

BEFORE THE OHIO POWER SITING BOARD

In the Matter of the Application of Hecate)	
Energy Highland 4, LLC for a Certificate of)	Case No. 20-1288-EL-BGN
Environmental Compatibility and Public)	
Need.)	

JOINT APPLICATION TO TRANSFER AND REQUEST FOR EXPEDITED RULING

Pursuant to Section 4906.04 of the Ohio Revised Code, Hecate Energy Highland 4, LLC (“Highland 4”) and Hecate Energy Highland 2, LLC (“Highland 2”) (collectively, the “Joint Applicants”) seek approval for Highland 4 to transfer the 35 MW phase of the 100 MW Certificate (“Certificate”) granted in this case on March 18, 2021 and modified upon rehearing on June 24, 2021, from Highland 4 to Highland 2. Attachment A to this Application shows the 65 MW and 35 MW phases of the 100 MW project. To be clear, the Joint Applicants are not asking the Ohio Power Siting Board (“Board”) to issue a new or separate certificate to Highland 2 – both phases of the single project would remain subject to the single 100 MW Certificate and would continue to be subject to the jurisdiction of the Board and the terms and conditions in the Certificate, as it may be amended from time to time. The transfer would simply allow the two entities (under common ownership) to utilize portions of the single certificated project to support different power purchase agreements, which is common in the renewable energy industry. Further, as required pursuant to R.C. 4906.04, Highland 2 agrees to abide by all terms, conditions and modifications of the Certificate applicable to the 35 MW phase of the Certificate after the transfer is approved.

The Joint Applicants request an expedited ruling on this Joint Application and that it be heard at the Board’s July 15, 2021 Board meeting. Construction of the 100 MW project is underway as well as the construction financing transaction for the project. A ruling on this

application at the July 15, 2021 Board meeting will help facilitate the project's financing by providing certainty on which entity will be responsible for the two phases of the 100 MW project. It will also allow financing documents to be drafted with responsibilities allocated between the two project companies (Highland 2 and Highland 4).

Importantly, the proposed assignment of phases of the single Certificate between Highland 2 and Highland 4 (both under common ownership) is common practice before the Board. The Board has regularly permitted the transfer of portions of a project under a single certificate to another entity, provided the requirements of R.C. 4906.04 are met. *See, e.g., Entry, In the Matter of the Application of Paulding Wind Farm II, LLC*, Case No. 10-369-EL-BGN (Feb. 28, 2011) (granting joint application to transfer portion of certificate for 37 of the 98 certificated wind turbines to a different entity); *Entry, In the Matter of the Application of Hardin Solar Energy II LLC*, Case No. 18-1360-EL-BGN and *In the Matter of the Application of Hardin Solar Energy III LLC*, Case No. 20-1678-EL BGN (March 18, 2021) (granting joint application to transfer a 20 MW portion of the Hardin Solar II certificate to Hardin Solar III); *Entry, In the Matter of the Letter of Notification Application of Ohio River Partners Shareholder LLC*, Case No. 17-1091-EL-BLN (April 16, 2020) (granting joint application to bifurcate certificate and assign utility switchyard portion to different entity); *Entry, In the Matter of the Application of Carroll County Energy LLC*, Case Nos. 13-1752-EL-BGN and 14-591-EL-BLN (May 19, 2016) (granting joint application to bifurcate and transfer the interconnect switchyard portion of an electric facility to different entity); and *Entry, In the Matter of the Application of Clean Energy Future-Lordstown, LLC*, Case No. 14-2322-EL-BGN at 34 (July 17, 2015) (granting request to transfer ring bus portion of project to different entity).

In all of the above-cited cases, both entities agreed to operate under the single certificate and be bound by the certificate's terms and conditions for the portion for which each entity was responsible. Likewise, in the matter at bar, the Joint Applicants seek to operate under the single 100 MW Certificate and will abide by all terms and conditions applicable to their respective portions of the project under the 100 MW Certificate (i.e., the 65 MW phase and the 35 MW phase).

The Joint Applicants respectfully request that this Joint Application be given expedited consideration and be heard at the July 15, 2021 Board meeting and that, pursuant to R.C. 4906.04, the Board approve the transfer of the 35 MW phase of the Certificate to Highland 2.

Respectfully submitted,

/s/ Michael J. Settineri

Michael J. Settineri (0073369) (Counsel of Record)

Daniel E. Shuey (0085398)

Anna Sanyal (0089269)

Vorys, Sater, Seymour and Pease LLP

52 East Gay Street

Columbus, Ohio 43215

(614) 464-5462

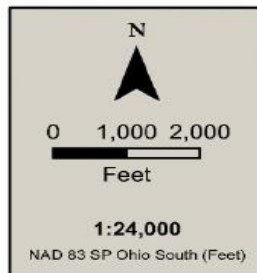
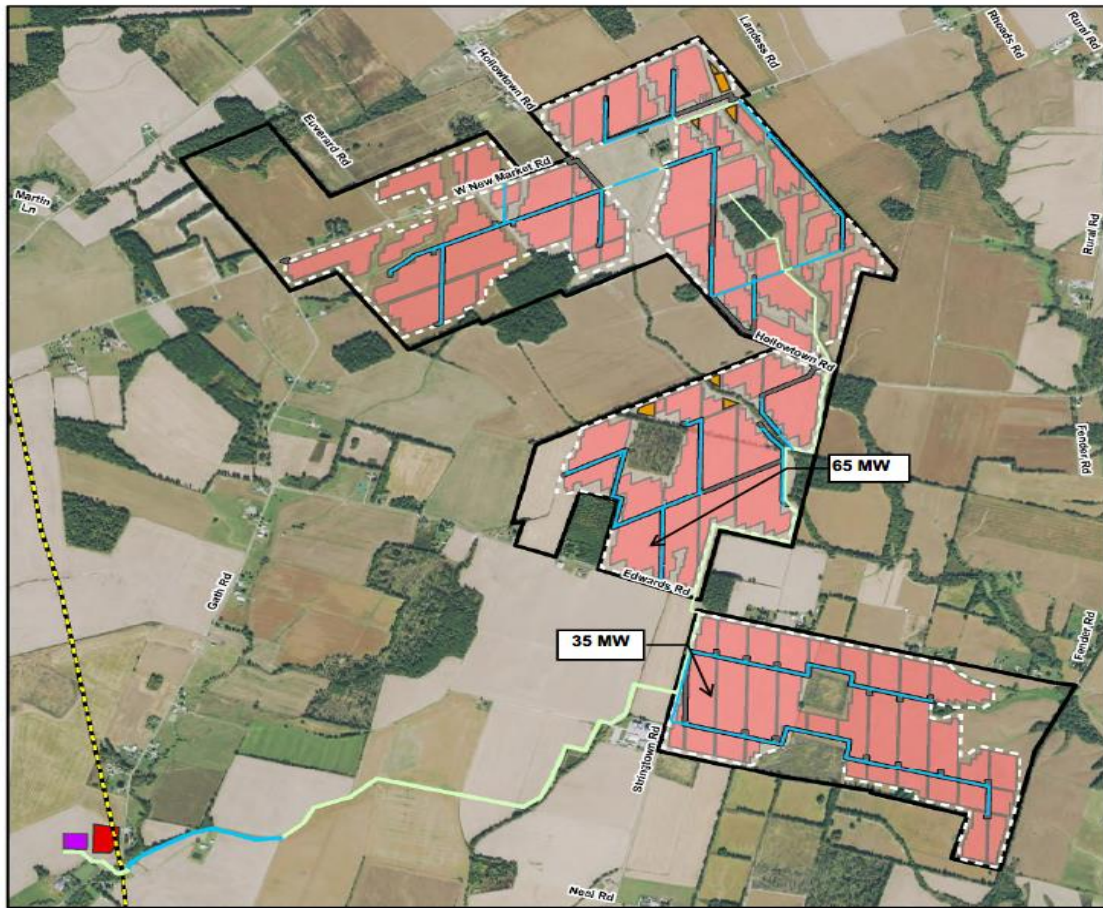
mjsettineri@vorys.com

deshuey@vorys.com

aasanyal@vorys.com

*Attorneys for Hecate Energy Highland 4, LLC and
Hecate Energy Highland 2, LLC*

Attachment A



Overview Map

20-1288-EL-BGN

New Market Solar

Maps are presented solely for the purpose of providing a visual representation of the project in the staff report, and are not intended to modify the project as presented by the Applicant in its certified application and supplemental materials.

CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will automatically serve notice of the filing of this *Joint Application to Assign and Transfer Portion of Certificate and Request for Expedited Ruling* to those individuals referenced on 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 *Joint Application to Assign and Transfer Portion of Certificate and Request for Expedited Ruling* has been emailed to the following on this 2nd day of July 2021:

Counsel:

Thomas Lindgren
Thomas.lindgren@ohioattorneygeneral.gov

Robert A. Eubanks
Robert.eubanks@ohioattorneygeneral.gov

Chad A. Endsley
cendsley@ofbf.org

Leah F. Curtis
lcurtis@ofb.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/ Michael J. Settineri
Michael J. Settineri

*Attorney for Hecate Energy Highland 4, LLC and
Hecate Energy Highland 2, LLC*

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

Summary: Application Joint Application to Transfer and Request for Expedited Ruling
electronically filed by Mr. Michael J. Settineri on behalf of Hecate Energy Highland 4, LLC