

**BEFORE THE
OHIO POWER SITING BOARD**

In the Matter of the Application of Oak Run)	
Solar Project, LLC for a Certificate of)	Case No. 22-0549-EL-BGN
Environmental Compatibility and Public Need)	
to Construct a Solar-Powered Generation Facility)	
)	
In the Matter of the Application of Oak Run)	
Solar Project, LLC for a Certificate of)	Case No. 22-0550-EL-BTX
Environmental Compatibility and Public Need)	
to Construct a Solar-Powered Generation Facility)	

**MOTION FOR LEAVE TO FILE
STAFF REPORT OF INVESTIGATION OUT OF TIME**

The Staff of the Ohio Power Siting Board respectfully requests that it be permitted to file its Staff Report of Investigation in these cases out of time.

The Board Staff was directed by Entry of January 20, 2023 to file its Report of Investigation on or before March 27, 2023. Although the report was filed on March 27, 2023, it was not filed until 6:04 p.m. due to unanticipated difficulties. As any document received after 5:30 p.m. by the Docketing Division is considered as filed the next business day, the Staff Report appears on the Board's docket as filed on March 28, 2023.

Board Staff respectfully submits that it acted in substantial compliance with The Administrative Law Judge's Entry, and with Ohio Adm.Code 4906-3-06, and that reasonable grounds exist for granting this motion. Ohio Adm.Code 4906-3-06(C)(4) provides in pertinent part that "[c]opies of the staff report shall be provided to the board members, the administrative law judge assigned to the case, the applicant, and all persons who have become parties to the proceeding." All of the aforementioned were served

electronically once the Staff Report was accepted by the Docketing Division. Board Staff affirms that counsel for the Applicant was actually served with a copy of the Staff Report on March 27, 2023.

Board Staff submits that the delay was an inadvertent error, due to internal miscommunication, and requests that it be permitted to file its Staff Report one day late. No party will be prejudiced by the late filing. All parties have been served with a copy of the Staff Report. Consequently, this inadvertence constitutes harmless error.

WHEREFORE, Board Staff respectfully request that it be permitted to file the Staff Report of Investigation one day out of time

Respectfully submitted,

Dave Yost
Ohio Attorney General

John Jones
Section Chief

/s/ *Werner L. Margard III*

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Motion for Leave to File the Staff Report of Investigation Out of Time was served by electronic mail to the following parties of record, this 28th day of March, 2023.

/s/Werner L. Margard III

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in

Case No(s). 22-0549-EL-BGN, 22-0550-EL-BTX

Summary: Motion for Leave to File Staff Report of Investigation Out of Time
electronically filed by Mrs. Kimberly M. Naeder on behalf of OPSB.