

## THE OHIO POWER SITING BOARD

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

CASE NO. 21-868-EL-BGN

### ENTRY

Entered in the Journal on April 13, 2023

{¶ 1} Scioto Farms Solar Project, LLC (Scioto Farms 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 August 30, 2021, Scioto Farms filed a pre-application notification letter with the Board regarding a 110-megawatt solar-powered electric generating facility in Wayne Township, Pickaway County, Ohio (Project). The public informational meeting was held as scheduled on September 14, 2021.

{¶ 4} On December 13, 2021, Scioto Farms filed an application with the Board for a certificate of environmental compatibility and public need to construct the Project. 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.

{¶ 5} On December 13, 2021, Scioto Farms filed a motion for protective order regarding certain information provided with the application.

{¶ 6} On February 11, 2022, the Board notified Scioto Farms that its application 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 Applicant 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 Applicant to submit its application fee pursuant to R.C. 4906.06(F) and Ohio Adm.Code 4906-3-12.

{¶ 7} On February 22, 2022, Scioto Farms filed proof of service of its accepted and complete application on local officials and the main public library as required by Ohio Adm.Code 4906-3-07(A). Further, Scioto Farms states that it has posted a copy of its accepted complete application online.

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

{¶ 9} On March 10, 2022, the Pickaway County Board of Commissioners filed Resolution No. PC-030822-24, appointing Commissioner Jay Wippel to the Board as an ad hoc voting member, pursuant to R.C. 4906.021.

{¶ 10} On March 11, 2022, the Board of Trustees of Wayne Township, Pickaway County (Wayne Township), filed Resolution No. 3-2-22, appointing Chris Mullins to the Board as an ad hoc voting member, pursuant to R.C. 4906.021. On that same day, Wayne Township filed a notice of intervention, pursuant to Ohio Adm.Code 4906-2-12(A)(1).

{¶ 11} Further, on March 11, 2022, Thomas E. and Scarlett Ebenhack, Wesley and Suzannah Ebenhack,<sup>1</sup> and Thomas J. Ebenhack (collectively, Ebenhack Family) filed a motion to intervene in this proceeding, pursuant to R.C. 4906.08(A)(3) and Ohio Adm.Code 4906-2-12(A)(2).

{¶ 12} 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

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<sup>1</sup> Wesley and Suzannah Ebenhack's residence is located within the Project area.

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.

{¶ 13} By Entry issued March 31, 2022, the effective date of the application was established as March 25, 2022, the local public hearing was scheduled for May 25, 2022, and the adjudicatory hearing was scheduled to commence on June 13, 2022. Also, the March 31, 2022 Entry advised that the Board would accept petitions to intervene up to April 29, 2022, and established a procedural schedule directing Staff to file its Report of Investigation (Staff Report) on or before May 10, 2022; Scioto Farms to file all expert and factual testimony by June 1, 2022; Staff and intervenors to file all expert and factual testimony by June 6, 2022; parties to file a list of issues citing specific concerns about which they may be interested in pursuing cross-examination of witnesses at the adjudicatory hearing by May 27, 2022; and, parties to file any stipulation no later than 12:00 p.m. on June 10, 2022, along with associated testimony supporting the stipulation. The ALJ also granted, in part, a motion for protective order filed by Scioto Farms, and granted intervenor status to Wayne Township and the Ebenhack Family.

{¶ 14} By Entry issued April 6, 2022, the adjudicatory hearing was rescheduled to commence on July 11, 2022, at the offices of the Public Utilities Commission of Ohio.

{¶ 15} On April 29, 2022, motions to intervene were filed by the Ohio Farm Bureau Federation (OFBF), the International Brotherhood of Electrical Workers Local 575 (IBEW), and Ohio Partners for Affordable Energy (OPAE).

{¶ 16} The Staff Report was filed on May 10, 2022.

{¶ 17} The local public hearing occurred, as scheduled, on May 25, 2022, pursuant to R.C. 4906.08(C).

{¶ 18} On May 23, 2022, Applicant, IBEW, the Ebenhack Family, OP AE, and OFBF filed a joint motion to suspend the procedural schedule.

{¶ 19} By Entry issued May 26, 2022, the ALJ granted the joint motion to suspend the procedural schedule and converted the adjudicatory hearing scheduled for July 11, 2022, as a call and continue hearing, as well as a status conference to discuss a new procedural schedule. The ALJ also granted the unopposed motions to intervene filed by OFBF, IBEW, and OP AE.

{¶ 20} At the hearing on July 11, 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 later.

{¶ 21} By Entry issued November 10, 2022, the adjudicatory hearing was scheduled to reconvene on February 27, 2023.

{¶ 22} The adjudicatory hearing reconvened, as scheduled, on February 27, 2023, and concluded on March 2, 2023. After a discussion with the parties, the attorney examiner directed that initial and reply briefs be filed by April 13, 2023, and May 8, 2023, respectively.

{¶ 23} On April 11, 2023, Applicant, the Ebenhack Family, OP AE, IBEW, Staff, Wayne Township, and OFBF (collectively, Joint Movants) filed a joint motion for an extension of time for the filing of briefs and a request for expedited treatment, pursuant to Ohio Adm.Code 4906-2-27(C). Joint Movants contend good cause exists to grant the requested extension as undersigned counsel for Applicant recently needed unexpected time to address a family health emergency, while other counsel for Applicant was engaged in preparing for and participating in an evidentiary hearing on another pending project. As such, Joint Movants request the filing deadlines for initial and reply briefs be extended to April 20, 2023, and May 12, 2023, respectively.

{¶ 24} The attorney examiner finds good cause to grant the unopposed joint motion. Accordingly, initial and reply briefs will now be due on April 20, 2023, and May 12, 2023, respectively.

{¶ 25} It is, therefore,

{¶ 26} ORDERED, That the Joint Movants' motion for an extension of the time for the filing of briefs be granted. It is, further,

{¶ 27} ORDERED, That parties observe the briefing schedule set forth in Paragraph 24. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Megan J. Addison

By: Megan J. Addison  
Administrative Law Judge

GNS/mef

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

**Case No(s). 21-0868-EL-BGN**

Summary: Administrative Law Judge Entry granting the motion for an extension of time for the filing of briefs and setting the briefing schedule: initial and reply briefs due on April 20, 2023, and May 12, 2023, respectively electronically filed by Ms. Mary E. Fischer on behalf of Megan J. Addison, Administrative Law Judge, Ohio Power Siting Board.