

THE OHIO POWER SITING BOARD

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

CASE NO. 21-1090-EL-BGN

ENTRY

Entered in the Journal on September 26, 2022

{¶ 1} Circleville Solar, LLC (Circleville Solar 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 from the Ohio Power Siting Board (Board).

{¶ 3} On December 30, 2021, Circleville Solar filed an application with the Board for a certificate of environmental compatibility and public need to construct a 70 megawatt solar-powered electric generation facility in Wayne and Jackson townships, Pickaway County, Ohio.

{¶ 4} By letter dated February 28, 2022, the Board notified Circleville Solar that the application complied with R.C. Chapters 4906.01, et seq., and provided sufficient information to permit Staff to commence its review and investigation. Pursuant to Ohio Adm.Code 4906-3-06 and 4906-3-07, the Board's letter instructed Applicant to serve appropriate government officials and public agencies with copies of the complete, certified application and to file proof of service with the Board. The letter further instructed Applicant to submit its application fee pursuant to R.C. 4906.06(F) and Ohio Adm.Code 4906-3-12.

{¶ 5} On March 16, 2022, and March 23, 2022, respectively, Circleville Solar filed proof of service of its accepted and complete application and proof of payment of its application fee.

{¶ 6} On April 5, 2022, the administrative law judge (ALJ) issued an Entry declaring the effective date of the application and establishing a procedural schedule. The procedural schedule set filing deadlines for petitions to intervene, Staff's report of investigation (Staff Report), an issues list, direct testimony, and for the filing of any stipulation executed by any parties to the case. The Entry further announced the dates and locations for a local public hearing and an evidentiary hearing.

{¶ 7} By Entry dated May 26, 2022, the ALJ granted various notices and motions to intervene filed by the Board of Trustees of Wayne Township, Pickaway County, Ohio (Wayne Township); the Board of Trustees of Jackson Township, Pickaway County, Ohio (Jackson Township); the Ohio Farm Bureau Federation (OFBF); the Pickaway County Engineer (Engineer); and the Northeast Ohio Public Energy Council (NOPEC). Additionally, the Staff Report was filed on June 10, 2022, and the local public hearing was conducted as scheduled on June 27, 2022.

{¶ 8} On June 28, 2022, Applicant, OFBF, and NOPEC filed a joint motion to call and continue the evidentiary hearing accompanied by a request for an expedited ruling. The motion requested that the record for the evidentiary hearing be opened as scheduled on July 26, 2022, but then be continued to a future date to allow additional time to work toward a resolution of issues.

{¶ 9} By Entry dated June 29, 2022, the ALJ granted the motion and announced that the evidentiary record would be opened as scheduled on July 26, 2022, before adjourning for the day to reconvene on a date to be scheduled by future entry. Subsequently, on July 22, 2022, the ALJ denied a July 21, 2022 motion to convert the hearing to a virtual event citing Ohio Adm.Code 4906-3-09 and Applicant's published notice of the hearing date and location.

{¶ 10} On July 26, 2022, the ALJ opened the record, took appearances of counsel, observed the absence of any members of the public, and then adjourned the hearing until a future date.

{¶ 11} By Entry dated July 28, 2022, the ALJ directed that the evidentiary hearing would reconvene on October 25, 2022. The ALJ further directed that all expert and factual testimony to be offered by Applicant would be due by October 7, 2022, that similar testimony to be offered by intervenors and Staff would be due by October 18, 2022, and that any stipulation entered into by the parties, along with supporting testimony, would be due no later than noon on October 21, 2022.

{¶ 12} On September 20, 2022, Applicant, Wayne Township, Jackson Township, the Engineer, OFBF, and NOPEC filed a motion to call and continue the October 25, 2022 hearing and extend the related filing deadlines with a request for an expedited ruling. The moving parties indicate that they have engaged in settlement efforts, including additional local in-person meetings involving out-of-state personnel. These meetings have identified opportunities for refined condition commitments, additional investment in the local community, and potential modifications to the project layout to accommodate local requests. The parties request that the hearing be continued such that they can maintain momentum toward the resolution of some or all issues involved with Circleville Solar's proposed solar facility. The parties further request that the October 25, 2022 date be used to conduct a status and scheduling conference where counsel can discuss with the ALJ potential hearing dates and associated procedural deadlines. Finally, the parties request expedited treatment of the motion and represent that Staff does not object to the motion being handled on an expedited basis.

{¶ 13} Upon review, the ALJ finds that the motion to continue is reasonable and should be granted. The ALJ first clarifies that it is not necessary to call and continue the scheduled date because the hearing did convene as initially scheduled and noticed on July 26, 2022. Accordingly, it is sufficient to grant the motion and continue the hearing to a date to be determined by future entry. The ALJ will convert the October 25, 2022 event to a status and scheduling conference, to be conducted remotely, that will occur at 10:00 a.m. The ALJ will send instructions for participation in the status and scheduling conference to the parties'

counsel via email. The current dates for the hearing, as well as the filing of testimony and stipulations, will be determined at that conference and will be published by future entry.

{¶ 14} It is, therefore,

{¶ 15} ORDERED, That the joint motion to continue the evidentiary hearing be granted as stated in Paragraph 13. It is, further,

{¶ 16} ORDERED, That the parties participate in a status and scheduling conference on October 25, 2022, as stated in Paragraph 13. It is, further,

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

THE OHIO POWER SITING BOARD

/s/Patricia A. Schabo

By: Patricia A. Schabo
Administrative Law Judge

JRJ/dmh

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

9/26/2022 8:42:12 AM

in

Case No(s). 21-1090-EL-BGN

Summary: Administrative Law Judge Entry that the joint motion to continue evidentiary hearing be granted, and converting the October 25, 2022 event to status and scheduling conference, to be conducted remotely, that will occur at 10:00 a.m. electronically filed by Ms. Donielle M. Hunter on behalf of Patricia A. Schabo, Administrative Law Judge, Ohio Power Siting Board