

**BEFORE  
THE OHIO POWER SITING BOARD**

<b>In the Matter of the Application of</b>	)	
<b>Kensington PV 1, LLC for a Certificate of</b>	)	<b>Case No. 21-764-EL-BGN</b>
<b>Environmental Compatibility and Public</b>	)	
<b>Need</b>	)	

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**THIRD MOTION TO EXTEND COMPLETENESS DATE AND REQUEST FOR  
EXPEDITED TREATMENT**

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Pursuant to Ohio Adm.Code 4906-2-27(A) and (C), Kensington PV 1, LLC (the “Applicant”) hereby requests a third extension of the Ohio Power Siting Board Staff’s (“Staff”) deadline to issue a completeness determination. As explained in the attached memorandum of support, the Applicant requests that the deadline be extended to June 13, 2022 in order to complete a geotechnical report, a Phase I archaeological survey and related communication with the Ohio State Historic Preservation Office, and for Staff to complete its completeness review pursuant to Ohio Adm.Code 4906-3-06. The Applicant also requests expedited treatment of this motion. As noted in the attached memorandum in support, the Applicant has contacted Staff’s counsel regarding this motion and Staff does not oppose this motion nor the expedited treatment of this motion.

Respectfully submitted,

/s/ Anna Sanyal  
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*Attorneys for Kensington PV 1, LLC*

**MEMORANDUM IN SUPPORT OF**  
**THIRD MOTION TO EXTEND COMPLETENESS DATE AND REQUEST FOR**  
**EXPEDITED TREATMENT**

On October 19, 2021, Kensington PV 1, LLC (the “Applicant”) submitted an Application for a Certificate of Environmental Compatibility and Public Need for the Kensington Solar Project, a 135 MW solar-powered electric generation facility in Franklin Township, in Columbiana County, Ohio. Pursuant to Ohio Adm.Code 4906-3-06(A), Ohio Power Siting Board Staff had to issue a determination on completeness by December 20, 2021. On December 17, 2021, the Administrative Law Judge (“ALJ”) granted the Applicant’s initial request to extend the deadline for Staff’s determination on completeness until January 31, 2022. Furthermore, on January 31, 2022, the ALJ granted the Applicant’s second request to extend the deadline for Staff’s determination on completeness until April 1, 2022.

Pursuant to Ohio Adm.Code Rule 4906-2-27(A) and (C), the Applicant requests that the ALJ now grant a third extension of the completeness date until June 13, 2022. The Applicant has been engaged in communications with Staff regarding the completeness date. Staff has requested that a geotechnical report and a Phase I archaeological survey of the Project Area be complete prior to the completeness date. In an effort to accommodate the requests and to complete communication with the Ohio State Historic Preservation Office related to the archaeological survey, the Applicant is now requesting this third extension. The Applicant is also requesting expedited treatment of this motion because Staff’s completeness determination is currently due on April 1, 2022.

The Applicant is not submitting this motion for purposes of delay. The geotechnical report is close to being finished. Additionally, unique circumstances have prevented the Applicant from completing the archaeological survey. About 336.5 acres of the Project Area remain to be surveyed.

Since December, the Project Area has experienced continuing issues with weather and most recently, received over eight inches of snow. With the weather now warming up, the Project Area now has muddy and wet conditions, which are not ideal for the field work necessary to complete the archaeological survey. As a result, in order to accommodate Staff's requests regarding the geotechnical report and the archaeological survey and to ensure that additional weather delays do not impede the completion of the archaeological survey, Kensington is requesting a third extension of time. An extension until June 13, 2022 will allow Staff enough time to review the geotechnical report, the archaeological survey, and any additional information submitted by the Applicant, and issue its determination on the Application's completeness. Moreover, as noted in the Applicant's initial request for an extension, administrative law judges have granted extensions of the completeness date in other, similar proceedings. *In re Dixon Run Solar, LLC*, Case No. 21-786-EL-BGN, Entry (Nov. 24, 2021) at ¶ 7; *In re Border Basin I, LLC*, Case No. 21-277-EL-BGN, Entry (Aug. 23, 2021) at ¶ 7; *In re Big Plain Solar, LLC*, Case No. 19-1823-EL-BGN, Entry (Aug. 3, 2020) at ¶ 16.

The Applicant has contacted Staff's counsel regarding this motion. Staff's counsel has indicated that Staff does not oppose this motion and does not oppose expedited treatment of this motion. Accordingly, Applicant requests that the administrative law judge grant this motion.

Respectfully submitted,

/s/Anna Sanyal

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(Each is willing to accept service via email)

*Attorneys for Kensington PV 1, LLC*

### **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 served (via electronic mail) on March 31, 2022 upon all persons/entities listed below:

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*Counsel for Staff of the Ohio Power Siting  
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/s/ Anna Sanyal  
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Summary: Motion Third Motion to Extend Completeness Date and Request for Expedited Treatment and Memorandum in Support electronically filed by Ms. Anna Sanyal on behalf of Kensington PV 1, LLC