application. 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.

- (16) If the inverters or substation transformer chosen for the project have a higher sound power output than the models used in the noise model, the Applicant shall submit, 30 days prior to construction, the results from an updated noise model for the project using the expected sound power output from the models chosen for the project, to show that sound levels will not exceed the project area average daytime ambient level of 44 dBA plus five dBA at any nonparticipating sensitive receptor. If transformer manufacturer data is not available, the model will be updated with sound emission data following the NEMA TR1 standard. If inverter manufacturer data is not available, a similar inverter model will be used to update the sound propagation model prior to construction. Once constructed, sound level measurements will be made in close proximity to the inverter to determine the sound power level of the installed inverter. If the sound power level of the installed inverter is 2dBA or more above the sound power level used in the updated pre-construction model, then the sound propagation model will be updated to ensure project-wide compliance with the applicable sound level limit. If the sound power level is determined to be less than 2 dBA above the sound power level used in the updated pre-construction model, then the project will be deemed in-compliance.
- (17) 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.
- (18) If prior to construction the Applicant encounters any new listed threatened or endangered plant or animal species or suitable habitat of these species within the construction limits of disturbance the Applicant shall identify avoidance areas or alternatively explain appropriate mitigation measures for these species to accommodate construction activities. This information will be included with the final engineering drawings per condition 4. Coordination with the Ohio Department of Natural Resources (ODNR) and/or the U.S. Fish and Wildlife Service (USFWS) may also allow a different course of action.
- (19) 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 ODNR) and/or the USFWS allows a different course of action.
- (20) Construction in northern harrier preferred nesting habitat types shall be avoided during the species' nesting period of May 15 through August 1 unless coordination by the Applicant with ODNR allows a different course of action during the period. Mapping of these habitat areas shall be provided to the construction contractor along with instructions to avoid these areas during the restricted dates, unless coordination with the ODNR allows a different course of action.



- (21) Construction in upland sandpiper preferred nesting habitat types shall be avoided during the species' nesting period of April 15 through July 31 unless coordination by the Applicant with ODNR allows a different course of action during the period. Mapping of these habitat areas shall be provided to the construction contractor along with instructions to avoid these areas during the restricted dates, unless coordination with the ODNR allows a different course of action.
- (22) 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 the Applicant and Staff shall be authorized to report any issues simultaneously to the Applicant and Staff. 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.
- (23) The Applicant shall contact Staff, the ODNR, and/or 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.
- (24) 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, Buckskin Township Trustees, Paint Township Trustees, 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.
- (25) 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 within the project area. 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. The location of ODNR Water Well ID 211507 will be field verified prior to construction and depending on final determined location, and if necessary, the Applicant shall relocate the solar equipment at least 50 feet from the location of that water well.

Alternatively, relocation of the solar equipment shall not be required if the Applicant can demonstrate that the well is for nonpotable use, or seal and abandon the water well.

- (26) The Applicant shall 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.
- (27) The Applicant in coordination with the Paint Township Board of Trustees, the Buckskin Township Board of Trustees, the Ross County Board of County Commissioners and the Ross County Engineer shall establish a road use and maintenance agreement (RUMA) for the Project prior to construction. The RUMA should ensure that following the completion of construction of the Project, local roadways that were impacted by the Project will be repaired to a condition at least equal to their preconstruction condition. The RUMA shall include a map of proposed haul routes and identify roadways to be used by the Project, and require that local road conditions be documented prior to Project use of the roads commences. Reasonable financial surety shall be established in the RUMA and agreed to between the Applicant and the Ross County Engineer to cover costs of any construction related damages not repaired by the Applicant. In the event the Applicant is unable to secure the agreement of any local authority to enter into the RUMA that includes provisions that satisfy this condition 27, then as an alternative to a RUMA, the Applicant shall provide a road bond at an amount agreed to by the Ross County Engineer that will allow either the Ross County Engineer or applicable local authority to draw upon for road repairs specific to damages caused by the Project's construction.
- (28) The Applicant shall provide the final inverter and solar panel specifications, as well as final project layout drawings for the Project to the Buckskin Township Board of Trustees and the Paint Township Board of Trustees prior to construction. The Applicant will also provide both Boards of Trustees with notifications regarding construction in accordance to condition 10. The Applicant shall also provide a copy of its quarterly complaint summary report required per condition 10 to the Boards of Trustees.
- (29) The Applicant shall post a performance bond with the OPSB as the obligee based on the net costs of decommissioning prior to the commencement of commercial operation of the Project. Net costs are to be established by assessing the cost to remove equipment per the specifications of the decommissioning plan, less the salvage value of said equipment. This cost shall be established by an Ohio-licensed engineering firm or professional engineer based on the final design prior to the commencement of facility operations. Following commencement of commercial operation, the Applicant shall reevaluate decommissioning costs through an Ohio-licensed engineering firm or professional engineer every five years thereafter during the life of the Project. If this evaluation shows that the net decommissioning cost for the Project has increased, the Applicant shall increase the amount of the performance bond accordingly.

## **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. Ross County Solar, LLC is licensed to do business in the State of Ohio.
2. The Ross County Solar Project qualifies as a major utility facility as defined in R.C. 4906.01(B)(1).
3. On August 13, 2020, the Applicant filed a motion for waiver of the requirement to conduct an in-person public informational meeting. The motion was granted on September 2, 2020.
4. On September 14, 2020, the Applicant filed a pre-application notification letter informing the Board of a public informational meeting in Case No. 20-1380-EL-BGN.
5. On September 28, 2020, the Applicant filed a proof of notice of public informational meeting, indicating that notice of its September 30, 2020 public informational meeting was mailed to affected landowners on September 8, 2020, and published in the Hillsboro Times Gazette, a

newspaper of general circulation in Highland County, and the Chillicothe Gazette, a newspaper of general circulation in Ross County, on September 18, 2020 and September 19, 2020, respectively.

6. On September 30, 2020, the Applicant held web-based and phone-based public informational meetings in Case No. 20-1380-EL-BGN.

7. On October 30, 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 January 20, 2020.

8. Also on October 30, 2020, the Applicant filed its Application in Case No. 20-1380-EL-BGN to construct the Project, as well as a motion for protective order to keep portions of its Application confidential.

9. On December 29, 2020, the Executive Director of the Board issued a letter of compliance regarding the Application in Case No. 20-1380-EL-BGN to the Applicant.

10. On January 8, 2021, the Applicant filed correspondence indicating that the Application fee was paid and a proof of service, indicating that a copy of its accepted, complete Application was served upon the appropriate governmental officials and local libraries.

11. On January 20, 2021 and January 26, 2021, the Administrative Law Judge (“ALJ”) issued Entries to schedule hearings in the matter, directing the Staff to file its Staff Report of Investigation, and for parties to file their issues list and testimony.

12. On February 16, 2021, 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 February 2, 2021, and published in the Chillicothe Gazette and Hillsboro Times Gazette on January 29, 2021.

13. On March 1, 2021, the Ohio Farm Bureau Federation filed a motion to intervene.

14. On March 8, 2021, the Boards of Trustees of Buckskin and Paint Townships filed notices of intervention.

15. On March 22, 2021, Staff filed its Staff Report of Investigation.

16. A remote local public hearing was held on April 6, 2021 at 6:00 p.m. A remote adjudicatory hearing was called and continued on April 27, 2021.

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

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

19. Adequate data on the 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).

20. Adequate data on the 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 Project will serve the interests of electric system economy and reliability, and the requirements of R.C. 4906.10(A)(4) are met.

21. Adequate data on the 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).

22. Adequate data on the 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).

23. Adequate data on the 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).

24. Adequate data on the 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).

25. 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. Ross County Solar, LLC is a “person” under R.C. 4906.01(A).

2. The proposed 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 Project, as required by R.C. 4906.10(A)(2).

4. The record establishes that the 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 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 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 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 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 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 Project.



The undersigned hereby stipulate, agree and represent that they are authorized to enter into this Joint Stipulation and Recommendation on this 18th day of May, 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/ Thomas Lindgren (per authorization AS)

Thomas Lindgren (0039210)  
Chelsea Fletcher (0100313)  
Assistant Attorney Generals  
Public Utilities Section  
30 E. Broad Street, 16<sup>th</sup> Floor  
Columbus, OH 43215-3793  
(614) 644-8768

[thomas.lindgren@ohioattorneygeneral.gov](mailto:thomas.lindgren@ohioattorneygeneral.gov)  
[chelsea.fletcher@ohioattorneygeneral.gov](mailto:chelsea.fletcher@ohioattorneygeneral.gov)

*Attorneys for Ohio Power Siting Board Staff*

/s/ Anna Sanyal

Michael J. Settineri (0073369), Counsel of Record  
Anna Sanyal (0089269)  
Mark A. Hylton (0088384)  
Vorys, Sater, Seymour and Pease LLP  
52 East Gay Street  
Columbus, OH 43215  
(614) 464-5462  
(614-719-5146 (fax))  
[mjsettineri@vorys.com](mailto:mjsettineri@vorys.com)  
[aasanyal@vorys.com](mailto:aasanyal@vorys.com)  
[mahylton@vorys.com](mailto:mahylton@vorys.com)

*Attorneys for Ross County Solar, LLC*

/s/ Amy Milam (per authorization AS)

Chad A. Endsley (0080648)  
Chief Legal Counsel  
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  
(614) 246-8658 (fax)

[cendsley@ofbf.org](mailto:cendsley@ofbf.org)  
[lcurtis@ofbf.org](mailto:lcurtis@ofbf.org)  
[amilam@ofbf.org](mailto:amilam@ofbf.org)

*Attorneys for Ohio Farm Bureau Federation*

/s/ Jeffrey C. Marks (per authorization AS)

Jeffrey C. Marks (0080026)  
Prosecuting Attorney  
Ross County, Ohio  
33 W. Main Street, Ste. 200  
Chillicothe, OH 45601  
(740) 702-3115  
(740) 702-3106 (fax)  
[jeffreymarks@rosscountyohio.gov](mailto:jeffreymarks@rosscountyohio.gov)

*Attorney for the Board of Trustees for Buckskin Township, Ross County, Ohio*

## **CERTIFICATE OF SERVICE**

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced in the service list of the docket card who have electronically subscribed to this case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served upon the persons below via electronic mail this 18th day of May 2021.

/s/ Anna Sanyal  
Anna Sanyal

Thomas Lindgren  
[thomas.lindgren@ohioattorneygeneral.gov](mailto:thomas.lindgren@ohioattorneygeneral.gov)

Chelsea Fletcher  
[chelsea.fletcher@ohioattorneygeneral.gov](mailto:chelsea.fletcher@ohioattorneygeneral.gov)

*Counsel for Staff of the Ohio Power Siting  
Board*

Chad A. Endsley  
[cendsley@ofbf.org](mailto:cendsley@ofbf.org)

Leah F. Curtis  
[lcurtis@ofbf.org](mailto:lcurtis@ofbf.org)

Amy M. Milam  
[amilam@ofbf.org](mailto:amilam@ofbf.org)

*Counsel for Ohio Farm Bureau Federation*

Jeffrey C. Marks  
[jeffreymarks@rosscountyohio.gov](mailto:jeffreymarks@rosscountyohio.gov)

*Counsel for Board of Trustees of Buckskin  
Township*

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

**Commission of Ohio Docketing Information System on**

**5/18/2021 4:50:57 PM**

**in**

**Case No(s). 20-1380-EL-BGN**

Summary: Stipulation Joint Stipulation and Recommendation electronically filed by Ms. Anna Sanyal on behalf of Ross County Solar, LLC