

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION
OF WILD GRAINS SOLAR, LLC FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED.

CASE NO. 21-823-EL-BGN

ENTRY

Entered in the Journal on May 2, 2022

{¶ 1} Wild Grains Solar, LLC (Wild Grains or Applicant) 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 first obtaining a certificate for the facility from the Ohio Power Siting Board (Board).

{¶ 3} Ohio Adm.Code 4906-3-03 requires an applicant, no more than 90 days prior to submitting a standard application, to conduct at least one informational meeting that is open to the public and is “held in the area in which the project is to be located.”

{¶ 4} On July 27, 2021, Applicant filed a preapplication notification letter with the Board regarding the proposed solar facility (Project). In the letter, Wild Grains explained that construction of the proposed 150 megawatt solar-powered electric generation facility is estimated to begin no earlier than the third quarter of 2022, resulting in commercial operations by December 31, 2023.

{¶ 5} On August 26, 2021, Wild Grains filed proof of its compliance with Ohio Adm.Code 4906-3-03(B)(1), requiring notice of the public information meeting to be published in a newspaper of general circulation in the Project area.

{¶ 6} On September 1, 2021, Wild Grains filed proof of its compliance with Ohio Adm.Code 4906-3-03(B)(2), in sending the required notification to each property owner and affected tenant within the Project area. An in-person public information meeting was held at the Van Wert Fairgrounds on August 18, 2021.

{¶ 7} On November 16, 2021, Wild Grains filed an application (Application) with the Board for a certificate of environmental compatibility and public need to construct the Project.

{¶ 8} Also on November 16, 2021, Wild Grains filed a motion for waivers of Ohio Adm.Code 4906-4-08(D)(2)-(4) to allow for a reduced study area regarding the review of cultural resources, landmarks, recreation areas, and visual impacts and Ohio Adm.Code 4906-3-14(D) to allow an interim Interconnection Service Agreement be in place prior to the start of construction. On February 7, 2022, Staff filed a letter stating that it does not oppose Applicant's motion for waivers.

{¶ 9} Also on November 16, 2021, Applicant filed a motion for a protective order to keep limited portions of Exhibit H, which assesses the socioeconomic impact of the Project, and the entire Exhibit U, which is a survey of archeological resources, confidential and not part of the public record. Additionally, Wild Grains notes that Application Section 4906-4-06(B)-(E) incorporates, without reproducing, Exhibit H with respect to financial data and seeks to keep this information confidential and not part of the public record. On February 7, 2022, Staff filed a letter stating that it does not oppose Applicant's motion for a protective order.

{¶ 10} On March 3, 2022, the administrative law judge (ALJ) issued an Entry granting the requests for waivers and granting the motion for a protective order.

{¶ 11} By letter dated January 18, 2022, the Board notified Wild Grains that its Application was compliant and provided sufficient information to permit Staff to commence its review and investigation.

{¶ 12} On February 10, 2022, Wild Grains filed a certificate of service of its accepted and complete Application and proof that it submitted its application fee to the Treasurer of the State of Ohio as required by Ohio Adm.Code 4906-3-07.

{¶ 13} On March 3, 2022, the ALJ set the effective date of the Application as March 3, 2022. In the same Entry, the local public hearing in this matter was scheduled to be held on May 3, 2022, and the evidentiary hearing was scheduled to commence on May 25, 2022. The Entry also set forth additional deadlines.

{¶ 14} On April 13, 2022, the Ohio Farm Bureau Federation (OFBF) timely filed a motion to intervene. No memoranda contra were filed.

{¶ 15} The ALJ finds that OFBF has satisfied the intervention requirements set forth in Ohio Adm.Code 4906-2-12 and that the motion to intervene is reasonable and should be granted.

{¶ 16} It is, therefore,

{¶ 17} ORDERED, That the motion to intervene in this proceeding filed by OFBF be granted. It is, further,

{¶ 18} ORDERED, That a copy of this Entry be served upon all interested persons and parties of record.

THE OHIO POWER SITING BOARD

/s/ Jacky Werman St. John

By: Jacky Werman St. John
Administrative Law Judge

JRJ/mef

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in

Case No(s). 21-0823-EL-BGN

Summary: Administrative Law Judge Entry granting the motion to intervene by the Ohio Farm Bureau Federation electronically filed by Ms. Mary E. Fischer on behalf of Jacky Werman St. John, Administrative Law Judge, Ohio Power Siting Board