

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 25, 2022, Cedarville Township filed the direct testimony of Jeff Ewry.

{¶ 7} On March 1, 2022, Cedarville Township filed a motion to accept revised Exhibit C and Exhibit F to Jeff Ewry's testimony as timely filed, along with a request for expedited ruling. Contemporaneously with the motion, Cedarville refiled the direct testimony of Jeff Ewry to include the revised Exhibit C and Exhibit F. In its motion, Cedarville Township explains that the Exhibit C attached to the refiled testimony has been updated to add recently filed public comments and to eliminate inapplicable information in the original Exhibit C. It is also explained that Exhibit F is referenced in Mr. Ewry's testimony but that it was inadvertently not attached to the original filing due to a technical error while uploading the testimony into the Commission's Docketing Information System. Cedarville Township states that because Mr. Ewry's testimony has not changed and Exhibits C and F are both referenced in the testimony, good cause exists for granting the motion. As to expedited treatment, Cedarville Township 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 March 1, 2022 motion, Cedarville Township states that it is unable to certify that no parties oppose an expedited ruling on the motion. However, given the March 7, 2022 hearing date and the nature of Cedarville Township's request, the ALJ finds that the standard seven-day period

for memoranda contra is unwarranted. Therefore, the ALJ finds that parties shall file any responses to Cedarville Township's motion by no later than March 3, 2022.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That any responses to Cedarville Township's motion be filed by no later than March 3, 2022. It is, further,

{¶ 11} 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

NJW/kck

**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 any responses to Cedarville Township's motion be filed by no later than March 3, 2022. electronically filed by Kelli C. King on behalf of David Hicks, Administrative Law Judge, Ohio Power Siting Board