

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Birch)	
Solar 1, LLC for a Certificate of)	
Environmental Compatibility and Public)	Case No. 20-1605-EL-BGN
Need to Construct a Solar-Powered Electric)	
Generation Facility in Allen and Auglaize)	
Counties, Ohio)	

**PETITION TO INTERVENE BY THE INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL UNION 32**

The International Brotherhood of Electrical Workers, Local Union 32 (“IBEW Local 32” or “Local 32”), pursuant to Ohio Admin. Code 4906-2-12, respectfully requests to intervene in the above captioned matter relating to the 300 MW solar facility proposed to be constructed in Allen and Auglaize Counties. As set forth in the accompanying memorandum in supports, IBEW Local 32 has a real and substantial interest in this matter that is not represented by any existing parties. IBEW Local 32’s participation as an intervening party will contribute to a just and expeditious resolution of the issue in the above captioned proceeding and will not unduly delay or unjustly prejudice any existing party.

For these reasons, and those contained in the following Memorandum in Support, the IBEW Local 32 respectfully request that the Ohio Power Siting Board (the “Board”) grant its Petition to Intervene and grant IBEW Local 32 full rights and privileges as a party in this matter.

[Signature block on the next page.]

Respectfully submitted,

/s/ Robert Dove

Robert Dove (0092019)

Kegler Brown Hill + Ritter Co., L.P.A.

65 E State St., Ste. 1800

Columbus, OH 43215-4295

Office: (614) 462-5443

rdove@keglerbrown.com

(Willing to accept service by email)

**Attorney for the International
Brotherhood of Electrical Workers,
Local 32**

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Birch)	
Solar 1, LLC for a Certificate of)	
Environmental Compatibility and Public)	Case No. 20-1605-EL-BGN
Need to Construct a Solar-Powered Electric)	
Generation Facility in Allen and Auglaize)	
Counties, Ohio)	

MEMORANDUM IN SUPPORT

I. Introduction

The IBEW Local Union 32 is a labor union with members residing in Allen and Auglaize Counties. Local 32's work jurisdiction covers both Allen and Auglaize Counties. Local 32 represents nearly 300 members who perform a wide variety of jobs including construction and utility work. It is through its training program that Local 32's membership is a leader in safety and is the most extensively trained workforce in the area. The training program is continually updated to include advancements in technology and workplace safety. Local 32 and its membership have a direct interest in solar development within its jurisdiction, to include but not limited to the Birch Solar 1 project.

II. Legal Standard

Ohio Revised 4906.08(A)(3) states that, upon a showing of good cause, any person may petition to intervene as a party to a Board proceeding within 30 days after the date of publication of the notice required in Section 4906.06(C). In this case, the Administrative Law Judge ordered that interventions be filed within thirty days of the publication of the R.C. 4906.06(C) notice or by October 30, 2021, whichever is later.¹

¹ Ohio Power Siting Board Case No. 20-1605-EL-BGN, ¶19 (August 13, 2021).

Under Ohio Admin. Code 4906-2-12, the Board or the Administrative Law Judge (“ALJ”) assigned to the proceeding may grant petitions to intervene upon a showing of “good cause”. The Board / ALJ may consider the following factors to determine “good cause”:

- (1) The nature and extent of the prospective person’s interest.
- (2) The extent to which the person’s interest is represented by existing parties.
- (3) The person’s potential contribution to a just and expeditious resolution of the issues involved in the proceeding.
- (4) Whether granting the requested intervention would unduly delay the proceeding or unjustly prejudice an existing party.²

The Ohio Supreme Court held, “intervention ought to be liberally allowed so that the positions of all persons with a real and substantial interest in the proceedings can be considered.” *Ohio Consumers’ Counsel v. Pub. Util Comm’n of Ohio* (2006), 111 Ohio St. 3d 384, 388, 2006 Ohio 5853, 856 N.E.2d 940. Additionally the Board has held that its standard “is generally construed in favor of intervention.” *In re Icebreaker Windpower Inc.*, Case No. 16-1871-EL-BGN, Entry ¶15 (May 23, 2018).

IBEW Local 32 satisfies these liberal intervention standards and have filed its petition by the October 1, 2021, deadline specified in the Administrative Law Judge’s August 13, 2021, Entry and respectfully request that their intervention be granted in this case.

III. Law and Argument

A. IBEW Local 32 has a real and substantial interest in this matter that is not represented by existing parties.

For years IBEW Local 32 has been deeply engaged in the communities impacted by the Birch 1 project. Local 32 has worked closely with contractors, energy companies, public and

² Ohio Admin. Code 4906-2-12((B)(1)(a)-(d)).

private utilities, government agencies at the state and federal level, and the Public Utilities Commission of Ohio. Furthermore, throughout the public permitting process for many projects, Local 32 has developed relationships with a diverse group of community and special interest groups, building coalitions working toward the common goal of job growth within Ohio.

As discussed above, IBEW Local Union 32 is a labor union. Local 32's work jurisdiction covers both Allen and Auglaize Counties in Ohio. Local 32 represents nearly 300 members, many of whom live in Allen and Auglaize Counties, who perform a wide variety of jobs including construction and utility work. It is through its training program that Local 32's membership is a leader in safety and is the most extensively trained workforce in the area. The training program is continually updated to include advancements in technology and workplace safety.

IBEW Local 32 has over 200 members who live in Allen and Auglaize Counties, including several in and around the project area. These same members may even be hired to construct the project given their expertise and location relative to the project. IBEW Local 32 has interest in ensuring solar projects are completed in the safest manner possible, not only for workers but for consumers. Local 32 has the industry expertise to provide technical guidance related to project design and construction and ensure a safe work environment. As energy professionals, Local 32 is uniquely positioned to provide meaningful, expert, input, on a variety of issues of concern in this proceeding. No other party to this proceeding can represent the interests of IBEW Local 32.

B. IBEW Local 32 will contribute to a just and expeditious resolution of the issues involved in the proceeding.

Local 32 understands the Ohio Power Siting Board process and stands ready to provide feedback and expert opinions related to not only the safety and construction of Birch 1, but also

the extremely important job creation component of the project. Local 32 believes it brings a unique prospective to ongoing discussions and is eager to work with the parties as the Application moves through the approval process. Local 32's intervention in this process will not cause undue delay, prejudice any existing party, it will contribute to the just and quick resolution of issues involved in the proceeding.

C. IBEW Local 32's intervention will not unduly delay the proceeding or unjustly prejudice any party.

IBEW Local 32's intervention will not unduly delay the proceeding as it is being filed by the intervention deadline set by the Administrative Law Judge and the Local 32 agrees to comply with all future deadlines. Further, Local 32's intervention will not unjustly prejudice any party as Local 32's interests are unique and not represented by any other party to the proceeding. Given the unique position not only as a gathering of energy experts, but as a member of the impacted community that has continually worked to build relationships to positively impact employment in the area, Local 32, respectfully submits that good cause exists to grant its Petition to intervene in this proceeding.

IV. Conclusion

For the foregoing reasons, IBEW Local 32 respectfully requests that its Petition to Intervene be granted.

/s/Robert Dove
Robert Dove (0092019)
Kegler Brown Hill + Ritter Co., L.P.A.
65 E State St., Ste. 1800
Columbus, OH 43215-4295
Office: (614) 462-5443
Fax: (614) 464-2634
rdove@keglerbrown.com
(Willing to accept service by email)

**Attorney for the International
Brotherhood of Electrical Workers,
Local 32**

CERTIFICATE OF SERVICE

I certify that The Ohio Power Siting Board's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. An electronic courtesy copy will be sent to the parties listed below on this 1st day of October 21.

cpirik@dickinsonwright.com
todonnell@dickinsonwright.com
mmcdonnell@dickinsonwright.com
Jodi.bair@OhioAGO.gov
Kyle.Kern@OhioAGO.gov
jvankley@vankleywalker.com
epierce@auglaizecounty.org
cendsley@ofbf.org
lcurtis@ofbf.org
amilam@ofbf.org
rmkalnins@gmail.com

/s/ Robert Dove
Robert Dove

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

10/1/2021 4:48:42 PM

in

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

Summary: Petition to Intervene and Memorandum in Support electronically filed by Mr. Robert Dove on behalf of International Brotherhood of Electrical Workers, Local Union 32