

## THE OHIO POWER SITING BOARD

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

CASE NO. 21-1231-EL-BGN

### ENTRY

Entered in the Journal on January 6, 2023

{¶ 1} Fountain Point Solar Energy LLC (Fountain Point 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} On April 11, 2022, as amended on May 16, 2022, Fountain Point filed its application (Application) for a certificate to construct an electric generation facility in Logan County, Ohio.

{¶ 4} On June 10, 2022, the Board notified Fountain Point 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.

{¶ 5} On August 23, 2022, Fountain Point filed a second supplement to the Application (Amended Application). In the Amended Application, Fountain Point seeks approval to construct a 280-megawatt solar-powered electric generation facility on approximately 2,768 acres (as opposed to 3,860 acres) in Bokescreek and Rushcreek townships (excluding all of Perry Township) (Amended Project). As with the initial project proposal, the Amended Project will consist of photovoltaic panels, access roads, electric

collection cables, a collection substation, a laydown area for construction staging, an operation and maintenance building, and pyranometers.

{¶ 6} On August 25, 2022, Fountain Point 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), on June 16, 2022. Further, Fountain Point states that it maintains access to a copy of its accepted complete Application on its website, along with instructions how to request a paper copy of the Application.

{¶ 7} On August 25, 2022, Fountain Point also filed, pursuant to Ohio Adm.Code 4906-3-07(A)(5), proof of submission of its application fee.

{¶ 8} By Entry issued on September 15, 2022, the effective date of the Amended Application was established as September 15, 2022. In the same Entry, the local public hearing in this matter was scheduled to be held on December 14, 2022, and the evidentiary hearing was scheduled to commence on January 23, 2023. The Entry also set forth additional deadlines, including that petitions to intervene in this proceeding will 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 25, 2022, whichever is later.

{¶ 9} Motions to intervene by Kara M. Slonecker, Paul William Schaller, Jeny Hammer, Jocelyn Kavanagh, Logan County Board of Commissioners, Rushcreek Township, the Ohio Farm Bureau Federation, Citizens against Fountain Point LLC, Brent Vermillion, Jim Culp, Alyssa Rice, Cliff Cronkelton, and Anthony Cogossi were granted on September 15, 2022, and November 30, 2022, respectively.

{¶ 10} On December 20, 2022, Applicant filed a motion to call and continue the evidentiary hearing and to extend procedural deadlines. Applicant stated that no parties oppose the request. Applicant states that continuing the hearing date would allow for the parties to continue settlement discussions. Specifically, Applicant proposes that the evidentiary hearing currently scheduled for January 23, 2023, should be called and

continued and the hearing should recommence on March 27, 2023. Applicant also proposes the extension of testimony filing deadlines and the stipulation filing deadline.

{¶ 11} In accordance with Ohio Adm.Code 4906-2-07, the administrative law judge (ALJ) finds that the motion to call and continue the evidentiary hearing and to continue deadlines is reasonable and should be granted to allow the parties to engage in settlement discussions. Therefore, the evidentiary hearing scheduled to commence on January 23, 2023, at 10:00 a.m. ET will be called, as scheduled, and then continued.

{¶ 12} Consistent with the discussion between the parties and ALJs, the evidentiary hearing will reconvene on April 17, 2023, at 10:00 a.m. ET, at the offices of the Public Utilities Commission of Ohio (Commission), Hearing Room 11-A, 180 East Broad Street, Columbus, Ohio 43215-3793. To participate in the hearing, parties and observers should register at the lobby desk and proceed to the 11th floor. Any accommodations necessary to ensure the availability of social distancing and plexiglass dividers should be made in advance of the hearing. As pandemic restrictions continue to evolve, additional instructions regarding further safety requirements or accommodations for the hearing room will either be posted on the Commission/Board website or communicated to the parties.

{¶ 13} Ohio Adm.Code 4906-2-09(B) provides that the ALJ shall regulate the course of the hearing, including requiring that expert or factual testimony to be offered in Board proceedings be reduced to writing and filed with the Board according to a schedule established by the ALJ. Accordingly, the ALJ finds that the following procedural schedule should be implemented:

- (a) Any stipulation entered into by the parties shall be filed by March 27, 2023, along with testimony supporting the stipulation.
- (b) If no Stipulation is filed, all expert and factual testimony to be offered by Applicant shall be filed by March 30, 2023.

(c) If no Stipulation is filed, all expert and factual testimony to be offered by the intervenors and Staff shall be filed by April 6, 2023.

If a partial Stipulation is filed, any testimony in opposition to the Stipulation shall be filed by April 6, 2023.

(d) Any motions to strike should be filed by April 11, 2023.

{¶ 14} It is, therefore,

{¶ 15} ORDERED, That the evidentiary hearing in this matter be called and continued on January 23, 2023, and be scheduled to reconvene on April 17, 2023, as set forth in Paragraphs 11 and 12. It is, further,

{¶ 16} ORDERED, That parties observe the procedural schedule as set forth in Paragraph 13. It is, further,

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

THE OHIO POWER SITING BOARD

/s/ Jacky Werman St. John

By: Jacky Werman St. John  
Administrative Law Judge

MJA/mef

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

**Case No(s). 21-1231-EL-BGN**

Summary: Administrative Law Judge Entry that the evidentiary hearing in this matter be called and continued on January 23, 2023, and be scheduled to reconvene on April 17, 2023, at 10:00 a.m. ET, at the offices of the Commission, Hearing Room 11-A electronically filed by Ms. Donielle M. Hunter on behalf of Jacky Werman St. John, Administrative Law Judge, Ohio Power Siting Board