

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

Case No. 20-1605-EL-BGN: Birch Solar 1

MOTION/DESIRE TO INTERVENE BY SHAWNEE TOWNSHIP

Now comes Shawnee Township Trustees, Lima, Allen County, Ohio, and move for intervention with respect to the Birch Solar 1 Project located in Allen County and Auglaize County, Ohio.

It is the intent of the Shawnee Township Trustees to intervene in the above referenced case. The undersigned hereby affirms that the Shawnee Township Trustees have collectively, through a prior Resolution agreed to intervene in this matter, as the same is necessary and in the interests of the Shawnee Township Residents.

The project is located in both Allen and Auglaize County, Ohio. It is estimated that approximately 85% of the project will be located within Allen County and Shawnee Township, Ohio.

The Shawnee Township Trustees believe that intervention in the above referenced proceedings is necessary as they are an official representative of said township and have an interest in protecting the environment and/or planning land use in the areas in which any portion of the proposed facility is to be located.

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.

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.

The undersigned believes that the above factors will be established upon the granting of intervention.

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-ELBGN, Entry ¶15 (May 23, 2018).

WHEREFORE, as legal counsel for the Shawnee Township Trustees, request that this Board permit the intervention into the above matter,

Respectfully submitted



Clay W. Balyeat, Attorney at Law (0029800)
1728 Allentown Road
Lima, Ohio 45805
419-227-9595
clay@cbalyeat.com

Proof of Service

I hereby certify that I have provided a copy of this pleading to all parties and representatives whom have agreed to be served electronically.



Clay W. Balyeat

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in

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

Summary: Motion Motion to Intervened (signed) electronically filed by Mr. Clay W Balyeat on behalf of Shawnee Township Trustees