

THE OHIO POWER SITING BOARD

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

CASE NO. 20-1605-EL-BGN

ENTRY

Entered in the Journal on December 7, 2021

- {¶ 1} Birch Solar, LLC (Birch or Applicant) 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 November 3, 2020, Birch filed a pre-application letter with the Board regarding its proposed 300 megawatt solar-powered electric generation facility in Allen and Auglaize counties, Ohio (Facility).
- {¶ 4} On November 20, 2020, and November 23, 2020, Birch Solar held public information meetings using virtual technology to discuss the proposed project with interested persons and landowners; the company filed its affidavit of publication with the Board on November 18, 2020.
- {¶ 5} On February 12, 2021, Birch filed its application with the Board for a certificate of environmental compatibility and public need to construct the proposed Facility.
- {¶ 6} On March 25, 2021, March 31, 2021, and April 5, 2021 Birch Solar filed supplements to its application.
- {¶ 7} On July 7 and November 2, 2021, the administrative law judge (ALJ) granted intervention to various parties, including Against Birch Solar LLC (ABS), Auglaize County, Logan Township Trustees (Logan Township), Ohio Farm Bureau Federation (OFBF), Ryan and Michelle Kalnins (Kalnins), Allen Auglaize Coalition for Reasonable Energy (AACRE), International Brotherhood of Electrical Workers, Local Union 32 (IBEW), and Shawnee

Township.

{¶ 8} On August 13, 2021, the ALJ determined that the application was complete as of that date. Further, the ALJ established (1) the dates for the local public hearing and the evidentiary hearing, and (2) the deadlines for filing lists of outstanding litigation issues, as well as the filing of party testimony and any proposed stipulations.

{¶ 9} On November 4, 2021, the ALJs conducted the local public hearing as originally scheduled, where 56 witnesses testified.

{¶ 10} On November 12, 2021, Birch filed a motion to call and continue the evidentiary hearing and extend deadlines for filing parties' testimony and stipulation. The unopposed motion was granted on November 12, 2021.

{¶ 11} On November 30, 2021, the evidentiary hearing was called and continued as scheduled, consistent with the Entry of November 12, 2021. At the hearing, the parties discussed the status of settlement negotiations, new deadlines for the filing of testimony and stipulations, and potential dates for the rescheduled evidentiary hearing.

{¶ 12} In light of the discussion held on November 30, 2021, the ALJs find that the evidentiary hearing should be rescheduled to commence on February 9, 2022, at 10:00 a.m., and will be held using remote access technology that facilitates participation by telephone and/or live video on the internet. Instructions for participation in the adjudicatory hearing by the parties will be emailed to counsel at their email address of record prior to the event. Any person interested in observing the hearing as a nonparty can access the hearing using the link <https://bit.ly/20-1605-ADI> and entering the password OPSB, or by calling 1-408-418-9388, and entering access code/event number 2331 562 5889.

{¶ 13} Further, the dates to file testimony and any stipulations in the case shall be adjusted as follows:

- (a) Applicant testimony shall be submitted by 5:00 p.m. on January 28, 2022.

- (b) Staff and intervenor testimony shall be submitted by 5:00 p.m. on February 4, 2022.
- (c) Any stipulations in the case shall be submitted by 5:00 p.m. on February 7, 2022.

{¶ 14} The ALJ encourages the parties to arrange for electronic service of testimony and other pleadings among themselves. If electronic service is agreed to, the parties are also directed to provide an electronic copy to the ALJs.

{¶ 15} It is, therefore,

{¶ 16} ORDERED, That the evidentiary hearing be rescheduled as set forth in Paragraph 12. It is, further,

{¶ 17} ORDERED, That the parties observe the filing deadlines set forth in Paragraph 13. It is, further,

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

THE OHIO POWER SITING BOARD

/s/ Jesse M. Davis

By: Jesse M. Davis
Administrative Law Judge

GAP/kck

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in

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

Summary: Administrative Law Judge Entry ordering that the evidentiary hearing be rescheduled as set forth in Paragraph 12 and ordering that the parties observe the filing deadlines set forth in Paragraph 13. electronically filed by Kelli C. King on behalf of Jesse M. Davis, Administrative Law Judge, Ohio Power Siting Board