

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION
OF DIXON RUN SOLAR, LLC FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR A
SOLAR FACILITY LOCATED IN JACKSON
COUNTY, OHIO.

CASE NO. 21-768-EL-BGN

ENTRY

Entered in the Journal on January 10, 2023

{¶ 1} Dixon Run Solar, LLC (Dixon Run 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). In seeking a certificate, applicants must comply with the filing requirements outlined in R.C. 4906.04, as well as Ohio Adm.Code Chapters 4906-2 and 4906-4.

{¶ 3} On September 29, 2021, as amended on October 7, 2021, and supplemented on November 4 and November 17, 2021, Dixon Run filed its application with the Board for a certificate of environmental compatibility and public need to construct the proposed Facility.

{¶ 4} By letter dated July 22, 2022, the Board notified Dixon Run that its application was compliant and provided sufficient information to permit Staff to commence its review and investigation.

{¶ 5} On August 2, 2022, Dixon Run filed a certificate of service of its accepted and complete application as required by Ohio Adm.Code 4906-3-07.

{¶ 6} On August 24, 2022, Dixon Run filed proof that it submitted its application fee to the Treasurer of the State of Ohio as required by Ohio Adm.Code 4906-3-07.

{¶ 7} On September 14, 2022, the administrative law judge (ALJ) set the effective date of the Application as September 14, 2022. In the same Entry, the local public hearing

in this matter was scheduled to be held on November 29, 2022, and the evidentiary hearing was scheduled to commence on December 14, 2022. 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 28, 2022, whichever is later; that Board Staff's report of investigation (Staff Report) would be due by November 14, 2022; that, by December 9, 2022, each party should file a list of issues citing specific concerns about which they may be interested in pursuing cross-examination of witnesses at the evidentiary hearing; that all expert and factual testimony to be offered by the Applicant should be filed by December 2, 2022; that all expert and factual testimony to be offered by intervenors and Staff should be filed by December 8, 2022; and that any stipulation entered into by the parties should be filed by noon on December 12, 2022, along with associated testimony supporting the stipulation.

{¶ 8} On October 24, 2022, and October 28, 2022, motions for intervention were filed by the Ohio Environmental Council (OEC) and the Ohio Farm Bureau Federation (OFBF), respectively. No memoranda contra were filed. By Entry issued December 7, 2022, the ALJ granted OFBF's and OEC's motions for intervention.

{¶ 9} On November 14, 2022, the Staff Report was filed.

{¶ 10} On November 29, 2022, the local public hearing was held, as scheduled.

{¶ 11} On December 2, 2022, Applicant filed direct testimony in support of its application.

{¶ 12} On December 6, 2022, Applicant, OEC, OFBF, and Staff filed a joint motion to call and continue the evidentiary hearing and to extend filing deadlines for the purposes of continuing settlement discussions.

{¶ 13} By Entry issued December 7, 2022, the ALJ granted the joint motion to call and continue the December 14, 2022 evidentiary hearing and to continue the remaining filing deadlines.

{¶ 14} At the hearing on December 14, 2022, the record in the case was opened, counsel for attending parties entered appearances, and then discussions were had concerning the setting of a new procedural schedule and hearing date. The hearing then adjourned to reconvene at a later date.

{¶ 15} At this time, the ALJ schedules the evidentiary hearing to reconvene on March 21, 2023, at 10:00 a.m., at the offices of the Public Utilities Commission of Ohio (Commission), Hearing Room 11-C, 11th Floor, 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.

{¶ 16} 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) All expert and factual testimony to be offered by the intervenors and Staff shall be filed by March 10, 2023. Parties will no longer need to file a list of issues citing specific concerns about which they may be interested in pursuing cross-examination of witnesses at the evidentiary hearing.

(b) Any stipulation entered into by the parties shall be filed by March 17, 2023, along with the associated testimony supporting the stipulation.

{¶ 17} It is, therefore,

{¶ 18} ORDERED, That evidentiary hearing in this matter be scheduled to reconvene on March 21, 2023, as set forth in Paragraph 15. It is, further,

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

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

THE OHIO POWER SITING BOARD

/s/ Matthew J. Sandor

By: Matthew J. Sandor
Administrative Law Judge

GAP/dmh

**This foregoing document was electronically filed with the Public Utilities
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1/10/2023 2:34:50 PM

in

Case No(s). 21-0768-EL-BGN

Summary: Administrative Law Judge Entry ALJ schedules the evidentiary hearing to reconvene on March 21, 2023, at 10:00 a.m., at the offices of the Public Utilities Commission of Ohio (Commission), Hearing Room 11-C, 11th Floor, 180 East Broad Street, Columbus, Ohio 43215-3793; expert and factual testimony to be offered by the intervenors and Staff shall be filed by March 10, 2023; any stipulation entered into by the parties shall be filed by March 17, 2023 electronically filed by Ms. Donielle M. Hunter on behalf of Matthew J. Sandor, Administrative Law Judge, Ohio Power Siting Board