

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION
OF BIG PLAIN SOLAR, LLC TO AMEND ITS
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED.

CASE NO. 21-1196-EL-BGA

ORDER ON CERTIFICATE

Entered in the Journal on February 17, 2022

I. SUMMARY

{¶ 1} The Ohio Power Siting Board grants the application filed by Big Plain Solar, LLC to amend its certificate for its Madison Solar Farm Project in order to add an Operations and Maintenance building, an additional 0.45-mile access road, and a change in fencing from chain link to a form of wildlife fencing for the electric generating facility in Madison County, Ohio.

II. DISCUSSION

A. *Procedural History*

{¶ 2} On March 18, 2021, in Case No. 19-1823-EL-BGN, the Ohio Power Siting Board (Board) granted the application filed by Big Plain Solar, LLC (Big Plain Solar or Applicant) for a certificate to construct a solar-powered electric generating facility in Madison County, Ohio, subject to 27 conditions set forth in the approved stipulation (Madison Solar Farm or Project). *In re the Application of Big Plain Solar, LLC for a Certificate of Environmental Compatibility and Public Need to Construct a Solar-Powered Electric Generation Facility in Madison County, Ohio*, Case No. 19-1823-EL-BGN (Certificate Case), Opinion, Order, and Certificate (Mar. 18, 2021). The Project will consist of approximately 800,000 solar panels with a combined generation capacity of 196 megawatts in Madison County, Ohio. (Staff Report at 1.) Accordingly, Big Plain Solar is certificated to construct, operate, and maintain a major utility facility under R.C. 4906.10.

{¶ 3} On November 17, 2021, in Case No. 21-1174-EL-BLN, *In re the Letter of Notification Application of Big Plain Solar, LLC to Construct the Big Plain Solar Transmission*

Facility, the Applicant requested to construct a transmission line facility that would consist of: (a) an approximately 0.4 mile long 138 kilovolt (kV) generation interconnection line from the Madison Solar Farm's collector substation to a new point of interconnection multi-breaker switchyard substation, (2) a point of interconnection multi-breaker switchyard station, and (3) a 100-foot long span of 138 kV transmission line connecting the point of interconnection multi-breaker switchyard substation to the existing American Transmission Systems, Inc. Beatty-London transmission line. (Staff Report at 1.)

{¶ 4} On November 24, 2021, in the above captioned case, Big Plain Solar filed an application (Amendment Application) to add an Operations and Maintenance building, an additional 0.45-mile access road located in the southeast corner of the project area, and a change in fencing from chain link to a form of wildlife compatible fencing, all of which will be located within the project area approved in the *Certificate Case*.

{¶ 5} According to Big Plain Solar, the Operations and Maintenance building will be a metal-sided, single -story building approximately 50 feet by 65 feet and will be located within a 6.7-acre portion of the laydown yard. The site will be office space and parking spaces for workers. It will also serve as the permanent office for the Madison Solar Facility's plant operators and will contain equipment needed to maintain and operate the solar generating facility. The proposed wildlife compatible fencing will be comprised of galvanized fixed knot wiring with varying mesh spacings and will be eight-feet tall. (Staff Report at 2).

{¶ 6} On November 24, 2021, Big Plain Solar filed its proof of service of the Amendment Application, pursuant to Ohio Adm.Code 4906-3-11(B). On December 7, 2021, Big Plain Solar filed its proof of publication.

{¶ 7} On January 28, 2022, Staff filed its report of investigation (Staff Report) evaluating the Amendment Application and recommends that Big Plain Solar be required to comply with additional conditions.

B. *Applicable Law*

{¶ 8} All proceedings before the Board are conducted according to the provisions of R.C. Chapter 4906 and Ohio Adm.Code Chapters 4906-1 et seq.

{¶ 9} R.C. 4906.04 provides that the Board's authority applies to major utility facilities and requires any proposed facility to be certified by the Board before the start of construction. In accordance with R.C. Chapter 4906, the Board promulgated the rules set forth in Ohio Adm.Code Chapter 4906-3 regarding the procedural requirements for filing applications for major utility facilities and amendments to certificates.

{¶ 10} Pursuant to R.C. 4906.07, when considering an application for an amendment of a certificate, the Board "shall hold a hearing * * * if the proposed change in the facility would result in any material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of such facility * * *." R.C. 4906.06(B) and (C), as well as Ohio Adm.Code 4906-3-11 and 4906-3-09, require the applicant to provide notice of its application for amendment to interested parties and potentially affected members of the public.

{¶ 11} Big Plain Solar is a corporation and, therefore, a person under R.C. 4906.01(A). Pursuant to the Board's Order in the *Certificate Case*, Big Plain Solar is certificated to construct, operate, and maintain a major utility facility under R.C. 4906.04. As indicated above, the Applicant provided the required notices in this proceeding, its proposed first amendment to its certificate.

C. *Summary of Staff Report*

{¶ 12} Initially, Staff provides information about the proposed certificate modification. Staff explains that no changes to the solar panels, electric lines, inverters, collector substation, laydown yard, fence line, or project area as originally proposed and approved in Case No. 19-1823-EL-BGN are requested (Staff Report at 2).

{¶ 13} According to the Staff Report, no streams or wetlands were identified within the footprint of the proposed Operations and Maintenance building or access road. No additional agricultural districts would be impacted. The new access road and the new location of the Operations and Maintenance building will result in permanent impacts to an additional 8.1. acres of agricultural land. Additionally, consultation with the Ohio Department of Natural Resources and the U.S. Fish and Wildlife Service did not identify any concerns regarding impacts to listed plant or animal species due to the lack of suitable habitat within the footprint of the proposed Operations and Maintenance building or access road. Further, there will be no impacts to any bat hibernacula, or state and federally listed mussel and fish species and no tree clearing is anticipated for the amendment Project. (Staff Report at 3.)

{¶ 14} As to aesthetics, Staff recognizes that the certificate initially issued to Big Plain Solar requires the Applicant to incorporate a landscape and lighting plan to address the aesthetics and lighting of the facility with an emphasis on any locations where an adjacent non-participating parcel contains a residence with a direct line of sight to the Project area. Staff believes that the proposed wildlife fence will be more fitting in a rural environment and supports the proposed change. According to Staff, with the implementation of the landscape and lighting condition from Case No. 19-1823-EL-BGN, the overall expected aesthetic impact will be minimal. (Staff Report at 2.)

{¶ 15} Upon its review, which included consideration of all statutory requirements, Staff states that the Amendment Application meets the necessary criteria for granting an amended certificate. Accordingly, Staff recommends that the Board approve the proposed amendment to the certificate, provided that the following condition is satisfied:

- (1) The Applicant shall continue to adhere to all conditions as certificated in Case No. 19-1823-EL-BGN, as amended through this application.

(Staff Report at 3.)

D. Board's Conclusion

{¶ 16} After considering the Amendment Application and the Staff Report, the Board finds that the proposed change to the Project presented in the Amendment Application does not result in any material increase in any environmental impact or a substantial change in the location of all or a portion of the facility. Although the Applicant requests that an Operations and Maintenance building and an additional 0.45-mile access road be added to the facility footprint, such acreage falls within the certificated Project area, all of which have been previously investigated in the Phase I Archaeological Investigations for the Madison Solar Farm Facility. The Board notes that the Ohio Historic Preservation Office indicated that it has no concerns with the proposed locations of the Operations and Maintenance building and access road (Staff Report at 2). With respect to the proposed use of a wildlife fence in lieu of the chain link fence that was proposed in the original application, as identified by Staff, it will be more fitting in a rural environment and the expected aesthetic impact would be minimal (Staff Report at 2).

{¶ 17} Notably, the Applicant is not proposing to increase the generation capacity of the facility, change the generation equipment of the facility, or alter other information provided in the *Certificate Case*. The Applicant seeks to amend the certificate only to enable flexibility with the additional placement of an Operations and Maintenance building, an access road, and the substitution of a wildlife fence in lieu of the chain link fence that was proposed in the original application. Therefore, pursuant to R.C. 4906.07, the Board finds that a hearing on the application is not necessary under the circumstances presented in this case. Furthermore, the Board concludes that Big Plain Solar's certificate should be amended as described in the Amendment Application, subject to the one condition set out in Paragraph 15 of this Order on Certificate.

E. Findings of Fact and Conclusions of Law

{¶ 18} Big Plain Solar is a corporation and a person under R.C. 4906.01(A).

{¶ 19} On November 24, 2021, Big Plain Solar filed an application seeking an amendment to the certificate issued in the *Certificate Case*.

{¶ 20} On January 28, 2022, Staff filed its Staff Report containing its evaluation of the amendment application.

{¶ 21} The proposed amendment to the certificated facility does not result in a substantial change in the location of the facility or any material increase in any environmental impact; therefore, in accordance with R.C. 4906.07, an evidentiary hearing is not necessary.

{¶ 22} Based on the record, and in accordance with R.C. Chapter 4906, the Amendment Application should be approved, subject to the conditions set forth in the Opinion, Order, and Certificate in the *Certificate Case*, as well as the additional condition Staff recommended in this case.

III. ORDER

{¶ 23} It is, therefore,

{¶ 24} ORDERED, That, in accordance with the above findings, Big Plain Solar's Amendment Application be approved, subject to the conditions set forth in the Opinion, Order, and Certificate in the *Certificate Case*, as well as the additional conditions recommended by Staff in this case. It is, further,

{¶ 25} ORDERED, That a copy of this Order on Certificate be served upon all parties and interested persons of record.

BOARD MEMBERS:

Approving:

Jenifer French, Chair
Public Utilities Commission of Ohio

Jack Christopher, Designee for Lydia Mihalik, Director
Ohio Department of Development

Brittney Colvin, Designee for Mary Mertz, Director
Ohio Department of Natural Resources

W. Gene Phillips, Designee for Bruce T. Vanderhoff, M.D., Director
Ohio Department of Health

Drew Bergman, Designee for Laurie Stevenson, Director
Ohio Environmental Protection Agency

Sarah Huffman, Designee for Dorothy Pelanda, Director
Ohio Department of Agriculture

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