

OHIO POWER SITING BOARD

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

CASE NO. 20-1814-EL-BGN

ENTRY

Entered in the Journal on November 23, 2021

{¶ 1} Dodson Creek Solar, LLC (Applicant or Dodson) 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 obtaining a certificate for the facility from the Ohio Power Siting Board (Board).

{¶ 3} On May 27, 2021, as supplemented on June 29, 2021, Applicant filed an application with the Board for a certificate of environmental compatibility and public need to construct and operate a solar-powered electric generation facility of up to 117 megawatts (Project) located in Dodson and Hamer townships, in Highland County, Ohio.

{¶ 4} On various dates, timely petitions and notices for intervention in this proceeding were filed by Robert and Laurie Banks (Banks Petitioners), the Board of Trustees of Hamer Township (Hamer Board of Trustees), the Board of Trustees of Dodson Township (Dodson Board of Trustees), and the Ohio Farm Bureau Federation (OFBF). Each of these parties were granted intervenor status in subsequent entries issued by the administrative law judge (ALJ).

{¶ 5} By Entry dated August 20, 2021, a procedural schedule was established in this matter. The effective date of the application was established as August 20, 2021, the public hearing was scheduled for November 10, 2021, and the adjudicatory hearing was scheduled to commence on December 1, 2021. Also, it was established that the Board would accept petitions to intervene up to 30 days following the service of the notice required by Ohio Adm.Code 4906-3-09 or by October 1, 2021, whichever was later, and established a

procedural schedule directing Staff to file its report of investigation on or before October 22, 2021; parties to file a list of issues citing specific concerns about which they may be interested in pursuing cross-examination of witnesses at the adjudicatory hearing by November 15, 2021; Applicant to file all expert and factual testimony by November 19, 2021; Staff and intervenors to file all expert and factual testimony by November 24, 2021; and any stipulation entered into by the parties to be filed by noon on November 29, 2021, along with the associated testimony supporting the stipulation.

{¶ 6} On October 22, 2021, Staff filed its report of investigation.

{¶ 7} On November 2, 2021, the ALJ issued an Entry directing that the adjudicatory hearing scheduled to commence on December 1, 2021, at 10:00 a.m., at the offices of the Board, would proceed as scheduled but would take place via Webex virtual hearing technology.

{¶ 8} The public hearing was held, as scheduled, on November 10, 2021.

{¶ 9} On November 15, 2021, Applicant and the Banks Petitioners each filed a notice of the list of issues about which each party may be interested in pursuing cross-examination of witnesses at the adjudicatory hearing.

{¶ 10} A prehearing status conference was held on November 19, 2021. Also, on November 19, 2021, Applicant filed the direct testimonies of eight individual witnesses it may call to testify at the adjudicatory hearing.

{¶ 11} On November 22, 2021, a joint motion to continue deadlines and a request for expedited ruling was filed by Applicant, the Banks Petitioners, and OFBF (Moving Parties). As outlined in the motion and supporting memorandum, the Moving Parties request that the November 24, 2021 deadline for Staff and intervenors to file their expert and factual testimony be suspended. Additionally, the Moving Parties request that the December 1, 2021 adjudicatory hearing be called and continued, after which the parties can provide the ALJ with potential dates for a revised procedural schedule. The Moving Parties explain that

they feel that a stipulation may still be possible in this case but that settlement discussions will not be completed prior to the current adjudicatory hearing date. The Moving Parties, therefore, request that outstanding procedural deadlines be suspended, and that the December 1, 2021 adjudicatory hearing be called, as scheduled, but continued to a later date. The joint motion represents that Staff, the Hamer Board of Trustees, and the Dodson Board of Trustees oppose neither the joint motion nor an expedited ruling on the motion. The Moving Parties, therefore, believe good cause exists to grant the joint motion and request that the Board do so on an expedited basis.

{¶ 12} In accordance with Ohio Adm.Code 4906-2-7, the ALJ finds that the joint motion to continue deadlines should be granted to allow the parties to continue settlement discussions. The ALJ will call the December 1, 2021 adjudicatory hearing and will take appearances of counsel before adjourning for the day to reconvene at a later date. Additionally, the remaining procedural deadlines previously established in the August 20, 2021 Entry are hereby suspended. The parties should come to the December 1, 2021 hearing prepared to discuss a new procedural schedule. The ALJ will establish a new procedural schedule and a date to reconvene the adjudicatory hearing by subsequent entry.

{¶ 13} As noted in the August 20, 2021 Entry, as modified by the November 2, 2021 Entry, the December 1, 2021 adjudicatory hearing will commence as scheduled at 10:00 a.m. but will be conducted via Webex virtual hearing technology. Instructions for participation in the adjudicatory hearing will be emailed to the parties. Individuals interested in attending the adjudicatory hearing as a non-party can access the hearing using the link <https://bit.ly/20-1814-ADJ> and entering the password OPSB, or by calling 1-408-418-9388 and entering the access code 2348 424 5463.

{¶ 14} It is, therefore,

{¶ 15} ORDERED, That the remaining procedural deadlines in the August 20, 2021 Entry be suspended, in accordance with Paragraph 12. It is, further,

{¶ 16} ORDERED, That the December 1, 2021 adjudicatory hearing still be called at 10:00 a.m., via Webex virtual hearing technology, in accordance with Paragraphs 12 and 13. It is, further,

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

THE OHIO POWER SITING BOARD

/s/David M. Hicks

By: David M. Hicks
Administrative Law Judge

GAP/kck

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

Case No(s). 20-1814-EL-BGN

Summary: Administrative Law Judge Entry ordering that the remaining procedural deadlines in the August 20, 2021 Entry be suspended, in accordance with Paragraph 12 and ordering that the December 1, 2021 adjudicatory hearing still be called at 10:00 a.m., via Webex virtual hearing technology, in accordance with Paragraphs 12 and 13. electronically filed by Kelli C. King on behalf of David M. Hicks, Administrative Law Judge, Ohio Power Siting Board