

THE OHIO POWER SITING BOARD

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

CASE NO. 21-117-EL-BGN

ENTRY

Entered in the Journal on March 2, 2022

{¶ 1} Kingwood Solar I LLC (Applicant or Kingwood) 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 16, 2021, Kingwood filed an application with the Board for a certificate of environmental compatibility and public need to construct a 175 megawatt solar powered electric generating facility in Greene County, Ohio (Facility).

{¶ 4} On various dates, timely petitions and notices for intervention in this proceeding were filed by the following entities: the Board of Trustees of Cedarville Township, Greene County, Ohio (Cedarville Township); the Board of Trustees of Xenia Township, Ohio (Xenia Township); the Board of Trustees of Miami Township, Greene County, Ohio (Miami Township); In Progress, LLC (In Progress); the Tecumseh Land Preservation Association, also known as the Tecumseh Land Trust (TLT); the Greene County Board of Commissions (Greene County Commissioners); the Ohio Farm Bureau Federation (OFBF); and Citizens for Greene Acres, Inc. (CGA) and 14 named landowners (collectively, CGA Intervenors). Each of these parties were granted intervenor status in subsequent entries issued by the administrative law judge (ALJ).

{¶ 5} By Entry issued December 22, 2021, the adjudicatory hearing was scheduled to reconvene on March 7, 2022, via Webex virtual hearing technology. Additionally, the Entry set the following procedural deadlines: February 23, 2022, for the filing of expert and

factual testimony by Kingwood; February 28, 2022, for the filing of expert and factual testimony by Staff and intervenors; and March 4, 2022, for the filing of a stipulation and supporting testimony.

{¶ 6} On February 23, 2022, Kingwood filed, among other things, the direct testimonies of Dylan Stickney, Lynn Gresock, Alex Odom, and Lee Saunders.

{¶ 7} On February 24, 2022, Kingwood filed a motion to accept testimony as timely filed and a request for expedited ruling. Contemporaneously with the motion, Kingwood refiled the direct testimonies of Dylan Stickney, Lynn Gresock, Alex Odom, and Lee Saunders, with these versions of the prefiled testimonies including attachments that were not included in the filings made the previous day. As explained in the motion and accompanying memorandum in support, these attachments were inadvertently missing from the original filings due to a technical error during the uploading of the documents into the Commission's Docketing Information System (DIS). Kingwood submits that due to the non-substantive nature of this error, particularly that the questions and answers in each testimony are unaffected, that no party will be harmed by accepting the updated filings. Further, Kingwood points out that the attachments were already referenced in the testimonies such that it is clear that they were intended to be included in the filings. Due to the adjudicatory hearing scheduled to reconvene on March 7, 2022, Kingwood requests that the ALJ grant the motion on an expedited basis. As to expedited treatment, Kingwood states that it cannot certify that no party objects to an expedited ruling.

{¶ 8} Pursuant to Ohio Adm.Code 4906-2-27(C), a party requesting an expedited ruling must first contact all other parties to determine whether any party objects to the issuance of such a ruling without the filing of memoranda. If any party objects to the issuance of such a ruling, or if the moving party fails to certify that no party has any objections, any party may file a memorandum contra within seven days after the service of the motion, or such other period as the Board or ALJ may determine. In its February 24,

2022 motion, Kingwood stated that it was unable to certify that no parties oppose an expedited ruling on the motion.

{¶ 9} By Entry issued February 25, 2022, the ALJ directed that parties file any responses to Kingwood's motion to accept testimony as timely filed by no later than February 28, 2022. No memoranda contra Kingwood's motion were filed.

{¶ 10} Having reviewed Kingwood's motion and the revised direct testimonies filed on February 24, 2022, the ALJ finds that Kingwood's motion to accept testimony as timely filed is reasonable and should be granted. Accordingly, the direct testimonies of Dylan Stickney, Lynn Gresock, Alex Odom, and Lee Saunders filed by Kingwood on February 25, 2022, shall be accepted as timely filed.

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That Kingwood's motion to accept testimony as timely filed be granted and that the direct testimonies of Dylan Stickney, Lynn Gresock, Alex Odom, and Lee Saunders filed on February 24, 2022, be accepted accordingly. 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/David M. Hicks

By: David M. Hicks
Administrative Law Judge

GAP/hac

**This foregoing document was electronically filed with the Public Utilities
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in

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

Summary: Administrative Law Judge Entry ordering that Kingwood's motion to accept testimony as timely filed be granted and that the direct testimonies of Dylan Stickney, Lynn Gresock, Alex Odom, and Lee Saunders filed on February 24, 2022, be accepted accordingly electronically filed by Heather A. Chilcote on behalf of David Hicks, Administrative Law Judge, The Ohio Power Siting Board