

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of)	
Kingwood Solar I LLC for a Certificate)	Case No. 21-0117-EL-BGN
of Environmental Compatibility and)	
Public Need)	

**MOTION FOR SUBPOENA FOR NICOLE MARVIN TO ATTEND AND
TESTIFY AT THE ADJUDICATORY HEARING**

Pursuant to Ohio Adm.Code 4906-2-23, Kingwood Solar I LLC (the “Applicant”) respectfully moves the Ohio Power Siting Board (the “Board”) to issue a subpoena to Nicole Marvin as set forth below to appear and testify at the March 7, 2022 Adjudicatory Hearing in this matter.

Under Ohio Adm.Code 4906-2-23, an “administrative law judge assigned to a case may issue a subpoena . . . upon motion of any party.” Grounds for this Motion are set forth in the accompanying Memorandum in Support.

Respectfully submitted,

/s/ Nathaniel B. Morse

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**MEMORANDUM IN SUPPORT OF
MOTION FOR SUBPOENA**

On April 16, 2021, Kingwood Solar I LLC (the “Applicant”) filed an Application for a Certificate of Environmental Compatibility and Public Need (the “Application”) with the Ohio Power Siting Board (the “Board”) to construct a 175 megawatt (“MW”) solar-powered generating facility in Cedarville, Miami, and Xenia Townships in Greene County. Each of the townships, the Greene County Board of Commissioners, the Ohio Farm Bureau Federation, Citizens for Greene Acres along with named individuals (collectively, “CGA”), In Progress LLC, and Tecumseh Land Preservation Association intervened in the proceeding. Nicole Marvin was one of the named individuals that intervened in this proceeding with CGA.

Ohio Adm.Code 4906-2-23 establishes a right for parties to obtain subpoenas for testimony at the adjudicatory hearing. The Ohio Supreme Court explicitly affirmed this right in *In re Application of Black Fork Wind Energy, L.L.C.*, 138 Ohio St. 3d 43 at 48 (2013).

Good cause exists to issue the requested subpoena. Ms. Marvin is the treasurer of CGA and has been involved with the group’s efforts to block the Kingwood Solar Project. As documented in the discovery responses provided by CGA, this involvement included significant coordination with other CGA members, communication with local communities about the project, and outreach to experts on matters related to the Kingwood Solar Project. Due to these efforts, Ms. Marvin has information on the extent of public opposition to the Kingwood Solar Project, specific information

about the anticipated impacts of utility-scale solar projects, and factual information about CGA. Failure to issue the subpoena would unreasonably and prejudicially restrict the Applicant's opportunity to present a complete record for the Board.

For the above reasons, Applicant respectfully requests that the Administrative Law Judge grant its motion for subpoena.

Respectfully submitted,

/s/ Nathaniel B. Morse

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CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being sent via electronic mail on February 25, 2022 to:

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/s/ Nathaniel B. Morse

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SUBPOENA

TO: Nicole Marvin
1334 Bradfute Rd
Xenia, OH 45385

Upon application of Kingwood Solar I LLC, Nicole Marvin is hereby required to appear before the Ohio Power Siting Board as a witness for Kingwood Solar I LLC in the following proceeding:

Case No. 21-0117-EL-BGN

Case Title: In the Matter of the Application of Kingwood Solar I LLC for a Certificate of Environmental Compatibility and Public Need

You are to appear via Webex virtual hearing technology at the adjudicatory hearing on the 7th day of March, 2022 at 10:00 a.m., Eastern time. You will be provided instructions to access the virtual hearing prior to this date and time.

Nicole Marvin is requested to appear at the beginning of the hearing and be available day-to-day to testify.

Dated at Columbus, Ohio, this ____ day of February 2022.

Administrative Law Judge

Notice: If you are not a party or an officer, agent, or employee of a party to this proceeding, then witness fees for attending under this subpoena are to be paid by the party at whose request the witness is summoned. Every copy of this subpoena for the witness must contain this notice.

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

2/25/2022 1:03:00 PM

in

Case No(s). 21-0117-EL-BGN

Summary: Motion for Subpoena for Nicole Marvin to Attend and Testify at the
Adjudicatory Hearing electronically filed by Nathaniel Morse on behalf of Kingwood
Solar I LLC