

## THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION  
OF CADENCE SOLAR ENERGY, LLC FOR A  
CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY AND PUBLIC NEED.

CASE NO. 20-1677-EL-BGN

### ENTRY

Entered in the Journal on September 1, 2021

{¶ 1} Cadence Solar Energy, LLC (Cadence 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 for the facility from the Ohio Power Siting Board (Board).

{¶ 3} On November 25, 2020, Cadence filed a preapplication notification letter with the Board, consistent with Ohio Adm.Code 4906-3-03(A), regarding its proposed construction of an up to 275 megawatt solar-powered electric generation facility in Union County, Ohio (Project). Cadence further stated in the letter that it had scheduled a virtual public information meeting for December 18, 2020.

{¶ 4} On December 10, 2020, Cadence filed proof of publication regarding its planned public information meeting.

{¶ 5} On December 18, 2020, Cadence held the planned public information meeting to discuss the proposed Project with interested persons and landowners.

{¶ 6} On February 1, 2021, and February 2, 2021, Cadence filed an application with the Board for a certificate of environmental compatibility and public need to construct the Project.

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

{¶ 8} By letter dated April 2, 2021, the Board notified Cadence that its application was compliant and provided sufficient information to permit Staff to commence its review and investigation. Pursuant to Ohio Adm.Code 4906-3-06 and 4906-3-07, Cadence was directed to serve appropriate government officials and public agencies with copies of the complete, certified application and to file proof of service with the Board. The letter further instructed Cadence to submit its application fee pursuant to R.C. 4906.06(F) and Ohio Adm.Code 4906-3-12.

{¶ 9} On April 5, 2021, Cadence filed a certificate of service of its accepted and complete application and, on April 13, 2021, filed proof that it had submitted its application fee to the Treasurer of the State of Ohio, as required by Ohio Adm.Code 4906-3-07.

{¶ 10} Ohio Adm.Code 4906-3-08(A) states that, once an applicant has complied with Ohio Adm.Code 4906-3-07, the Board or the administrative law judge (ALJ) shall file an entry indicating the date on which the accepted, complete application is deemed filed. Additionally, once the effective date is established, the ALJ must promptly fix the dates for public hearings. Under R.C. 4906.07(A), the public hearing must be held not less than 60 nor more than 90 days after the effective date.

{¶ 11} By Entry dated April 15, 2021, the effective date of the application was established as April 15, 2021. The ALJ also established a procedural schedule for this matter, including a deadline of July 6, 2021, for expert and factual testimony to be offered by Cadence, as well as a deadline of July 13, 2021, for expert and factual testimony to be offered by the intervenors and Staff. Further, the ALJ scheduled a local public hearing for June 29, 2021, at 6:00 p.m., as well as an evidentiary hearing to commence on July 20, 2021, at 10:00 a.m.

{¶ 12} On July 2, 2021, Cadence filed a motion for an extension of the deadline for the filing of its testimony, along with a request for expedited treatment. In order to allow for settlement discussions with Staff and intervenors following the local public hearing in this case, Cadence proposed to extend the deadline for its testimony to July 13, 2021, with all other deadlines remaining the same.

{¶ 13} By Entry dated July 2, 2021, the ALJ granted Cadence's motion for an extension of time to file its factual and expert testimony.

{¶ 14} On July 12, 2021, Cadence, Staff, the Union County Commissioners, the Union Soil and Water Conservation District, the Ohio Farm Bureau Federation, and the Boards of Trustees of York, Taylor, and Liberty townships (collectively, the Joint Parties) filed a joint motion for an extension of the deadline for filing their testimony, along with a request for expedited treatment. The Joint Parties proposed extending the deadline to file their respective testimonies to July 16, 2021.

{¶ 15} By Entry dated July 13, 2021, the ALJ granted the Joint Parties' motion for an extension of time for any party to file its factual and expert testimony.

{¶ 16} On July 16, 2021, the Joint Parties filed a joint motion requesting the evidentiary hearing, scheduled for July 20, 2021, be called and continued and that new deadlines for the filing of factual and expert testimony, and any stipulation in the case, be determined at the evidentiary hearing. The motion included a request for expedited treatment.

{¶ 17} On July 16, 2021, the ALJ issued an Entry granting the Joint Parties' motion requesting the July 20, 2021 evidentiary hearing be called and continued, with new deadlines to be determined during that proceeding.

{¶ 18} The July 20, 2021 evidentiary hearing was called and continued as scheduled, at which time the Joint Parties and the ALJ discussed further scheduling in the case. The Joint Parties ultimately agreed that they would provide proposed deadlines for the filing of

testimony and any stipulation in the case, as well as a proposed date for reconvening the evidentiary hearing, by way of a status update to the ALJ, following the continuation of their negotiations.

{¶ 19} On August 30, 2021, the Joint Parties provided an update to the ALJ, stating that their proposal is to file their expected stipulation, the Applicant's testimony supporting the stipulation, and Staff's testimony by September 3, 2021, and to reconvene the evidentiary hearing on September 8, 2021.

{¶ 20} The ALJ finds the Joint Parties' proposal to be reasonable. Accordingly, the deadline to file any stipulation in the case, the Applicant's testimony supporting the stipulation, and Staff's testimony shall be September 3, 2021, and the evidentiary hearing shall reconvene on September 8, 2021, at 10:00 a.m., at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, 11th Floor, Hearing Room 11-C, Columbus, Ohio 43215-3793. The Joint Parties should register at the lobby desk and then proceed to the 11th floor to participate in the evidentiary hearing. Consistent with directives from the Director of the Ohio Department of Health and the Centers for Disease Control and Prevention, individuals who are not fully vaccinated should continue to wear face coverings and socially distance. Any accommodations necessary to ensure availability of social distancing and plexiglass dividers should be made in advance of the evidentiary hearing. Further, as pandemic restrictions are evolving, instructions regarding further safety requirements or accommodations for the hearing room may be posted on the Board's website or communicated to the parties.

{¶ 21} It is, therefore,

{¶ 22} ORDERED, That the Joint Parties file any stipulation and testimony by September 3, 2021. It is, further,

{¶ 23} ORDERED, That the evidentiary hearing recommence on September 8, 2021. It is, further,

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

THE OHIO POWER SITING BOARD

/s/ Jesse M. Davis

By: Jesse M. Davis  
Administrative Law Judge

NJW/hac

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

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**Case No(s). 20-1677-EL-BGN**

Summary: Administrative Law Judge Entry ordering that the Joint Parties file any stipulation and testimony by September 3, 2021 and that the evidentiary hearing recommence on September 8, 2021 electronically filed by Heather A. Chilcote on behalf of Jesse Davis, Administrative Law Judge, Ohio Power Siting Board