

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF
BIRCH SOLAR, LLC, FOR A CERTIFICATE
OF ENVIRONMENTAL COMPATIBILITY
AND PUBLIC NEED FOR THE
CONSTRUCTION OF A SOLAR-POWERED
ELECTRIC GENERATION FACILITY IN
ALLEN AND AUGLAIZE COUNTIES, OHIO.

CASE NO. 20-1605-EL-BGN

ENTRY

Entered in the Journal on June 14, 2021

{¶ 1} Birch Solar, LLC (Birch Solar or 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 from the Ohio Power Siting Board (Board). In seeking a certificate, applicants must comply with the filing requirements outlined in R.C. 4906.04, as well as Ohio Adm.Code Chapters 4906-2 and 4906-4.

{¶ 3} On November 3, 2020, Birch Solar filed a pre-application letter with the Board regarding its proposed 300 megawatt (MW) solar-powered electric generation facility in Allen and Auglaize counties, Ohio (Facility).

{¶ 4} On November 20, 2020, and November 23, 2020, Birch Solar held public information meetings to discuss the proposed project with interested persons and landowners; the company filed its affidavit of publication with the Board on November 18, 2020.

{¶ 5} On February 12, 2021, Birch Solar filed its application with the Board for a certificate of environmental compatibility and public need to construct the proposed Facility. Pursuant to Ohio Adm.Code 4906-3-06, a determination of completeness of Birch Solar's application was due on April 13, 2021.

{¶ 6} On March 25, 2021, March 31, 2021, and April 5, 2021, Birch Solar filed supplements to its application.

{¶ 7} On April 13, 2021, Staff filed a motion to suspend the finding of completeness and a request for an expedited ruling asserting that it was unable to determine that the application's completeness due to the supplementation to the application.

{¶ 8} On April 20, 2021, the administrative law judge (ALJ) granted Staff's motion for extension of completeness review, extending the deadline until June 14, 2021.

{¶ 9} On June 2, 2021, a petition for leave to intervene was filed on behalf of: Against Birch Solar LLC, Linda M. Beckstedt, Jesse M. Bott and Kacie Rison, Ryan and Stacy Brenneman, Patricia Buzard, Cheryl M. Counts, Ann Marie R. and Christopher H. Fisher, Deed Hall, Allyshia and Kyle Kuhbander, Angie M. and Kenneth R. McAlexander, Alexandra and Timothy Rostorfer, Susan and William Walters, Althea A. and Mark Wellman, and Ellen Wiegung (collectively, Against Birch Solar).

{¶ 10} On June 9, 2021, Against Birch Solar filed (1) a motion for an in-person informational meeting and postponement of Staff completeness determination of application, and (2) a memorandum in support of the motion.

{¶ 11} On June 11, 2021, Birch Solar filed a memorandum contra motion to hold an additional in-person public information meeting and to hold Staff's determination of completeness in abeyance.

{¶ 12} Based on Against Birch Solar's pending motion, including the potential for Against Birch Solar to file a reply to the memorandum contra until June 18, 2021, the ALJ finds that the time for Staff's determination of completeness is stayed. The ALJ will reset the deadline for Staff's completeness determination pursuant to a later entry that addresses (1) the pending petition for leave to intervene, and (2) the motion for an in-person informational meeting and postponement of Staff completeness determination of the application.

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That the deadline for Staff to make its recommendation regarding the completeness of Birch Solar's application is stayed from June 14, 2021. It is, further,

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

THE OHIO POWER SITING BOARD

/s/Michael L. Williams

By: Michael L. Williams
Administrative Law Judge

JRJ/hac

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Case No(s). 20-1605-EL-BGN

Summary: Administrative Law Judge Entry ordering that the deadline for Staff to make its recommendation regarding the completeness of Birch Solar's application is stayed from June 14, 2021 electronically filed by Heather A Chilcote on behalf of Michael L. Williams, Administrative Law Judge, Ohio Power Siting Board