

**BEFORE THE
OHIO POWER SITING BOARD**

In The Matter of The Application of)	
Circleville Solar, LLC for a Certificate of)	Case No. 22-0117-EL-BTX
Environmental Compatibility and Public)	
Need For The Construction of a 138kV)	
Electric Transmission Line in Pickaway)	
County, Ohio)	

MOTION FOR LEAVE TO FILE TESTIMONY OUT OF TIME

The Staff of the Public Utilities Commission of Ohio (“Staff”) hereby moves the Ohio Power Siting Board (“Board”) for leave to file testimony two days out of time. Under O.A.C. 4901-1-12 and 4901-1-13, the Board rules provide for an extension of time to file pleadings for good cause shown. There is good cause to grant Staff leave to file testimony two days out of time.

Under the schedule set by the Attorney Law Judges in a February 10, 2023 Entry, expert and factual testimony to be offered by Staff was due May 16, 2023. Good cause exists to permit Staff to file its expert testimony two days out of time. The press of Staff’s immersion in the Oak Run hearing the week of May 15, 2023 led to Staff missing the deadline. No party will be prejudice by the late filing of Staff’s testimony.

Respectfully submitted,

Dave Yost
Ohio Attorney General

John Jones
Section Chief

/s/ Robert Eubanks

Robert Eubanks

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*On behalf of the Staff of the
Ohio Power Siting Board*

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MEMORANDUM IN SUPPORT

Staff seeks to file testimony two days out of time. Staff testimony was due by May 16, 2023. Staff seeks permission to file its testimony on May 18, 2023. There is good cause to grant Staff leave to file testimony two days out of time.

Good cause exists to permit Staff to file its expert testimony on May 18, 2023. The press of Staff's immersion in the Oak Run hearing the week of May 15, 2023 led to Staff missing the deadline. Staff's testimony is consistent with Staff's signing of the Stipulation, so no parties will be harmed by the late filing of Staff's testimony.

Respectfully submitted,

Dave Yost
Ohio Attorney General

John Jones
Section Chief

/s/ Robert Eubanks

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Assistant Attorney General
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*On behalf of the Staff of the
Ohio Power Siting Board*

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **Motion for Leave** was served by electronic mail to the following parties of record, this 18th day of May, 2023.

/s/ Robert Eubanks

Robert Eubanks

Assistant Attorney General

PARTIES OF RECORD:

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in

Case No(s). 22-0117-EL-BTX

Summary: Motion for Leave to File Testimony out of Time electronically filed by Mrs.
Kimberly M. Naeder on behalf of OPSB.