

THE OHIO POWER SITING BOARD

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

CASE NO. 21-270-EL-BGN

ENTRY

Entered in the Journal on December 10, 2021

{¶ 1} Nottingham Solar LLC (Nottingham 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 April 12, 2021, Nottingham filed a pre-application notification letter with the Board within which Nottingham proposes to construct an up to 100-megawatt, solar-powered electric generating facility in Harrison County, Ohio (Project).

{¶ 4} On July 26, 2021, Nottingham filed an application with the Board for a certificate of environmental compatibility and public need to construct the Project. Pursuant to Ohio Adm.Code 4906-3-06, within 60 days of receipt of an application for a major utility facility, the Board Chair must either accept the application as complete and compliant with the content requirements of R.C. 4906.06 and Ohio Adm.Code Chapters 4906-1 through 4906-7 or reject the application as incomplete.

{¶ 5} On September 24, 2021, the Board notified Nottingham that its application was found to be sufficiently compliant with the requirements of Ohio Adm.Code Chapters 4906-01, et seq., and provided sufficient information to permit Staff to commence its review and investigation. Pursuant to Ohio Adm.Code 4906-3-06 and 4906-3-07, the Board's letter instructed Nottingham to serve appropriate government officials and public agencies with copies of the complete, certified application and to file proof of service with the Board. The

letter further instructed the Applicant to submit its application fee pursuant to R.C. 4906.06(F) and Ohio Adm.Code 4906-3-12.

{¶ 6} On September 30, 2021, Nottingham filed proof of service of its accepted and complete application on local officials and the main public library as required by Ohio Adm.Code 4906-3-07(A).

{¶ 7} On October 1, 2021, Nottingham filed, pursuant to Ohio Adm.Code 4906-3-07(A)(5), proof of submission of its application fee.

{¶ 8} Ohio Adm.Code 4906-3-08(A) states that, once the applicant has complied with Ohio Adm.Code 4906-3-07, the Board or the administrative law judge (ALJ) shall file an entry indicating the date on which the accepted, complete application is deemed filed. Additionally, once the effective date is established, the ALJ must promptly fix the dates for public hearings. R.C. 4906.07(A) directs that the public hearing be held not less than 60 nor more than 90 days after the effective date.

{¶ 9} By Entry issued October 15, 2021, the effective date of the application was established as October 15, 2021, the local public hearing scheduled for January 6, 2022, and the adjudicatory hearing scheduled to commence on January 26, 2022. Also, the October 15, 2021 Entry advised that the Board would accept petitions to intervene up to November 30, 2021, and established a procedural schedule directing Staff to file its report of investigation on or before December 22, 2021; Nottingham to file all expert and factual testimony by January 13, 2022; Staff and intervenors to file all expert and factual testimony by January 20, 2022; 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 January 10, 2022; and, parties to file any stipulation no later than 12:00 p.m. on January 24, 2022, along with associated testimony supporting the stipulation.

{¶ 10} On October 29, 2021, Nottingham filed proof of publication of a description of the accepted, complete application published on October 23, 2021 in the *Harrison News-Herald*, in accordance with R.C. 4906.06(C).

{¶ 11} On November 24, 2021, the Ohio Farm Bureau Federation filed a motion to intervene in this proceeding.

{¶ 12} On December 3, 2021, Nottingham filed an unopposed motion to suspend the procedural schedule and request for expedited treatment in this matter. Nottingham submits that the purpose of this motion is to provide the Applicant with additional time to provide Staff with information needed to complete Staff's Report of Investigation particularly as it has to do with cultural resources and geotechnical investigations. Tolling of the current procedural schedule will afford Nottingham sufficient time to submit the results of these additional investigations to Staff. After submittal, the Applicant will file a motion requesting issuance of a new procedural schedule. If granted, Nottingham commits to ensuring that the public is notified that the current procedural schedule and hearing dates have been suspended. Applicant states that it contacted the other parties in this proceeding regarding this motion and the other parties did not indicate that they oppose this motion or the request for an expedited ruling.

{¶ 13} In accordance with Ohio Adm.Code 4906-2-7 and 4906-2-27, the ALJ finds that Nottingham has demonstrated good cause to grant the motion to suspend the procedural schedule at this time.

{¶ 14} It is, therefore,

{¶ 15} ORDERED, That the motion to suspend the procedural schedule be granted, in accordance with Paragraph 13. It is, further,

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

THE OHIO POWER SITING BOARD

/s/ Jeffrey R. Jones

By: Jeffrey R. Jones
Administrative Law Judge

MJA/mef

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Case No(s). 21-0270-EL-BGN

Summary: Administrative Law Judge Entry granting the motion to suspend the procedural schedule electronically filed by Ms. Mary E. Fischer on behalf of Jeffrey R. Jones, Administrative Law Judge, Ohio Power Siting Board