

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF
BORDER BASIN I, LLC FOR A CERTIFICATE
OF ENVIRONMENTAL COMPATIBILITY AND
PUBLIC NEED.

CASE NO. 21-277-EL-BGN

ENTRY

Entered in the Journal on August 23, 2021

{¶ 1} Border Basin I, LLC (Border Basin 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. 4906.06, as well as Ohio Adm.Code Chapters 4906-2 through 4906-4.

{¶ 3} On June 15, 2021, as supplemented on July 21, 2021, Border Basin filed an application with the Board for a certificate of environmental compatibility and public need to construct an up to 120 megawatt solar-powered electric generation facility (the Facility) in Cass township, Hancock County, Ohio.

{¶ 4} Pursuant to Ohio Adm.Code 4906-3-06, within 60 days of receipt of an application for a major utility facility, the Board Chair must either except 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.

{¶ 5} On August 6, 2021, Applicant filed two documents: a notice that it would hold a second public information meeting on August 16, 2021, in Arcadia, Ohio, and a motion for extension of the completeness review required under Ohio Adm.Code 4906-3-06 with a request for expedited consideration. In its motion, Border Basin noted that extending the completeness review would allow the second public information meeting – where members of the public could receive information and make comments regarding the Facility – to be conducted with sufficient time for Applicant to review and summarize those comments in

a form to be filed to the docket before Staff issued its completeness determination. By Entry issued August 13, 2021, the administrative law judge (ALJ) granted the motion and extended the deadline for filing a completeness recommendation to August 23, 2021.

{¶ 6} On August 23, 2021, Border Basin filed a motion for an additional extension of the completeness review and request for expedited ruling. Applicant states that it received Staff's First Data Request on July 26, 2021, filed its response to the same on August 9, 2021, and filed a supplemental response on August 13, 2021. Border Basin further states that it is working to compile additional information in response to Staff's First Data Request, and Staff has represented that it needs that additional information prior to submitting its recommendation on completeness. Therefore, Applicant seeks a 14-day extension of the completeness review, or until September 7, 2021, to allow Border Basin sufficient time to assemble and submit, and for Staff to review, the information. Finally, because the completeness letter would otherwise be due for filing today, Border Basin submits that good cause exists to consider and grant the motion on an expedited basis.

{¶ 7} Upon review, the ALJ finds that Border Basin's motion is reasonable and should be granted. Accordingly, the deadline for the filing of the completeness recommendation is extended to September 7, 2021. In granting the motion, the ALJ notes that Applicant has not yet filed the promised summary of the comments or concerns raised by members of the community at the second public information meeting. The ALJ instructs Applicant to submit that filing to the docket no later than August 31, 2021.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That Applicant's motion for an additional extension of the completeness review be granted. It is, further,

{¶ 10} ORDERED, That the completeness recommendation be made no later than September 7, 2021. It is, further,

{¶ 11} ORDERED, That Applicant file the summary of comments from the second public information meeting on or before August 31, 2021, as stated in Paragraph 7.

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

THE OHIO POWER SITING BOARD

/s/Patricia A. Schabo

By: Patricia A. Schabo
Administrative Law Judge

JRJ/hac

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Case No(s). 21-0277-EL-BGN

Summary: Administrative Law Judge Entry ordering that Applicant's motion for an additional extension of the completeness review be granted; that the completeness recommendation be made no later than September 7, 2021; and, that Applicant file the summary of comments from the second public information meeting on or before August 31, 2021, as stated in Paragraph 7 electronically filed by Heather A. Chilcote on behalf of Patricia A. Schabo, Administrative Law Judge, Power Siting Board