

## 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 January 7, 2022

{¶ 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 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. Additionally, 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. Pursuant to the Entry of November 23, 2021, the remaining procedural deadlines previously established in the August 20, 2021

Entry were suspended and the December 1, 2021 adjudicatory hearing was called and continued.

{¶ 6} By Entry of December 23, 2021, the adjudicatory hearing was scheduled to reconvene on January 19, 2022. Additionally, any stipulation entered into by the parties was to be filed by January 11, 2022, along with the associated testimony supporting the stipulation. All expert and factual testimony to be offered by the intervenors and Staff was to be filed by January 14, 2022.

{¶ 7} On January 5, 2022, 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 procedural schedule established by the Entry of December 23, 2021, be suspended. Additionally, the Moving Parties request that the January 19, 2022 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 represent that settlement discussions are ongoing regarding certain issues and conditions presented in the Staff Report and Investigation and that continuing the hearing and suspending the related deadlines will allow the parties to continue their settlement discussions and, to the extent that a settlement is reached, address the settlement in their filed testimony. The Moving Parties, therefore, request that outstanding procedural deadlines be suspended, and that the January 19, 2022, 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 do not oppose the joint motion or the request for 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.

{¶ 8} 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 January 19, 2022 adjudicatory hearing and will take

appearances of counsel before adjourning for the day to reconvene at a later date. The hearing shall be held 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-ADJ2> and entering the password OPSB, or by calling 1-408-418-9388 and entering the access code 2343 839 0072.

{¶ 9} Additionally, the remaining procedural deadlines previously established in the December 23, 2021 Entry are hereby suspended. The parties should come to the January 19, 2022 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.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That the joint motion to continue deadlines be granted and the remaining procedural deadlines in the December 23, 2021 Entry be suspended in accordance with Paragraphs 8 and 9. It is, further,

{¶ 12} ORDERED, That the January 19, 2022 adjudicatory hearing be called and continued via Webex virtual hearing technology, in accordance with Paragraph 8. It is, further,

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

THE OHIO POWER SITING BOARD

/s/Jay S. Agranoff

By: Jay S. Agranoff  
Administrative Law Judge

MJA/mef

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

Summary: Administrative Law Judge Entry granting the joint motion to continue deadlines and, likewise, suspending the procedural schedule set in the December 23, 2021 Entry; and ordering the January 19, 2022 hearing be called and continued electronically filed by Ms. Mary E. Fischer on behalf of Jay S. Agranoff, Administrative Law Judge, Ohio Power Siting Board