

**BEFORE  
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Oak Run )  
Solar Project, LLC for a Certificate of )  
Environmental Compatibility and Public Need ) Case No. 22-549-EL-BGN  
to Construct a Solar-Powered Electric )  
Generation Facility in Madison County, Ohio. )

In the Matter of the Application of Oak Run )  
Solar Project, LLC for a Certificate of )  
Environmental Compatibility and Public Need ) Case No. 22-550-EL-BTX  
to Construct a Transmission Line in Madison )  
County, Ohio. )

---

**OAK RUN SOLAR PROJECT, LLC'S  
MEMORANDUM CONTRA  
THE APRIL 6, 2023 MOTION TO SUPPLEMENT THE RECORD OF  
THE BOARD OF TRUSTEES OF MONROE TOWNSHIP,  
THE BOARD OF TRUSTEES OF SOMERFORD TOWNSHIP,  
AND THE BOARD OF TRUSTEES OF DEERCREEK TOWNSHIP**

---

*/s/ Christine M.T. Pirik*

Christine M.T. Pirik (0029759)

(Counsel of Record)

Terrence O'Donnell (0074213)

Matthew C. McDonnell (0090164)

Jonathan R. Secrest (0075445)

David A. Lockshaw, Jr. (0082403)

Dickinson Wright PLLC

180 East Broad Street, Suite 3400

Columbus, Ohio 43215

(614) 591-5461

[cpirik@dickinsonwright.com](mailto:cpirik@dickinsonwright.com)

[todonnell@dickinsonwright.com](mailto:todonnell@dickinsonwright.com)

[mmcdonnell@dickinsonwright.com](mailto:mmcdonnell@dickinsonwright.com)

[jsecrest@dickinsonwright.com](mailto:jsecrest@dickinsonwright.com)

[dlockshaw@dickinsonwright.com](mailto:dlockshaw@dickinsonwright.com)

*Attorneys for Oak Run Solar Project, LLC*

April 21, 2023

## **I. INTRODUCTION**

Pursuant to Ohio Administrative Code (“O.A.C.”) Rule 4906-2-27(B)(1), Oak Run Solar Project, LLC (“Applicant”) submits this memorandum contra the April 6, 2023 Motion to Supplement the Record (“Motion”) submitted by intervenors the Board of Trustees of Monroe Township, the Board of Trustees of Somerford Township, and the Board of Trustees of Deercreek Township (“Townships”).<sup>1</sup>

The Townships’ Motion speculates that the Application filed in these proceedings is not complete. Therefore, the Townships request the Ohio Power Siting Board (“Board”) direct the Applicant to file a supplement to the Application and supply the missing information by April 28, 2023, in order to provide the Townships with enough time to review the information prior to the hearing, which commences on May 15, 2023.

## **II. BACKGROUND**

On September 22, 2022, as supplemented on November 21, 2022 and March 22, 2023, and as further supplemented by 12 filings responding to 8 separate data requests from the Board’s Staff (“Staff”), the Applicant filed its Application in these proceedings for a certificate of environmental compatibility and public need to construct a solar-powered generation facility in Madison County, Ohio.

On November 1, 2022, the Staff filed its letter stating that the Application “has been found to comply with Chapters 4906-01 et seq., of the Ohio Administrative Code...[t]his means the Board’s [Staff] has received sufficient information to begin its review of this application.” The

---

<sup>1</sup> The Applicant notes that, on June 24, 2022, the Board granted the Applicant’s motion for waiver requesting that the standard generation and associated electric transmission certificate applications be filed jointly. Nevertheless, the Townships only filed their Motion in Case No. 22-549-EL-BGN. Regardless, the Applicant has filed this memorandum contra in both Case Nos. 22-549-EL-BGN and 22-550-EL-BTX, since the header of the Townships’ Motion contains both case captions.

Staff further noted in its letter that “[d]uring the course of its investigation, the Staff may request additional information....”

On December 7, 2022, the Townships intervened in this case.

On April 6, 2023, the Townships filed a motion alleging the Application lacks 9 pieces of information required by O.A.C. Chapter 4906-4, namely: simulations or sketches; measures to minimize visual impacts; the quantity of aquatic discharges; water quality data and mitigation measures; complete literature searches and wildlife surveys; water conservation measures; nighttime sound; sound mitigation measures; and economic impact consequences.

In accordance with the procedural schedule in this case:

- the Applicant’s testimony is to be filed by May 2, 2023;
- intervenors’ and Staff’s testimony is to be filed by May 10, 2023;
- stipulations are to be filed by May 12, 2023; and
- the evidentiary hearing commences on May 15, 2023.

For the reasons set forth below, the Townships’ motion should be denied in its entirety.

### **III. ARGUMENTS**

Initially, the Applicant notes that the Motion reads almost like the table of contents in a party’s initial brief – a brief that is filed after the record is closed and the applicant has had the opportunity to present its case before the Board. However, a review of the remaining procedural schedule for the record in these proceedings, as set forth above, clearly reflects that the record is not closed and the evidence is not yet ready for the Board’s review and consideration. Thus, the Townships’ Motion is not ripe for consideration and such arguments should be reserved for the proper procedural method of briefing after the record in the case is closed.

As intervenors in these proceedings, the Townships have the opportunity to fully participate in these proceedings, including, but not limited to: issuing discovery (which the Townships have employed); presenting witnesses at the evidentiary hearing; and cross-examining witnesses at the hearings in this matter (which the Townships employed at the local public hearing held on April 11, 2023).

The Applicant will not, at this time, go through each of the 9 items the Townships assume are not present in the Application – but will provide any necessary substantive responses supporting the Application and the full and complete record presented in these proceedings for its merit and reply briefs - which will correctly be submitted following the evidentiary hearing once the record is closed. Suffice it to say that the allegations listed in the Motion are groundless and without merit as the complete record in these proceedings will confirm.

#### **IV. CONCLUSION**

For the reasons set forth herein, the Applicant respectfully requests that the Townships' Motion be denied.

*/s/ Christine M.T. Pirik*  
Christine M.T. Pirik (0029759)  
(Counsel of Record)  
Terrence O'Donnell (0074213)  
Matthew C. McDonnell (0090164)  
Jonathan R. Secrest (0075445)  
David A. Lockshaw, Jr. (0082403)  
Dickinson Wright PLLC  
180 East Broad Street, Suite 3400  
Columbus, Ohio 43215  
(614) 591-5461  
[cpirik@dickinsonwright.com](mailto:cpirik@dickinsonwright.com)  
[todonnell@dickinsonwright.com](mailto:todonnell@dickinsonwright.com)  
[mmcdonnell@dickinsonwright.com](mailto:mmcdonnell@dickinsonwright.com)  
[jsecrest@dickinsonwright.com](mailto:jsecrest@dickinsonwright.com)  
[dlockshaw@dickinsonwright.com](mailto:dlockshaw@dickinsonwright.com)  
*Attorneys for Oak Run Solar Project, LLC*

## CERTIFICATE OF SERVICE

The Ohio Power Siting Board's e-filing system will electronically serve notice of the filing of this document on the parties referenced in the service list of the docket card who have electronically subscribed to this case. In addition, the undersigned certifies that a copy of the foregoing document is also being served upon the persons listed below via electronic mail this 21<sup>st</sup> day of April, 2023.

/s/ Christine M.T. Pirik

Christine M.T. Pirik (0029759)

Counsel:

[werner.margard@ohioAGO.gov](mailto:werner.margard@ohioAGO.gov)  
[ambrosia.wilson@ohioAGO.gov](mailto:ambrosia.wilson@ohioAGO.gov)  
[nick.adkins@madison.oh.gov](mailto:nick.adkins@madison.oh.gov)  
[lcurtis@ofbf.org](mailto:lcurtis@ofbf.org)  
[cendsley@ofbf.org](mailto:cendsley@ofbf.org)  
[lhetrick@ofbf.org](mailto:lhetrick@ofbf.org)  
[trent@hubaydougherty.com](mailto:trent@hubaydougherty.com)  
[danielloud@quinnemanuel.com](mailto:danielloud@quinnemanuel.com)  
[michael.gerrard@arnoldporter.com](mailto:michael.gerrard@arnoldporter.com)  
[matthew.eisenson@law.columbia.edu](mailto:matthew.eisenson@law.columbia.edu)  
[knordstrom@theoec.org](mailto:knordstrom@theoec.org)  
[ctavenor@theoec.org](mailto:ctavenor@theoec.org)  
[rdove@keglerbrown.com](mailto:rdove@keglerbrown.com)  
[jvankley@vankley.law](mailto:jvankley@vankley.law)

Administrative Law Judge:

[david.hicks@puco.ohio.gov](mailto:david.hicks@puco.ohio.gov)  
[isabel.marcelletti@puco.ohio.gov](mailto:isabel.marcelletti@puco.ohio.gov)

**This foregoing document was electronically filed with the Public Utilities  
Commission of Ohio Docketing Information System on**

**4/21/2023 3:01:54 PM**

**in**

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

Summary: Memorandum - MEMORANDUM CONTRA THE APRIL 6, 2023  
MOTION TO SUPPLEMENT THE RECORD OF THE BOARD OF TRUSTEES OF  
MONROE TOWNSHIP, THE BOARD OF TRUSTEES OF SOMERFORD  
TOWNSHIP, AND THE BOARD OF TRUSTEES OF DEERCREEK TOWNSHIP  
electronically filed by Christine M.T. Pirik on behalf of Oak Run Solar Project, LLC.