

In the Matter of the Application of Birch)
Solar, LLC for a Certificate of Environmental)
Compatibility And Public Need for the Construction) Case No. 20-1605-EL-BGN
of a Solar-Powered Electric Generation Facility)
in Allen and Auglaize Counties, Ohio)

/s/ Ryan M. Kalnins
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BEFORE 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) Case No. 20-1605-EL-BGN
of a Solar-Powered Electric Generation Facility)
in Allen and Auglaize Counties, Ohio)

**MEMORANDUM IN SUPPORT OF PETITION FOR LEAVE TO INTERVENE
OF RYAN AND MICHELLE KALNINS**

OAC 4906-2-12(B) provides that the Ohio Power Siting Board (“Board”) or administrative law judge may consider the following criteria when considering petitions to intervene:

- (a) The nature and extent of the person’s interest;
- (b) The extent to which the person’s interest is represented by existing parties;
- (c) The person’s potential contribution to a just and expeditious resolution of the issues involved in the proceeding; and
- (d) Whether granting the requested intervention would unduly delay the proceeding or unjustly prejudice an existing party.

For the following reasons, there is good cause under these criteria to grant intervenor status to the proposed Petitioners in these proceedings.

Nature and extent of interest:

Ryan and Michelle Kalnins reside on property that is surround on two sides by the Birch Solar 1 project (“Project”) proposed by Birch Solar 1, LLC (“Birch Solar”). On February 3, 2021, Birch Solar offered a Neighboring Landowner Benefit Program (“Program”). The Program’s stated purpose is to benefit and compensate for any inconveniences created by the installation of the project.

Ryan and Michelle Kalnins do not intervene in this proceeding in support or opposition to the project. Rather, the concern lies in not being adequately compensated for the direct and

indirect inconveniences of the Project. This includes the piercing sound of metal on metal pile driving, the excess dust that will become airborne, as well as others.

Extent to which interests are represented by existing parties and potential contribution to the just and expeditious resolution of these proceedings:

No other party represents, or can represent, the Petitioners' interests in protecting themselves and their property from the impacts of the solar project. As adjacent landowners surrounded by the Project Area, their participation in the case is necessary to the just and expeditious resolution of this proceeding.

Potential for undue delay or unjust prejudice:

Granting intervenor status to the Petitioners will not unduly delay the proceedings or cause unjust prejudice to the Applicant. The Petitioners will comply with whatever case management schedule that the Board establishes.

For the foregoing reasons, the Petitioners request the Board to grant this Petition for Leave to Intervene.

Respectfully submitted,

/s/ Ryan M. Kalnins

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CERTIFICATE OF SERVICE

The Ohio Power Siting Board's e-filing system will electronically serve notice of the filing of this document on the parties referenced in the service list of the docket card who have electronically subscribed to this case. In addition, I hereby certify that, on September 29, 2021, a copy of the foregoing document also is being served by electronic mail on the following:

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

Summary: Petition Petition for Leave to Intervene and Memorandum in Support of Ryan and Michelle Kalnins electronically filed by Ryan M Kalnins on behalf of Ryan Matthew Kalnins