

THE OHIO POWER SITING BOARD

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

CASE NO. 18-1578-EL-BGN

ORDER ON REHEARING

Entered in the Journal on November 18, 2021

I. SUMMARY

{¶ 1} The Ohio Power Siting Board denies the joint application for rehearing filed by Concerned Citizens of Preble County and the specified individual members.

II. PROCEDURAL HISTORY

{¶ 2} All proceedings before the Ohio Power Siting Board (Board) are conducted according to the provisions of R.C. Chapter 4906 and Ohio Adm.Code Chapter 4906.

{¶ 3} Alamo Solar I, LLC (Alamo) is a corporation and person under R.C. 4906.01(A).

{¶ 4} R.C. 4906.04 provides that no person shall construct a major utility facility in the state without obtaining a certificate for the facility from the Board.

{¶ 5} The proposed electric generation facility is a major utility facility, as defined in R.C. 4906.01(B).

{¶ 6} Pursuant to the Entry of April 3, 2019, the Administrative Law Judge (ALJ) granted the motions to intervene filed by the Eaton Community School District (Eaton CSD) and the Ohio Farm Bureau Federation (OFB). By Entry issued on June 10, 2019, the ALJ accepted the notice of intervention filed by the Preble County Engineer, Washington Township, Gasper Township, the Preble Soil and Water Conservation District, the Preble County Planning Commission, and the Preble County Commissioners. The ALJ also granted the motions to intervene filed by the Preble Shawnee Local School District and the Concerned Citizens of Preble County, LLC (CCPC) on behalf of its members who own

and/or live on properties that are adjacent to the project area. CCPC is 67 persons and companies that live, work, and own property near the Project. The following CCPC members were also individually granted intervention: Eric and Kelly Altom; Mary Bullen; Camden Holdings, LLC; John and Joanna Clippinger; Joseph and Linda DeLuca; Jason and Tonya Heggs; Donn Kolb as trustee for the Donn E. Kolb Revocable Living Trust; Doris Jo Ann Kolb as trustee for the Doris Jo Ann Kolb Revocable Living Trust; Kenneth and Elaine Kolb; James and Carla Lay; Clint and Jill Sorrell; John and Linda Wambo; John Frederick Winter; and, Michael and Patti Young (collectively, CCPC Members).

{¶ 7} On July 5, 2019, Alamo, Staff, the OFB, Preble County Commissioners, the Preble County Engineer, the Preble Soil and Water Conservation District, Gasper Township, Washington Township, and the Preble County Planning Commission (collectively, Signatory Parties) filed a joint stipulation and recommendation (Initial Stipulation). Eaton CSD, Shawnee Local School District, CCPC and CCPC Members did not join in the Initial Stipulation.

{¶ 8} On July 30, 2020, the Signatory Parties filed an amended and restated joint stipulation and recommendation (Amended Stipulation). With the Amended Stipulation, the Signatory Parties also filed a joint motion to reopen the hearing record and to schedule a prehearing conference. Eaton CSD, Shawnee Local School District, CCPC, and CCPC Members did not join in the Amended Stipulation.

{¶ 9} By Opinion, Order, and Certificate dated June 24, 2021, (June 24 Order) the Board approved and modified the Amended Stipulation and issued a certificate of environmental compatibility and public need to Alamo for the construction, operation, and maintenance of a solar-powered electric generation facility in Gasper and Washington townships, Preble County (Project or Facility). As is common in certification proceedings, the June 24 Order set forth conditions that must be satisfied in relation to the Project, including pre-construction conditions.

{¶ 10} R.C. 4906.12 provides that R.C. 4903.02 to 4903.10 and R.C. 4903.20 to 4903.23 apply to any proceeding or order of the Board, as if the Board were the Public Utilities Commission of Ohio (Commission).

{¶ 11} Ohio Adm.Code 4906-2-32(A) states, in relevant part, that any party or affected person may file an application for rehearing, within 30 days after the issuance of a Board order, in the manner, form, and circumstance set forth in R.C. 4903.10. R.C. 4903.10 states that any party to a Commission proceeding may apply for rehearing with respect to any matter determined by the Commission within 30 days after the entry of the order upon the journal of the Commission. R.C. 4903.10(B) also requires that applications for rehearing be in writing and must set forth specifically the ground or grounds on which the party seeking rehearing considers an order unreasonable or unlawful.

{¶ 12} On July 23, 2021, intervenors CCPC and CCPC Members (Rehearing Applicants or Citizens) jointly filed an application for rehearing of the June 24 Order.

{¶ 13} On August 2, 2021, a memorandum contra application for rehearing was filed by Alamo.

{¶ 14} By Entry issued August 20, 2021, pursuant to the authority set forth in Ohio Adm.Code 4906-2-32(E), the ALJ granted rehearing for the limited purpose of affording the Board additional time to consider the issues and arguments raised in the application for rehearing.

III. DISCUSSION

{¶ 15} In the June 24 Order, the Board authorized a certificate for the construction, operation, and maintenance of the proposed project as recommended in the Amended Stipulation, subject to modifications. The application for rehearing filed by Rehearing Applicants contests that decision.

A. *Summary of the application for rehearing*

{¶ 16} As an initial matter, Alamo asserts that the Board lacks jurisdiction over the Citizens' application for rehearing, arguing that the application fails to present any ground for rehearing specific enough to comply with the rehearing statute. Alamo states that R.C. 4903.10 governs applications for rehearing and that its requirements are jurisdictional. Here, Alamo points to the requirement in R.C. 4903.10 that the party requesting rehearing "set forth specifically the ground or grounds on which the [party] considers the order to be unlawful" and claims that the Citizens' application for rehearing fails this jurisdictional requirement. Quoting the Supreme Court of Ohio, Alamo argues that "the General Assembly indicated clearly its intention to deny the right to raise a question on appeal where the appellant's application for rehearing used a shotgun instead of a rifle to hit that question." Memorandum Contra at 3 citing *Consumers' Counsel v. Pub. Util. Comm.*, 70 Ohio St.3d 244, 248, 638 N.E.2d 550, 553 (1994), quoting *City of Cincinnati v. Pub. Util. Comm.*, 151 Ohio St. 353, 378, 86 N.E.2d 10, 23 (1949).

{¶ 17} Quoting the application for rehearing filing, Alamo posits that Citizens' application for rehearing is jurisdictionally insufficient because it raises only two conclusory grounds for rehearing:

The Board did not find and determine the nature of the probable environmental impact of the [Project] under R.C. 4906.10(A)(2), because Alamo failed to provide the information in the evidentiary record required by the Board's rules necessary to make such a finding and determination; [and]

The Board erred in finding and determining that the Project represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations, pursuant to R.C. 4906.10(A)(3).

(Memorandum Contra at 4-5 citing Application for Rehearing at 1-2.) Alamo states that these two paragraphs followed by four pages of "examples" of "the Board's failures to

comply with R.C. 4906.10(A)(2), (3), and (6)” are not sufficiently specific to bestow jurisdiction upon the Board to hear them (Memorandum Contra at 5).

{¶ 18} The Board disagrees. We find that Rehearing Applicants’ filing does not suffer the level of vagueness deemed fatal to review. See *In re Application of Icebreaker Windpower, Inc.*, Case No. 16-1871-EL-BGN, Order on Rehearing (Oct. 8, 2020) at ¶ 29; *In re Application of The Ohio State University*, Case No. 19-1641-EL-BGN, Entry on Rehearing (Jan. 21, 2021) at ¶ 27. To the contrary, reading the application for rehearing as a whole, the Board identifies five assignments of error for its review: (1) the Board erred in determining that it has the information necessary to find and determine the nature of the Project’s probable environmental impact under R.C. 4906.10(A)(2); (2) the Board erred in opining that the Project represents the minimum adverse impact under R.C. 4906.10(A)(3); (3) the Board erred in opining that the Project will serve the public interest, convenience, and necessity under R.C. 4906.10(A)(6); (4) the Board erred by delegating its duties to Staff and other governmental agencies for approving post-certificate plans and submittals; and (5) the Board erred by approving the Amended Stipulation because it violates important regulatory principals and is contrary to the public interest.

A. First Three Assignments of Error

{¶ 19} Because Rehearing Applicants present and argue their first three assignments of error together, the Board will also address them as a whole. In essence, Rehearing Applicants argue that the Board erred in finding and determining the three specified statutory criteria: the nature of the probable environmental impact under R.C. 4906.10(A)(2); the Facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations under R.C. 4906.10(A)(3); and the Facility will serve the public interest, convenience, and necessity under R.C. 4906.10(A)(6). Interwoven through Rehearing Applicants’ first three assignments of error is the argument that the evidentiary record lacks the information required by the Board’s rules that would have properly informed the Board on each of the allegedly faulty statutory determinations.

{¶ 20} In the first assignment of error, Rehearing Applicants assert that the Board erred in finding and determining the nature of the Project's probable environmental impact with regard to: visual (i.e., aesthetic and viewshed) impacts; visual impacts from lighting; operational noise; construction noise; damage to field drainage tiles; crime and/or criminal access; groundwater contamination; emergency services; motorist safety at intersections; vegetation, including noxious and invasive weeds; plants and wildlife, including those impacts on wildlife that will result in crop and livestock damage on nearby farms; drainage and flooding (i.e., quantity of surface water drainage); water quality (i.e., quality of surface water drainage); solid waste; traffic impacts; and setbacks.

{¶ 21} In the second assignment of error, Rehearing Applicants assert that the Board erred in opining that the Project represents the minimum adverse impact under R.C. 4906.10(A)(3) with regard to the same list of topics with the additional consideration of the alleged destruction of prime farmland.

{¶ 22} In the third assignment of error, Rehearing Applicants assert that the Board erred in opining that the Project will serve the public interest, convenience, and necessity under R.C. 4906.10(A)(6). Rehearing Applicants raise this argument two ways. First, the Citizens intermix their broad critique of the Board's consideration of field drainage tiles, crime, emergency services, and treatment of prime farmland under R.C. 4906.10(A)(2) and R.C. 4906.10(A)(3) with that under R.C. 4906.10(A)(6). Second, in a separate section of the application for rehearing, they set forth a related laundry list of ways in which they claim the Facility will harm the public.¹

{¶ 23} Alamo broadly responds to all of Rehearing Applicants' assignments of error by characterizing the application for rehearing as a regurgitation of the arguments raised in the post-hearing briefs. Thus, in the interest of preserving the Board's time and resources,

¹ The Board notes that this portion of the application for rehearing is largely a recitation of pages 70-77 of CCPC's supplemental initial post-hearing brief. The Board's Opinion, Order, and Certificate thoroughly and adequately addressed these concerns. Opinion, Order, and Certificate (June 24, 2021) at ¶ 338-339.

and to prevent delay of the approved Project, Alamo urged the Board to allow the application for rehearing to be denied by operation of law pursuant to R.C. 4903.10(B). (Memorandum Contra at 1.) While we have declined to do so, the Board does note that Rehearing Applicants' application for rehearing is, largely, a verbatim recitation of arguments raised in either the substitute initial post-hearing brief or the substitute reply brief. Consequently, and as was the case during our original analysis and determination reflected in the Opinion, Order, and Certificate, any claim or argument raised by the application for rehearing that was not specifically discussed herein was, nevertheless, thoroughly, and adequately considered by the Board and is denied.

{¶ 24} Specific to the first three assignments of error, Alamo counters that the Board properly determined that the Facility satisfies all eight statutory criteria required for the issuance of a certificate under R.C. 4906.10(A)(1)-(8). According to Alamo, the Board's highly detailed opinion sets forth the evidence and arguments for each statutory element and makes the required findings based on the record. As such, Alamo asserts that the Board carefully and thoroughly determined the nature of the probable environmental impact of the Facility, properly opined that the Facility represents the minimum adverse impact, and correctly concluded that the Facility will serve the public interest, convenience, and necessity. In support, Alamo parses the Opinion, Order, and Certificate to point out how and where the Board analyzed and declined Rehearing Applicants' arguments against the statutory findings of R.C. 4906.10(A)(2) (socioeconomic, ecological, public services, facilities, and safety), R.C. 4906.10(A)(3) [all considerations from R.C. 4906.10(A)(2) and setbacks], and R.C. 4906.10(A)(6) (public interest, convenience, and necessity concerns, including emergency services and crime).

{¶ 25} Alamo also addresses Rehearing Applicants' general contention that the evidentiary record is incomplete and lacks information required by the Board's rules. Alamo asserts that Rehearing Applicants continue to conflate rules regarding an application and the statutory requirements the Board must decide in granting or denying a certificate. In support for its position, Alamo argues that R.C. 4906.10(A) does not require the Board to

find that an applicant has submitted all information set forth in Ohio Adm.Code Chapter 4906-4. Alamo emphasizes that Staff's completeness determination, made in February 2019, triggered a more strenuous investigation into the application pursuant to the criteria in R.C. 4906.10(A). Alamo states that this investigation, combined with evidence and testimony from multiple days of hearings, created the record which supports the Board's decision. In short, citing to Paragraphs 345, 350-351, 357, 367 of the Opinion and Order, Alamo contends that the Board already considered and rejected CCPC's argument regarding whether the record contains the information necessary to inform the Board's statutory analysis. Additionally, Alamo asserts that Rehearing Applicants did not challenge the determination that Alamo's application was complete and did not challenge the admission of Alamo's application into the record. (Memorandum Contra at 9-10.)

{¶ 26} The Board finds the Rehearing Applicants first three assignments of error to be without merit. As argued by Alamo, and based on our own painstaking review, it is apparent that the first three arguments on rehearing were previously raised during post-hearing briefs, with large swaths being verbatim recitations, and were rejected in our issuance of the Opinion, Order, and Certificate. The Board addressed each of the identified topics within the confines of the statutory criteria deemed most suitable, but with each we ascertained the nature of the probable environmental impacts and determined whether the Facility represents the minimum adverse environmental impact. Specifically, the Board addressed visual and lighting impacts (¶¶ 44, 74, 145-160, 167, 273, 329, 337, 339, 349); operational noise (¶¶ 64-65, 220-221, 223-225, 230-231, 237); construction noise (¶¶ 216-217, 220, 236, 327); potential damage to field drainage tiles (¶¶ 57, 102, 123-124, 299-302, 304-314, 330, 339); crime and/or criminal access (¶¶ 280-283; 286-287, 293); groundwater contamination (¶¶ 55, 176, 180, 182, 256, 258, 338); emergency services (¶¶ 124, 279, 281, 284-285, 293, 333, 338); motorist safety at intersections (¶¶ 288-290, 294); vegetation, including noxious weeds (¶¶ 39, 54, 114, 124, 146-147, 151, 156, 158, 167, 169-170, 173, 176, 182, 201-205, 242, 244, 255, 273, 297, 331, 339, 342-343, 338, 349, 353, 355, 368); plants and wildlife, including those impacts on wildlife that could result in crop and livestock damage on nearby

farms (§§ 59, 124, 156, 187-188, 191-193, 198, 203, 338); drainage and flooding, i.e., the quantity of surface water drainage (§§ 52, 57, 102, 123-124, 161, 170, 173, 176, 182, 296-297; 299, 301-302, 304-308, 311-313, 330, 339); water quality (§§ 177, 180-181, 256, 259-261, 316); solid waste (§§ 84, 254, 258, 262-268, 338); traffic impacts (§§ 62, 73, 103, 124, 206, 208-211, 213-215, 235, 288, 332, 343, 349, 353); agricultural land (§§ 60, 93-95, 125, 185, 310); and the Project's setbacks (§§ 7, 89, 123, 124, 146, 225, 241-245, 247, 289-290, 294, 326, 339). And, to the extent that Rehearing Applicants believe that the nature of the environmental impact or the minimum adverse environmental impact was not determined because it was not specifically addressed under the section dedicated to R.C. 4906.10(A)(2) or R.C. 4906.10(A)(3), the Board stated that "[t]o the extent that intervenors have raised an issue regarding the nature of the probable environmental impact or the proposed facility's minimum adverse environmental impact, the Board will address only the more significant issues in this order. Where a party has raised an issue as to the nature of the environmental impact or the minimum adverse environmental impact, and the Board does not specifically address the issue in this decision, it is hereby denied." Opinion, Order, and Certificate (June 24, 2021) at ¶ 133. Furthermore, the Board fully considered the record evidence in determining that the Facility will serve the public interest, convenience, and necessity (§§ 87-92, 125, 271-294).

{¶ 27} In short, Rehearing Applicants fail to present any new argument regarding the required statutory findings, findings made by this Board upon full consideration of the record evidence. We decline the invitation to reweigh the evidence, which is, essentially, what Rehearing Applicants request in its application for rehearing. Rehearing Applicants disagreement with our determinations simply does not merit rehearing. *See In re Application of Duke Energy Ohio, Inc.*, Slip Opinion No. 2021-Ohio-3301, at ¶ 50. Rehearing Applicants first three assignments of error are, therefore, denied.

B. Fourth Assignment of Error

{¶ 28} In their fourth assignment of error, Rehearing Applicants claim that the Board erred in certifying the Project subject to Staff's review of additional plans and studies that

Alamo is to provide prior to the Project becoming operational. Specifically, CCPC and CCPC Members assert that the approved Amended Stipulation allows Alamo to submit 12 major studies to provide for mitigation of the Facility's impacts on the public. Responding to the Board's reliance on the Supreme Court's majority decision in *In re Buckeye Wind, LLC*, 2012 -Ohio-878, ¶¶ 28-30, 131 Ohio St.3d 449, 456-57, CCPC and CCPC Members dispute any contention that the Board is simply requiring Staff to monitor compliance with the post-certificate conditions. Rather, referencing the dissenting opinion *In re Buckeye Wind*, CCPC and CCPC Members contend that unlike the post-certificate plans permitted by the Court, the 12 studies referenced in the Amended Stipulation are plans that provide for design and operational procedures that go to the core of how the Facility will be constructed and operated. CCPC and CCPC Members believe that the signatory parties to the Amended Stipulation were attempting to fill the information gaps in the record regarding the application with a multitude of post-certificate plans. According to CCPC and CCPC Members, the Board's rules require the Board to consider these plans as part of its review of the filed application when determining whether the Project complies with the criteria in R.C. 4906.10(A). Therefore, CCPC and CCPC Members assert that, rather than issuing a certificate based on an inadequate record and incomplete application, the Board should reopen the record with the instructions to supply the missing information in order to allow the Board to make an informed decision. By doing so, CCPC and CCPC Members opine that public involvement and Board members' participation in the adjudicatory process can be properly provided. Due to these identified concerns, CCPC and CCPC Members believe that the Amended Stipulation violates important regulatory principles, and that the Project does not serve the public interest, convenience, and necessity. (Application for Rehearing at 112-116.)

{¶ 29} Alamo submits that the Board may require a certificate holder to make post-certificate submissions to Staff for compliance review purposes. Alamo clarifies that the post-certificate submissions are not studies but are plans related to the construction and operation of the Project that will be submitted to Staff for confirmation that the plans comply

with the Certificate conditions. Alamo agrees with Staff's recognition that these post-Certificate submittals are regularly required with similar projects and are consistent with case law. (Memorandum Contra at 11 citing Order at ¶¶ 358-361.) Alamo asserts that the Board has already considered CCPC's arguments regarding this issue and determined that the post-certification submissions and the Board's ongoing role post-certification is appropriate (Memorandum Contra at 11 citing Order at ¶¶ 364-366, 368). Further, Alamo cites to the Board's determination that the agency was acting in accordance with the Supreme Court of Ohio's determination in *Buckeye Wind* that the Board is statutorily authorized to allow Staff to monitor compliance with the conditions enumerated in a Board's decision. Alamo believes that the required plans in this case are similar in nature to those approved in *Buckeye Wind* (Memorandum Contra at 11-14 citing *In re Buckeye Wind, LLC*, 131 Ohio St.3d 449, 2012-Ohio-878, ¶¶ 18, 28).

{¶ 30} We reject Rehearing Applicants' claimed errors pertaining to the certification of this Project subject to Alamo's obligation to provide additional information prior to the project becoming operational. Initially, we reject the notion that approving the Project subject to additional filing requirements is tantamount to not adjudicating the issues in the case. The June 24 Order was explicit as to what additional information must be filed prior to the Project becoming operational, as well as the coordinated review and approval process that must occur in response to the supplemental filings. It is well-established that the Board's siting authority is "a dynamic process that does not end with the issuance of a construction certificate" and that "*** proper facility siting is subject to modification as the process continues - proposals are tested and matched to the defined conditions." *In re Buckeye Wind, LLC*, 131 Ohio St.3d 449, 2012-Ohio-878 at ¶ 16, 17. Accordingly, we decline to accept Rehearing Applicants' claims that Staff's continuing involvement in the case, including reviewing and approving specific additional information prior to the Project becoming operational, constitutes an improper delegation of the Board's authority. We maintain that the June 24 Order set forth specific findings and conditions with respect to the Project's construction and operational requirements. The decision to require Alamo to file

additional information, which is subject to Staff's review, cannot be construed as a lack of any required finding by the Board. Further, we emphasize that the June 24 Order is consistent with prior Board decisions in which we have issued certificates subject to continued Staff review. See, e.g., *Champaign Wind*, Case No. 12-160-EL-BGN, Opinion, Order and Certificate (May 28, 2013); *In re the Application of Icebreaker Windpower Inc.*, Case No. 16-1871-EL-BGN, Opinion, Order and Certificate (May 21, 2020).

C. Fifth Assignment of Error

{¶ 31} In their fifth assignment of error, Rehearing Applicants contend that the Board erred by approving the Amended Stipulation and finding it to be in the public interest. Rehearing Applicants argue that the Amended Stipulation violates important regulatory principles and is contrary to the public interest because the evidentiary record lacks the information required by the Board's rules (Application for Rehearing at 114-115). In addition to the allegation that the Amended Stipulation improperly delegated the Board's authority to Staff, Rehearing Applicants contend that the Project does not constitute the minimum environmental impact and the Project does not serve the public interest, convenience, and necessity. In support of its position, Rehearing Applicants state that the Amended Stipulation is carelessly worded to provide loopholes by which Alamo can avoid its responsibilities. (Application for Rehearing at 116.) Rehearing Applicants submit that a stipulation signed by allied parties over the objections of other parties is not entitled to deference. Instead, according to Rehearing Applicants, a stipulation of parties is merely a recommendation and is not legally binding on the Board. According to Rehearing Applicants, the Board may take a stipulation into consideration, but must also determine what is just and reasonable from the evidence presented at the hearing. Rehearing Applicants emphasize that the parties signing the Amended Stipulation do not live next door to the Project's hazards and, therefore, they do not represent CCPC and CCPC Members' interests. (Application for Rehearing at 116.)

{¶ 32} Alamo responds that the Board's determination that the Facility will serve the public interest, convenience, and necessity under R.C. 4906.10(A)(6) was not unlawful or

unreasonable but, rather, is supported by record evidence. Alamo highlights that the Board noted that its consideration of this criteria “should be examined through a broad lens,” and should “consider the public’s interest in energy generation that ensures continued utility services and the prosperity of the State of Ohio ... encompass[es] the local public interest, [and that] ensur[es] a process that allows for local citizen input, while taking into account local government opinion and impact to natural resources.” Additionally, Alamo points out that the Board recognized that its focus is to minimize, and not eliminate all adverse impact of the Project. (Memorandum Contra at 24 citing Order at ¶¶ 291, 292). Alamo highlights its involvement with the public and public officials regarding the Project and the fact that the Preble County Board of Commissioners, Gasper and Washington townships, the Preble County Engineer, the Preble County Planning Commission, and the Preble County Soil & Water Conservation District were signatories to the Amended Stipulation. Alamo also notes that it has prepared a complaint resolution program to ensure a clear process exists to allow for identification and resolution of concerns of the community. Additionally, Alamo references its commitment to work with local emergency responders, providing necessary training, and complying with applicable Occupational Safety and Health Administration safety standards. Further, Alamo references a study sponsored by one of its witnesses that indicated that proximity to a commercial solar facility has no consistent measurable negative impact on property sales. Finally, Alamo focuses on the economic impact of the Project. (Memorandum Contra at 24-25 citing Order at ¶¶ 272-278.)

{¶ 33} We reject Rehearing Applicants’ alleged error arguments that we improperly approved the Amended Stipulation and did not properly consider the public interest, convenience, and necessity of the Project, as required by R.C. 4906.10(A)(6). In our decision, the Board determined that as a package, the Amended Stipulation benefits the public interest in multiple ways. We relied upon many factors in finding that the Project is consistent with this standard, including (1) affirmative local government support, (2) absence of local government opposition, (3) favorable economic impacts to local governments and schools, (4) favorable economic impacts to the local farming community,

(5) participation in favor of the Project by local farmers and those who testified at the local public hearing, and (6) expert testimony as to expected impacts to local property values. (Order at ¶ 339.) We continue to maintain that these considerations support the conclusion that the Project is consistent with public interest, convenience, and necessity.

D. Board Conclusion

{¶ 34} In summary, the Board has reviewed and considered all claims and arguments contained in the application and based on the foregoing, finds that Rehearing Applicants application for rehearing is without merit. The Board finds that Rehearing Applicants have raised no new arguments or brought to our attention any error demonstrating that our prior consideration of this matter was inadequate, against the manifest weight of the evidence, or otherwise unlawful and unreasonable. Accordingly, as to each of the claimed errors, we affirm the determination made in our June 24, 2021 Opinion, Order, and Certificate.

IV. ORDER

{¶ 35} It is, therefore,

{¶ 36} ORDERED, That the application for rehearing jointly filed by CCPC and CCPC Members be denied. It is, further,

{¶ 37} ORDERED, That, to the extent not specifically addressed herein, all other arguments raised in the application for rehearing be denied. It is, further,

{¶ 38} ORDERED, That a copy of this Order on Rehearing be served upon all parties and interested persons of record.

BOARD MEMBERS:

Approving:

Jenifer French, Chair
Public Utilities Commission of Ohio

Jack Christopher, Designee for Lydia Mihalik, Director
Ohio Department of Development

Brittney Colvin, Designee for Mary Mertz, Director
Ohio Department of Natural Resources

W. Gene Phillips, Designee for Bruce T. Vanderhoff, M.D., Director
Ohio Department of Health

Drew Bergman, Designee for Laurie Stevenson, Director
Ohio Environmental Protection Agency

Sarah Huffman, Designee for Dorothy Pelanda, Director
Ohio Department of Agriculture

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Summary: Opinion & Order on Rehearing denying the joint application for rehearing filed by Concerned Citizens of Preble County and the specified individual members. electronically filed by Ms. Mary E. Fischer on behalf of Ohio Power Siting Board