

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF
BLOSSOM SOLAR, LLC FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED TO
CONSTRUCT A SOLAR-POWERED
ELECTRIC GENERATION FACILITY IN
MORROW COUNTY, OHIO.

CASE NO. 22-151-EL-BGN

ENTRY

Entered in the Journal on November 2, 2022

{¶ 1} Blossom Solar, LLC (Blossom 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). In seeking a certificate, applicants must comply with the filing requirements outlined in R.C. 4906.06, as well as Ohio Adm.Code Chapters 4906-2 through 4906-4.

{¶ 3} On March 23, 2022, Blossom filed its preapplication notice informing the Board of a to be proposed 144 megawatt solar-powered electric generation facility to be constructed on 1,100 acres in Washington Township, Morrow County, Ohio (Project). Further, the notice stated that Blossom would be hosting a public information meeting on April 6, 2022, in Iberia, Ohio.

{¶ 4} On May 27, 2022, as amended on August 5, 2022, Blossom filed its application for a certificate to construct the Project.

{¶ 5} Pursuant to Ohio Adm.Code 4906-3-06, within 60 days of receipt of an application for a major utility facility, the Board Chair must either accept the application as complete and compliant with the content requirements of R.C. 4906.06 and Ohio Adm.Code Chapters 4906-1 through 4906-7 or reject the application as incomplete.

{¶ 6} On July 26, 2022, the Board notified Blossom that its application, including data request responses, was found to be sufficiently compliant with the requirements of Ohio Adm.Code 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 Blossom 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 the Applicant to submit its application fee pursuant to R.C. 4906.06(F) and Ohio Adm.Code 4906-3-12. Staff also identified additional information that would be requested in the course of its investigation to ensure that Staff would be able to conduct its review of the application, including but not limited to, the manufacturers, models, specifications, and material safety data sheets for all solar panels, inverters, racking systems, and all other components selected for the proposed facility and additional information regarding the removal of underground infrastructure during the decommissioning phase to determine the manner in which future drain tile repairs and installation may be completed.

{¶ 7} On August 9, 2022, Blossom filed proof of service of its accepted and complete application on local government officials and the main public library as required by Ohio Adm.Code 4906-3-07(A). Further, Blossom states that it maintains a copy of its accepted complete application on its website.

{¶ 8} On August 9, 2022, Blossom also filed, pursuant to Ohio Adm.Code 4906-3-07(A)(5), proof of submission of its application fee.

{¶ 9} Pursuant to Senate Bill 52, by correspondence filed August 2, 2022, Morrow County Commissioners notified the Board that it had designated Tom Whiston as its ad hoc representative to the Board. Similarly, by correspondence filed August 11, 2022, the Washington Township Board of Trustees notified the Board that it had designated Dona Kochman as its ad hoc representative to the Board.

{¶ 10} Ohio Adm.Code 4906-3-08(A) states that, once the applicant has complied with Ohio Adm.Code 4906-3-07, the Board or the administrative law judge (ALJ) shall file an entry indicating the date on which the accepted, complete application is deemed filed. Additionally, once the effective date is established, the ALJ must promptly fix the dates for public hearings. R.C. 4906.07(A) directs that the public hearing be held not less than 60 nor more than 90 days after the effective date.

{¶ 11} By Entry issued on August 26, 2022, the ALJ established the effective date of the application as August 26, 2022, scheduled the local public hearing for November 15, 2022, at 6:00 p.m., at Washington Township Trustee Hall, 3612 Twp 49 Rd., Iberia, Ohio, and scheduled the evidentiary hearing to commence on December 19, 2022, at 10:00 a.m., at the offices of the Public Utilities Commission of Ohio, 180 E. Broad Street, Columbus, Ohio 43215. The August 26, 2022 Entry also stated that petitions to intervene in this proceeding would be accepted by the Board up to 30 days following the service of the notice required by Ohio Adm.Code 4906-3-09 or by October 7, 2022, whichever is later.

{¶ 12} On September 16, 2022, Blossom filed its proof of first notice of the accepted, complete application and publication. The notice was published on August 24, 2022, and September 7, 2022, in the *Morrow County Sentinel*, a newspaper of general circulation in Morrow County.

{¶ 13} Ohio Farm Bureau Federation (OFBF) and Ohio Environmental Council (OEC) filed motions to intervene on September 26, 2022, and October 6, 2022, respectively.

{¶ 14} In support of its motion, OFBF states that it is a non-profit organization representing agricultural interest at the state and local levels on behalf of its member families including members in Morrow County. OFBF states that it seeks to ensure that if the proposed project goes forward, landowners and their land are protected and there is appropriate recourse for needed repairs or remediation. OEC, an Ohio nonprofit organization, states that its purpose is to protect natural resources, the environment, and to ensure clean energy for all Ohio citizens. OEC states that the development of solar power

is essential to decreasing reliance on fossil fuels that produce toxic air pollutants and generate greenhouse gas emissions. OEC states that it has members who reside in Morrow County that may be directly impacted by the environmental and economic benefits or detriments of the proposed project. OFBF and OEC declare that their intervention will contribute to a just and expeditious resolution of the issues presented in this matter and will not unduly delay the proceedings or unjustly prejudice an existing party.

{¶ 15} No memorandum contra the motions to intervene were filed.

{¶ 16} Staff filed its Report of Investigation on October 31, 2022.

{¶ 17} The ALJ finds the motions to intervene filed by OFBF and OEC to be reasonable and, therefore, the motions should be granted. OFBF and OEC have demonstrated a real and substantial interest in the proposed project and their participation will contribute to the just and expeditious resolution of the issues in this matter.

{¶ 18} It is, therefore,

{¶ 19} ORDERED, That the motions to intervene filed by OFBF and OEC be granted.
It is, further,

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

THE OHIO POWER SITING BOARD

/s/ Greta See

By: Greta See
Administrative Law Judge

JRJ/hac

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in

Case No(s). 22-0151-EL-BGN

Summary: Administrative Law Judge Entry ordering that the motions to intervene filed by OFBF and OEC be granted electronically filed by Heather A. Chilcote on behalf of Greta See, Administrative Law Judge, Power Siting Board