

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF
HECATE ENERGY HIGHLAND 4, LLC FOR
A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED.

CASE NO. 20-1288-EL-BGN

ENTRY

Entered in the Journal on August 19, 2021

I. SUMMARY

{¶ 1} The Ohio Power Siting Board grants the joint application to transfer the 35 megawatt phase of the certificated project held by Hecate Energy Highland 4, LLC to Hecate Energy Highland 2, LLC, in accordance with R.C. 4906.04.

II. DISCUSSION

{¶ 2} Hecate Energy Highland 4, LLC (Highland 4) and Hecate Energy Highland 2, LLC (Highland 2) are persons as defined in R.C. 4906.01.

{¶ 3} On September 2, 2020, Highland 4 filed its application with the Ohio Power Siting Board (Board) for a certificate of environmental compatibility and public need to construct and operate New Market Solar, which was described as a combined project of New Market Solar I and New Market Solar II. Highland 4 indicated that its application related to two separate and distinct facilities, with New Market Solar I expected to generate 65 megawatts (MW) of solar-powered electricity, and New Market Solar II expected to generate 35 MW of solar-powered electricity. Highland 4 advised that, given the separateness of the two facilities, it believed New Market Solar II was non-jurisdictional. Accordingly, Highland 4 requested that the Board certificate the project either as (1) two separate facilities with two separate certificates, or (2) two separate facilities with a certificate for New Market Solar I and confirmation that New Market Solar II is non-jurisdictional.

{¶ 4} Highland 4 supplemented its application on October 15, October 20, October 23, November 10, and December 1, 2020. Pursuant to the supplement on December 1, 2020,

Highland 4 requested that the Board (1) issue a certificate for the combined 100 MW facility, and (2) immediately bifurcate the certificate into two certificates to allow for the separate construction and operation of New Market I and New Market II.

{¶ 5} By Opinion, Order, and Certificate dated March 18, 2021 (March 2021 Order), the Board issued a certificate to Highland 4 to construct and operate a 65 MW solar-powered electric generation facility in Highland County, Ohio.

{¶ 6} On April 19, 2021, Highland 4 filed an application for rehearing of the March 2021 Order claiming that the Board erred either (1) in not certifying the 100 MW facility and immediately bifurcating and assigning the 35 MW phase of the certificate to Highland 2, or (2) in failing to expressly state that the 35 MW phase of the project is non-jurisdictional.

{¶ 7} By Order on Rehearing dated June 24, 2021, the Board granted the application for rehearing finding that (1) a certificate should be issued for the 100 MW utility-scale solar facility, and (2) the certificate shall not be bifurcated.

{¶ 8} On July 2, 2021, Highland 4 and Highland 2 filed a joint application to transfer the 35 MW phase of the 100 MW certificate granted in this case from Highland 4 to Highland 2. In their joint application, Highland 4 and Highland 2 clarify that (1) they are not asking the Board to issue a separate certificate to Highland 2, (2) if the transfer of the 35 MW phase is granted, both the 65 MW phase and the 35 MW phase would continue to be subject to the Board's jurisdiction and the terms, conditions, and modifications of the certificate, and (3) 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.

{¶ 9} On July 8, 2021, Highland 2 filed correspondence confirming its commitment in the joint application to transfer to adhere to all conditions related to the certificate upon the approval of the transfer of the 35 MW phase of the project. In addition, Highland 2 advised that copies of the joint application to transfer were mailed to the Highland County

Board of Commissioners, the Whiteoak Township Board of Trustees, and the Clay Township Board of Trustees.

{¶ 10} R.C. 4906.04 provides that a certificate may be transferred, subject to the approval of the Board, to a person that agrees to comply with the terms, conditions, and modifications contained in the certificate.

{¶ 11} Upon consideration of the request to transfer 35 MW of the certificated project from Highland 4 to Highland 2, the Board finds that the request is reasonable and should be granted in accordance with R.C. 4906.04. Accordingly, Highland 2 shall abide by all conditions in the certificate previously granted to Highland 4.

III. ORDER

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That the request to transfer 35 MW from Highland 4 to Highland 2 be granted in accordance with Paragraph 11. It is, further,

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

BOARD MEMBERS:

Approving:

Jenifer French, Chair
Public Utilities Commission of Ohio

Matt McClellan, Designee for Lydia Mihalik, Director
Ohio Development Services Agency

Brittney Colvin, Designee for Mary Mertz, Director
Ohio Department of Natural Resources

W. Gene Phillips, Designee for Bruce T. Vanderhoff, M.D., Director
Ohio Department of Health

Drew Bergman, Designee for Laurie Stevenson, Director
Ohio Environmental Protection Agency

Sarah Huffman, Designee for Dorothy Pelanda, Director
Ohio Department of Agriculture

Greg Murphy, Public Member

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Summary: Entry granting the joint application to transfer the 35 megawatt phase of the certificated project held by Hecate Energy Highland 4, LLC to Hecate Energy Highland 2, LLC, in accordance with R.C. 4906.04. electronically filed by Ms. Mary E. Fischer on behalf of Ohio Power Siting Board