

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of **Cepheus**)
Energy Project, LLC for a Certificate of)
Environmental Compatibility and Public Need) Case No. 21-0293-EL-BGN
for a Solar Facility Located in Defiance)
County, Ohio.)

**JOINT MOTION TO SUSPEND THE PROCEDURAL SCHEDULE AND
REQUEST FOR EXPEDITED TREATMENT**

Pursuant to Ohio Administrative (“OAC”) Rule 4906-2-27(A) and (C), Cepheus Energy Project, LLC (“Cepheus” or “Applicant”) hereby requests that the Ohio Power Siting Board (“OPSB” or “Board”), suspend the procedural schedule. Cepheus submits this motion to allow time to address the public interest concerns raised on pages 40 through 42 in the Staff Report issued December 1, 2021. Cepheus requests expedited treatment of this motion.

Intervenor The Ohio Farm Bureau Federation joins in this motion.

Respectfully submitted,



Dylan F. Borchers (0090690)
Kara Herrnstein (0088520)
BRICKER & ECKLER LLP
100 South Third Street
Columbus, OH 43215
Telephone: (614) 227-4914; 227-8813
Facsimile: (614) 227-2390
E-Mail: dborchers@bricker.com
kherrnstein@bricker.com

On behalf of Cepheus Energy Project, LLC

/s/ Amy M. Milam, per authority
Amy M. Milam (0082375)
Chad A. Endsley (0080648)
Leah F. Curtis (0086257)
Ohio Farm Bureau Federation
280 N. High Street, P.O. Box 182383
Columbus, OH 43218-2383
Telephone: (614) 246-8256
Facsimile: (614) 246-8656
Email: cendsley@ofbf.org
lcurtis@ofbf.org
amilam@ofbf.org

***On behalf of The Ohio Farm Bureau
Federation***

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of **Cepheus**)
Energy Project, LLC for a Certificate of)
Environmental Compatibility and Public Need) Case No. 21-0293-EL-BGN
for a Solar Facility Located in Defiance)
County, Ohio.)

MEMORANDUM IN SUPPORT

In accordance with Ohio Revised Code (“R.C.”) Chapter 4906 and OAC Chapter 4906-4, Cepheus Energy Project, LLC (“Cepheus”) filed an application for a certificate to construct a solar-powered electric generation facility (“Project” or “Facility”) in Defiance County, Ohio (the “Application”) on July 30, 2021. The OPSB Staff issued a Staff Report of Investigation Recommending Denial of Certificate on December 1, 2021 (“Staff Report”).

Pursuant to OAC Rule 4906-2-27, Cepheus requests that the Board suspend the upcoming procedural schedule. Because the nature of the concerns identified in the Staff Report require collaboration with third parties, Cepheus requests that the schedule remain suspended until such time as Cepheus notifies Staff that the concerns have been addressed or the case is otherwise prepared to proceed. The Ohio Farm Bureau Federation, the sole intervener in this case, joins in this motion.

Tolling of the procedural schedule will provide Cepheus additional time to address the concerns set forth on pages 40 through 42 of the Staff Report regarding perceived local opposition. The intervention deadline passed on November 29, 2021 and, while no opposition chose to intervene in this matter, Staff has identified informal indications of opposition among

certain local organizations. Due to the lack of formal opposing intervention and ongoing engagement by the Project with the community and local leaders, the Project believes that there is an opportunity to address the local opposition concerns raised in the Staff Report.

The movants also request expedited treatment of this motion because the Local Public Meeting is currently scheduled for December 16, 2021. This motion is not submitted for purposes of delay. Rather, Cepheus seeks suspension of the procedural schedule to ensure that it will have sufficient time to address the concerns raised by Staff.

Accordingly, Cepheus and the Ohio Farm Bureau Federation request that the ALJ or Board grant this motion.

Respectfully submitted,



Dylan F. Borchers (0090690)
Kara Herrnstein (0088520)
BRICKER & ECKLER LLP
100 South Third Street
Columbus, OH 43215
Telephone: (614) 227-4914; 227-8813
Facsimile: (614) 227-2390
E-Mail: dborchers@bricker.com
kherrnstein@bricker.com


On behalf of Cepheus Energy Project, LLC

/s/ Amy M. Milam, per authority
Amy M. Milam (0082375)
Chad A. Endsley (0080648)
Leah F. Curtis (0086257)
Ohio Farm Bureau Federation
280 N. High Street, P.O. Box 182383
Columbus, OH 43218-2383
Telephone: (614) 246-8256
Facsimile: (614) 246-8656
Email: cendsley@ofbf.org
lcurtis@ofbf.org
amilam@ofbf.org

***On behalf of The Ohio Farm Bureau
Federation***

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion was served upon the following parties listed below by electronic mail, this 2nd day of December 2021.



Kara H. Herrnstein

Werner Margard
Office of Ohio Attorney General
30 East Broad Street 26th Floor
Columbus ,OH 43215
werner.margard@ohioattomeygeneral.gov

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

12/2/2021 4:34:44 PM

in

Case No(s). 21-0293-EL-BGN

Summary: Text Joint Motion to Suspend The Procedural Schedule and Request for Expedited Treatment electronically filed by Teresa Orahood on behalf of Herrnstein, Kara