

THE OHIO POWER SITING BOARD

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

CASE NO. 20-1605-EL-BGN

ENTRY ON REHEARING

Entered in the Journal on December 13, 2022

{¶ 1} Birch Solar, LLC (Birch 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 obtaining a certificate for the facility from the Ohio Power Siting Board (Board).

{¶ 3} On February 12, 2021, Birch Solar filed its application with the Board for a certificate of environmental compatibility and public need to construct a solar-powered electric generation facility in Allen and Auglaize counties, Ohio (Facility).

{¶ 4} On October 20, 2022, the Board denied Birch Solar's application by Opinion and Order (Order).

{¶ 5} On November 21, 2022, Applicant filed an application for rehearing in response to the Order. Also on November 21, 2022, intervenors Allen Auglaize Coalition for Reasonable Energy (AACRE) and the International Brotherhood of Electrical Workers, Local Union 32 (IBEW) filed a joint application for rehearing in response to the Order.

{¶ 6} On November 30, 2022, the Shawnee Township Board of Trustees, another intervenor in the case, filed a reply to the application for rehearing.

{¶ 7} No other applications for rehearing or memoranda contra have been filed in the case since the journalization of the Order.

{¶ 8} R.C. 4906.12 provides that R.C. 4903.02 to 4903.16, and 4903.20 to 4903.23 apply

to a proceeding or order of the Board as if the Board were the Public Utilities Commission of Ohio.

{¶ 9} Ohio Adm.Code 4906-2-32 provides that any party or affected person may file an application for rehearing within 30 days after the issuance of a Board order in the manner, form, and circumstances set forth in R.C. 4903.10.

{¶ 10} R.C. 4903.10 provides that any party to a Commission proceeding may apply for rehearing with respect to any matter determined by the Commission within 30 days after the entry of the order upon the journal of the Commission.

{¶ 11} Pursuant to the authority set forth in Ohio Adm.Code 4906-2-32(E), in order to afford the Board more time to consider the issues raised in the applications for rehearing, the administrative law judge grants the applications for rehearing filed by (1) Birch Solar and (2) jointly by AACRE and IBEW.

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That the applications for rehearing filed by Birch Solar and jointly by AACRE and IBEW be granted in accordance with Paragraph 11. It is, further,

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

THE OHIO POWER SITING BOARD

/s/Michael L. Williams

By: Michael L. Williams
Administrative Law Judge

GAP/hac

**This foregoing document was electronically filed with the Public Utilities
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in

Case No(s). 20-1605-EL-BGN

Summary: Administrative Law Judge Entry ordering that the applications for rehearing filed by Birch Solar and jointly by AACRE and IBEW be granted electronically filed by Heather A. Chilcote on behalf of Michael L. Williams, Administrative Law Judge, Ohio Power Siting Board