

FILE

**Before
THE SUPREME COURT OF OHIO**

BIRCH SOLAR 1 LLC

Appellant,

VS.

Ohio Power Siting Board,

Appellee.

Supreme Court Case No. 2023-1011

**Being Before
THE OHIO POWER SITING BOARD OR
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Application of
BIRCH SOLAR 1 LLC for a Certificate
of Environmental Compatibility and
Public Need for a Solar-Powered Electric
Facility Located in Allen and Auglaize
Counties, Ohio**

Case No. 20-1605-EL-BGN

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<u>10/16/2020</u>	In the Matter of the Motion for Waiver and Request for Approval of an Alternate Method for Public Information Meeting Request for Expedited Ruling and Memorandum in Support electronically filed by Christine M.T. Pirik on behalf of Birch Solar, LLC.	1
<u>10/26/2020</u>	Service Notice.	Service Notice
<u>10/26/2020</u>	Administrative Law Judge Entry ordering that Birch Solar's October 16, 2020 motion for waiver be granted to the extent it is requesting to waive the Board's requirement that a public information meeting be held in the area in which the project is to be located electronically filed by Heather A Chilcote on behalf of Michael L. Williams, Administrative Law Judge, Ohio Power Siting Board.	2
<u>10/26/2020</u>	Correspondence regarding Motion for Waiver electronically filed by Mrs. Kimberly M Naeder on behalf of OPSB.	3
<u>11/3/2020</u>	Notice of Compliance with Service Requirement for Public Information Meetings electronically filed by Christine M.T. Pirik on behalf of Birch Solar, LLC.	4
<u>11/3/2020</u>	Pre-application Notification Letter electronically filed by Christine M.T. Pirik on behalf of Birch Solar, LLC.	5
<u>11/9/2020</u>	Public Comment of Jim Thompson, via website, electronically filed by Docketing Staff.	Pub. Com.

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<u>11/12/2020</u>	Public Comments of Ann Fisher, Concerned Citizen, Stephanie G., Allyshia Kuhbander, Karla Farley, Dr. Thomas W. Hull, PhD., Jim Thompson and Lynn McCray, via website electronically filed by Docketing Staff.	Pub. Com.
<u>11/13/2020</u>	Public Comment of Allyshia Kuhbander and John Newland, CPA, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>11/13/2020</u>	Public Comment filed by Concerned Citizens (5), Scott Stahler, Amanda Lucas, Joshua Hayes and Mark Stombaugh, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>11/13/2020</u>	Public Comment of Jon Kraner, Dr. M. Terveer, K. Kuhbander, Julian Kraner, F. Caprilla, A. Valenti-Shafer, K. Carde, K. Rison, S. Thompson, C. Thompson, T. Barnes and Concerned Citizens.	Pub. Com.
<u>11/13/2020</u>	Public Comment of Concerned Citizen, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>11/13/2020</u>	Public Comments of Mr. and Mrs. Gregory Mescher, Andrew S Farley and Shawnda Gearing, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>11/16/2020</u>	Public Comment of Dave & Lynn McCray.	Pub. Com.
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<u>11/23/2020</u>	Public Comment of (3) Concerned Consumers, Jim Thompson, John Newland, G. Jones, Rachel Stombaugh and Kyle Kuhbander, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>11/23/2020</u>	Public Comments of Dr. Bob Mayer, Cynthia Kennedy, Mark Wellman, John Newland and Kyle Kuhbander, via website electronically filed by Docketing Staff.	Pub. Com.
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<u>11/27/2020</u>	Public Comment filed on behalf of Dave Conine submitted via website electronically filed by PUCO Docketing on behalf of Docketing.	Pub. Com.
<u>11/27/2020</u>	Public Comment filed by various concerned consumers and Barbara Kuhbander submitted via website electronically filed by PUCO Docketing on behalf of Docketing.	Pub. Com.
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<u>3/12/2021</u>	Response to First Data Request from Staff of the Ohio Power Siting Board electronically filed by Christine M.T. Pirik on behalf of Birch Solar 1, LLC.	52

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<u>3/17/2021</u>	Public Comment of Colleen Knapp, via website electronically filed by Docketing Staff.	Pub. Com.
<u>3/22/2021</u>	Public Comment of Allyshia Kuhbander, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>3/24/2021</u>	Public Comment of Gary Haas, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>3/25/2021</u>	Supplement to Application – USFWS Coordination and History/Architecture Reconnaissance Survey Report (Part 1 of 3) electronically filed by Christine M.T. Pirik on behalf of Birch Solar 1, LLC.	53
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<u>4/12/2021</u>	Response to Fourth Data Request from Staff of the Ohio Power Siting Board electronically filed by Christine M.T. Pirik on behalf of Birch Solar 1, LLC.	60
<u>4/13/2021</u>	Motion for Extension of Time for Determining the Application's Completeness, Waiver of Ohio Adm.Code 4906-03-06(A), and Request for Expedited Treatment and Memorandum in Support submitted on behalf of the Staff of the Ohio Power Siting Board electronically filed by Mrs. Kimberly M. Naeder on behalf of OPSB.	61
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<u>4/28/2021</u>	Response to Fifth Data Request from Staff of the Ohio Power Siting Board electronically filed by Christine M.T. Pirik on behalf of Birch Solar 1, LLC.	62

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<u>4/30/2021</u>	Administrative Law Judge Entry ordering that Staff's motion for extension of completeness review and request for expedited ruling be granted, extending the deadline for Staff to make its recommendation regarding the completeness of Birch Solar's application until June 14, 2021 electronically filed by Heather A Chilcote on behalf of Michael L. Williams, Administrative Law Judge, Ohio Power Siting Board.	63
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<u>5/7/2021</u>	Public Comment of Jim Thompson, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/10/2021</u>	Public Comments of a Concerned Citizen and Jim Thompson, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/10/2021</u>	Public Comment of Concerned Citizen, via website, electronically filed by Docketing Staff.	Pub. Com.

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<u>6/1/2021</u>	Public Comment of Aimee Bucher, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>6/2/2021</u>	Public Comment of Sandra Kich, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>6/2/2021</u>	Petition for Leave to Intervene and Memorandum in Support electronically filed by Mr. Jack A. Van Kley on behalf of Against Birch Solar LLC, Linda M. Beckstedt, Jesse M. Bott & Kacie L. Rison, Ryan & Stacy Brenneman, Patricia A. Buzard, Cheryl M. Counts, Ann Marie R. & Christopher H. Fisher, Deed Hall, Allyshia & Kyle Kuhbander, Angie M. & Kenneth R. McAlexander, Alexandra & Timothy Rostorfer, Susan & William Walters, Althea A. and Mark Wellman, and Ellen Wieging.	64

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<u>6/11/2021</u>	Memorandum Contra Motion for Additional Public Information Meeting and for Completeness to be Held in Abeyance electronically filed by Christine M.T. Pirik on behalf of Birch Solar 1, LLC.	68

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<u>6/21/2021</u>	Public Comment of Robert Mayer, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>6/21/2021</u>	Reply in Support of Motion to Require Informational Meeting and to Hold Application Completeness Determination in Abeyance electronically filed by Mr. Jack A Van Kley on behalf of Against Birch Solar LLC.	71

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<u>6/25/2021</u>	April 28, 2021 Responses to Fifth and Sixth Data Requests from Staff of the Ohio Power Siting Board Filed electronically filed by Christine M.T. Pirik on behalf of Birch Solar 1, LLC.	73
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<u>6/30/2021</u>	Public Comment of Lori Meyer, via website, electronically filed by Docketing.	Pub. Com.
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<u>7/6/2021</u>	Public Comment of Dr. Thomas W. Hull, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>7/6/2021</u>	Public Comment of Brandon Biss, Shane, and Trigg Pendleton, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>7/6/2021</u>	Public Comment of Kathy Hull, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>7/6/2021</u>	Public Comment (Supplemental) of Beth Scibert, Allen County Commissioner, Brian Winegardner, Allen County Commissioner, Cory Noonan, Allen County Commissioner, Rachael Gilroy, Allen County Auditor, Krista Bohn, Allen County Treasurer, Brion Rhodes, Allen County Engineer, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>7/7/2021</u>	Service Notice.	Service Notice
<u>7/7/2021</u>	Administrative Law Judge Entry ordering that Against Birch Solar and the Kuhbanders be granted intervention as described in Paragraph 10; that Birch Solar be required to conduct an in-person public information meeting as described in Paragraph 16, and that Staff shall file its determination of completeness by July 14, 2021, as described in Paragraph 17 electronically filed by Heather A Chilcote on behalf of Michael L. Williams, Administrative Law Judge, Ohio Power Siting Board.	74

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<u>7/15/2021</u>	Public Comment of Kathleen Baril, M.A., Director, Heterick Memorial Library, Ohio Northern University, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>7/23/2021</u>	Public Comment of Alice Smith, via website, electronically filed by Docketing Staff.	Pub. Com.
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<u>8/12/2021</u>	Public Comment of Jim Thompson, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>8/13/2021</u>	Service Notice.	Service Notice
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<u>8/13/2021</u>	Administrative Law Judge Entry ordering that the hearings in this matter be scheduled in accordance with Paragraph 16; that the notice of the application and hearings be published by the Applicant in accordance with Paragraphs 18, 19, and 24; and, that the parties observe the filing deadlines set forth in Paragraph 25 electronically filed by Heather A. Chilcote on behalf of Jesse Davis, Administrative Law Judge, Ohio Power Siting Board.	79
<u>8/18/2021</u>	Proof of Publication for Third Public Information Meeting electronically filed by Christine M.T. Pirik on behalf of Birch Solar 1, LLC.	Proof of Pub.
<u>8/19/2021</u>	Notice of Intervention electronically filed by Mr. Edwin A. Pierce on behalf of Board of Township Trustees of Logan Township, Auglaize County, Ohio.	80
<u>8/19/2021</u>	Notice of Intervention as a Party electronically filed by Mr. Edwin A. Pierce on behalf of Board of County Commissioners of Auglaize County, Ohio.	81
<u>8/23/2021</u>	Public Comment of Steve Neff, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>8/25/2021</u>	Public Comment of John and Paula Spring, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>8/30/2021</u>	Public Comment of Terri Blosser, via website, electronically filed by Docketing Staff.	Pub. Com.

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<u>9/3/2021</u>	Proof of Pub and Service of Procedural Schedule and Accepted, Complete Application electronically filed by Christine M.T. Pirik on behalf of Birch Solar 1, LLC.	Proof of Pub.
<u>9/8/2021</u>	Notice of Withdrawal of Kyle Kuhbander & Allyshia Kuhbander as Intervenors electronically filed by Mr. Dalton J. Smith on behalf of Mr. Kyle Kuhbander and Mrs. Allyshia Kuhbander.	82
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<u>10/1/2021</u>	Petition to Intervene and Memorandum in Support electronically filed by Mr. Robert Dove on behalf of International Brotherhood of Electrical Workers, Local Union 32.	86
<u>10/1/2021</u>	Petition for Leave to Intervene and Memorandum in Support of the Allen Auglaize Coalition for Reasonable Energy electronically filed by Mr. Jonas Reagan on behalf of Allen Auglaize Coalition for Reasonable Energy.	87

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<u>10/5/2021</u>	Application - Fourth Supplement to Application – Architectural State Historic Preservation Office Concurrence Letter electronically filed by Christine M.T. Pirik on behalf of Birch Solar 1, LLC.	89
<u>10/13/2021</u>	Public Comment of Jeff Murphy, via website, electronically filed by Docketing Staff.	Pub. Com.
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<u>10/15/2021</u>	Public Comment of Michael Ayers and Keith Cunningham, Candidates for Shawnee Township, Ohio Trustees.	Pub. Com.

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<u>10/20/2021</u>	Staff Report of Investigation Recommending Denial of Certificate electronically filed by Mr. Matt Butler on behalf of Staff of OPSB.	94
<u>10/20/2021</u>	Motion to Intervene electronically filed by Mr. Clay W. Balyeat on behalf of Shawnee Township Trustees.	95
<u>10/25/2021</u>	Public Comment of Stephen M. Kayatin, P.E. Sanitary Engineer, Allen County, Ohio, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>10/28/2021</u>	Public Comment of Matt Huffman, Senate President, State Senator, 12th District, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>11/1/2021</u>	Public Comment of Ralph and Lisa Joseph, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>11/1/2021</u>	Public Comment of Concerned Citizen, via website, electronically filed by Docketing Staff.	Pub. Com.

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<u>11/1/2021</u>	Proof of Second Publication and Service of Procedural Schedule and Accepted, Complete Application electronically filed by Christine M.T. Pirik on behalf of Birch Solar 1, LLC.	Proof of Pub.
<u>11/1/2021</u>	Public Comment of Dianne Myers, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>11/1/2021</u>	Public Comment of Diann Brown, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>11/2/2021</u>	Service Notice.	Service Notice
<u>11/2/2021</u>	Administrative Law Judge Entry ordering that Auglaize County, Logan Township, OFB, Kalnins, AACRE, IBEW, and Shawnee Township be granted intervention as described in Paragraph 17 and that Kuhbanders be removed as intervenors as described in Paragraph 18 electronically filed by Heather A. Chilcote on behalf of Michael L. Williams, Administrative Law Judge, Ohio Power Siting Board.	96
<u>11/3/2021</u>	Public Comment of Michael & Karen Fry, via website, electronically filed by Docketing Staff.	Pub. Com.
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<u>11/5/2021</u>	Public Comment of concerned consumer, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>11/8/2021</u>	Public Comment of Lori Meyer, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>11/9/2021</u>	Public Comment of RJ Horwitz, Asset Manager LFR Ohio Properties, LLC, via website, electronically filed by Docketing Staff on behalf of Docketing.	Pub. Com.
<u>11/9/2021</u>	Public Comment of H. Bruce Dukeman, via website, electronically filed by Docketing Staff on behalf of Docketing.	Pub. Com.
<u>11/9/2021</u>	Public Comment of Travis R Unterbrink, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>11/9/2021</u>	Public Comment of Cynthia Kennedy, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>11/9/2021</u>	Public Comment of Robert Shahler, via website, electronically filed by Docketing Staff.	Pub. Com.
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<u>11/10/2021</u>	Public Comment of William (Bill) Hodosko, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>11/10/2021</u>	Public Comment of Jill Barnes, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>11/10/2021</u>	Transcript for Public Hearing held 11/4/2021 before Administrative Judge Michael Williams in the matter of Birch Solar 1, LLC. electronically filed by Ms. Marie B. Fresch on behalf of Marie B. Fresch & Associates.	Trans.
<u>11/10/2021</u>	Public Comment of John and Paula Spring, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>11/12/2021</u>	Notice of List of Issues electronically filed by Mr. Jack A. Van Kley on behalf of Against Birch Solar, LLC and Members.	97
<u>11/12/2021</u>	Service Notice.	Service Notice
<u>11/12/2021</u>	Public Comment of Christopher Fisher, via website, electronically filed by Docketing Staff.	Pub. Com.

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<u>11/12/2021</u>	Administrative Law Judge Entry ordering that the deadlines for filing testimony, as described in the August 13, 2021 Entry, are stayed, and that the deadline for filing lists of litigation issues is extended until November 19, 2021, as described in Paragraph 11 and that the hearing scheduled on November 30, 2021, be called and continued as described in Paragraph 12 electronically filed by Heather A. Chilcote on behalf of Michael L. Williams, Administrative Law Judge, Ohio Power Siting Board.	98
<u>11/12/2021</u>	Motion to Call and Continue the Evidentiary Hearing and Extend Deadlines for Filing Parties' Testimony and Stipulations and Request for an Expedited Ruling and Memorandum in Support electronically filed by Christine M.T. Pirik on behalf of Birch Solar 1, LLC	99
<u>11/15/2021</u>	Public Comment of Roger Buzard, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>11/15/2021</u>	Public Comment of Concerned Citizen, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>11/17/2021</u>	Public Comment filed by Concern Citizens.	Pub. Com.
<u>11/17/2021</u>	Exhibits to Transcript of Public Hearing held on 11/4/2021 at 6:00 p.m. at the Allen County Fairground, 2750 Harding Highway, Lima, Ohio before the Honorable Administrative Law Judges Michael Williams and Jesse Davis.	Ex.
<u>11/17/2021</u>	Public Comment of Theodore L. and Mary J. Allen.	Pub. Com.

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<u>11/17/2021</u>	Public Comment of Michael and Jane Burke, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>11/17/2021</u>	Notice of list of issues and concerns of the Board of County Commission of Auglaize Count, Ohio and the Board of Township Trustees of Logan Township, Auglaize County, Ohio electronically filed by Mr. Edwin A Pierce on behalf of Board of County Commissioners of Auglaize County, Ohio and Board of Township Trustees of Logan Township, Auglaize County, Ohio.	100
<u>11/18/2021</u>	Public Comment of Rachelle Harmon, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>11/19/2021</u>	Notice of List of Issues and Concerns electronically filed by Ryan M Kalnins on behalf of Kalnins, Ryan & Michelle.	101
<u>11/19/2021</u>	List of Issues and Concerns for Cross-Examination electronically filed by Mr. Robert Dove on behalf of International Brotherhood of Electrical Workers, Local Union 32.	102
<u>11/19/2021</u>	Notice of List of Issues electronically filed by Christine M.T. Pirik on behalf of Birch Solar 1, LLC.	103
<u>11/19/2021</u>	Notice of List of Issues and Concerns electronically filed by Mr. Jonas Reagan on behalf of Allen and Auglaize Coalition for Reasonable Energy.	104
<u>11/22/2021</u>	Public comments of multiple concerned consumers.	Pub. Com.

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<u>11/24/2021</u>	Public Comments Regarding the Project, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>11/29/2021</u>	Public Comment Pat Buzard, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>11/29/2021</u>	Public Comment of Mark Wellman, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>11/29/2021</u>	Public Comment of H. Bruce Dukeman, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>11/29/2021</u>	Public Comment of Ann Snider, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>12/7/2021</u>	Service Notice.	Service Notice
<u>12/7/2021</u>	Administrative Law Judge Entry ordering that the evidentiary hearing be rescheduled as set forth in Paragraph 12 and ordering that the parties observe the filing deadlines set forth in Paragraph 13 electronically filed by Kelli C. King on behalf of Jesse M. Davis, Administrative Law Judge, Ohio Power Siting Board.	105

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<u>12/8/2021</u>	Transcript for hearing held November 30, 2021 at 10:00 am at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Hearing Room 11-C, Columbus, Ohio, before The Honorable Michael Williams and Jesse Davis, Administrative Law Judges, electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr.	Trans.
<u>12/30/2021</u>	Joint Motion To Extend The Date For Recommencement Of The Evidentiary Hearing And To Extend Deadlines For Filing All Testimony and Stipulation and Request For An Expedited Ruling and Memorandum In Support electronically filed by Christine M.T. Pirik on behalf of Birch Solar 1, LLC	106
<u>12/30/2021</u>	Supplemental Response to Tenth Data Request from Staff of the Ohio Power Siting Board and Response to Staff Report of Investigation Conditions 33 and 44 electronically filed by Christine M.T. Pirik on behalf of Birch Solar 1, LLC.	107
<u>1/12/2022</u>	Service Notice.	Service Notice
<u>1/12/2022</u>	Administrative Law Judge Entry ordering that the evidentiary hearing be rescheduled as set forth in Paragraph 14 and that the parties observe the filing deadlines set forth in Paragraph 15 electronically filed by Heather A. Chilcote on behalf of Michael L. Williams, Administrative Law Judge, Ohio Power Siting Board.	108
<u>1/13/2022</u>	Public Comment Regarding the Project, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>1/14/2022</u>	Public Comment of Gina Goodin, via website, electronically filed by Docketing Staff.	Pub. Com.

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<u>1/19/2022</u>	Return Mail: Entry dated 12-7-21 sent to Deed Hall: Return to Sender: No Such Street; Unable to Forward.	Returned Mail
<u>1/20/2022</u>	Public Comment of Michael D. Lackey, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>1/31/2022</u>	Public Comment Regarding the Project, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>2/9/2022</u>	Notice of Updated Second Supplement to Application – Programmatic Agreement with State Historic Preservation Office electronically filed by Christine M.T. Pirik on behalf of Birch Solar 1, LLC.	109
<u>2/10/2022</u>	Public Comment of Regarding the Project, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>2/10/2022</u>	Public Comment Regarding the Project, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>2/17/2022</u>	Fifth Supplement to Application and Response to Staff Report of Investigation Condition 33 – Archaeological State Historic Preservation Office Concurrence Letter electronically filed by Christine M.T. Pirik on behalf of Birch Solar 1, LLC.	110
<u>3/16/2022</u>	Public Comment of Nancy S, via website, electronically filed by Docketing Staff.	Pub. Com.

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<u>4/8/2022</u>	Public Comment of Brittany N. Woods, Administrative Assistant and Wellness Coordinator for the Allen County Commissioners Office, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>4/26/2022</u>	Notice of Withdrawal of Ryan and Michelle Kalnins as Intervenor electronically filed by Ryan M. Kalnins on behalf of Kalnins, Ryan & Michelle.	111
<u>4/27/2022</u>	Public Comment and Resolution of the Board of Commissioners, Auglaize County, Ohio, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>4/28/2022</u>	Service Notice	Service Notice
<u>4/28/2022</u>	Public Comment of Michael and Rebecca Lawrence, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>4/28/2022</u>	Administrative Law Judge Entry ordering that the evidentiary hearing be scheduled to occur at the Commission at 9:00 a.m. on May 18, 2022 and that the remaining prehearing deadlines are unchanged from the Entry issued on January 12, 2022 electronically filed by Heather A. Chilcote on behalf of Michael L. Williams, Administrative Law Judge, Ohio Power Siting Board.	112
<u>4/28/2022</u>	Public Comment of Kelli Fassel, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>4/28/2022</u>	Public Comment of Mr. & Mrs. Meyer, via website, electronically filed by Docketing Staff.	Pub. Com.

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<u>4/28/2022</u>	Public Comment of Mark Stombaugh, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/2/2022</u>	Public Comment of Pat and Linda Krendl, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/2/2022</u>	Public Comment of Kenneth E. Harris, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/2/2022</u>	Public Comment of Travis R. Unterbrink, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/2/2022</u>	Public Comment of Pat Buzard, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/2/2022</u>	Public Comment of Cindy Stemen, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/2/2022</u>	Public Comment of John & Joyce Fickel, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/2/2022</u>	Public Comment of Jeremy & Holly Bowersock, via website, electronically filed by Docketing Staff.	Pub. Com.

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<u>5/2/2022</u>	Public Comment of Phil, Erin, Graci, and Garrett Hicks, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/2/2022</u>	Public Comment of Angela Holmes, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/2/2022</u>	Public Comment of Rita Kay Andrews, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/2/2022</u>	Public Comment of Vivian Wilson, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/2/2022</u>	Public Comment of Pat Buzard, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/2/2022</u>	Public Comment of Carl Fuhrwerk, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/2/2022</u>	Public Comment of Sandy McBride, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/2/2022</u>	Public Comment of Frank Cardone, via website, electronically filed by Docketing Staff.	Pub. Com.

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<u>5/2/2022</u>	Public Comment of Sara Cardone, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/2/2022</u>	Public Comment of Andrew Golden, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/2/2022</u>	Public Comment of Brad Reeder, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/2/2022</u>	Public Comment of Rebekah Gabes, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/2/2022</u>	Public Comment of John and Paula Spring, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/2/2022</u>	Public Comment of Diann and Bill Brown, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/2/2022</u>	Public Comment of Michael Steiger, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/2/2022</u>	Public Comment of Tyler Shaffer, via website, electronically filed by Docketing Staff.	Pub. Com.

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<u>5/2/2022</u>	Public Comment of David R. Gerber, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/2/2022</u>	Public Comment of Tim Lovett, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/2/2022</u>	Public Comment of Linda and Denny Beckstedt, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/3/2022</u>	Public Comment of Kacie Bott, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/3/2022</u>	Public Comment of Jesse Bott, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/3/2022</u>	Public Comment submitted by Attorney Clay Balyeat on behalf of Clark Spieles, Chairman of Shawnee Township Board of Trustees electronically filed by Docketing Staff.	Pub. Com.
<u>5/3/2022</u>	Public Comment of Pat True, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/3/2022</u>	Public Comment of Earlene Greber, via website, electronically filed by Docketing Staff.	Pub. Com.

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<u>5/3/2022</u>	Public Comment of Dave and Lynn McCray, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/3/2022</u>	Public Comment of Carlene Odenweller, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/3/2022</u>	Public Comment of Anne & Sam Halker, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/4/2022</u>	Direct Testimony of Shanelle Montana electronically filed by Christine M.T. Pirik on behalf of Birch Solar 1, LLC.	Test.
<u>5/4/2022</u>	Direct Testimony of Thomas E. Stewart electronically filed by Christine M.T. Pirik on behalf of Birch Solar 1, LLC.	Test.
<u>5/4/2022</u>	Direct Testimony of Thomas H. Cleveland electronically filed by Christine M.T. Pirik on behalf of Birch Solar 1, LLC.	Test.
<u>5/4/2022</u>	Direct Testimony of Derek Brown electronically filed by Christine M.T. Pirik on behalf of Birch Solar 1, LLC.	Test.
<u>5/4/2022</u>	Direct Testimony of Ryan J. Weller electronically filed by Christine M.T. Pirik on behalf of Birch Solar 1, LLC.	Test.

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<u>5/4/2022</u>	Direct Testimony of Courtney Dohoney electronically filed by Christine M.T. Pirik on behalf of Birch Solar 1, LLC.	Test.
<u>5/4/2022</u>	Direct Testimony of Andrew R. Lines electronically filed by Christine M.T. Pirik on behalf of Birch Solar 1, LLC.	Test.
<u>5/4/2022</u>	Direct Testimony of Alyssa Edwards electronically filed by Christine M.T. Pirik on behalf of Birch Solar 1, LLC.	Test.
<u>5/4/2022</u>	Sixth Supplement to Application - Community Requested Revegetation Plan electronically filed by Christine M.T. Pirik on behalf of Birch Solar 1, LLC.	113
<u>5/4/2022</u>	Public Comment of Adrian Whetstone, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/4/2022</u>	Public Comment of Jamic Wood, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/4/2022</u>	Public Comment of Ginny Thompson, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/4/2022</u>	Notice of Appearance of Additional Counsel on Behalf of Birch Solar 1, LLC electronically filed by Christine M.T. Pirik on behalf of Birch Solar 1, LLC.	114

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<u>5/6/2022</u>	Public Comment of Jim Fess, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/6/2022</u>	Public Comment of Chris and Ann Fisher, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/9/2022</u>	Public Comment of M. Van Meter, Clark A. Spieles, Russell E. Holly and Ted Ciminillo, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/9/2022</u>	Public Comment of H. Bruce Dukeman, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/10/2022</u>	Public Comment of Clay Balyeat on behalf of Shawnee Township Board of Trustees Clark A. Spieles, Russell E. Holly and Ted Ciminillo, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/10/2022</u>	Public Comment of Allen County Elected Officials, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/11/2022</u>	Testimony of A. Chappell-Dick electronically filed by Mr. Jonas Reagan on behalf of Allen Auglaize Coalition for Reasonable Energy.	Test.

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<u>5/11/2022</u>	Prefiled Testimony of James S. O'Dell electronically filed by Mrs. Tonnetta Y. Scott on behalf of OPSB.	Test.
<u>5/11/2022</u>	Prefiled Testimony of Mark Bellamy electronically filed by Mrs. Tonnetta Y. Scott on behalf of OPSB.	Test.
<u>5/11/2022</u>	Prefiled Testimony of Grant Zeto electronically filed by Mrs. Tonnetta Y. Scott on behalf of OPSB.	Test.
<u>5/11/2022</u>	Prefiled Testimony of Jess Stottsberry electronically filed by Mrs. Tonnetta Y. Scott on behalf of OPSB.	Test.
<u>5/11/2022</u>	Prefiled Testimony of Eric Morrison electronically filed by Mrs. Tonnetta Y. Scott on behalf of OPSB.	Test.
<u>5/11/2022</u>	Prefiled Testimony of Thomas Crawford electronically filed by Mrs. Tonnetta Y. Scott on behalf of OPSB.	Test.
<u>5/11/2022</u>	Prefiled Testimony of Andrew Conway electronically filed by Mrs. Tonnetta Y. Scott on behalf of OPSB.	Test.
<u>5/11/2022</u>	Prefiled Testimony of Tyler Conklin electronically filed by Mrs. Tonnetta Y. Scott on behalf of OPSB.	Test.

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<u>5/11/2022</u>	Prefiled Testimony of Matthew Butler electronically filed by Mrs. Tonnetta Y. Scott on behalf of OPSB.	Test.
<u>5/11/2022</u>	Public Comment of Nicholas George, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/11/2022</u>	Public Comment of Holly Norton, PhD, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/11/2022</u>	Public Comment of Garry B Mosier, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/11/2022</u>	Public Comment of John and Bev Foster, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/11/2022</u>	Public comment of Frank Caprilla, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/12/2022</u>	Testimony of Frank Caprilla electronically filed by Mr. Jonas Reagan on behalf of Allen Auglaize Coalition for Reasonable Energy.	Test.
<u>5/12/2022</u>	Testimony of T. Rae Neal electronically filed by Mr. Jonas Reagan on behalf of Allen Auglaize Coalition for Reasonable Energy.	Test.

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<u>5/12/2022</u>	Testimony of Everett Lacy electronically filed by Mr. Jonas Reagan on behalf of Allen Auglaize Coalition for Reasonable Energy.	Test.
<u>5/12/2022</u>	Testimony of Michael Wildermuth electronically filed by Mr. Jonas Reagan on behalf of Allen Auglaize Coalition for Reasonable Energy.	Test.
<u>5/12/2022</u>	Public Comment of Paul Neufeld Weaver, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/12/2022</u>	Public Comment of Mrs. Sandra Kieh, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/16/2022</u>	Supplemental Testimony of Alyssa Edwards electronically filed by Christine M.T. Pirik on behalf of Birch Solar 1, LLC.	Test.
<u>5/16/2022</u>	Supplemental Testimony of Thomas H. Cleveland electronically filed by Christine M.T. Pirik on behalf of Birch Solar 1, LLC.	Test.
<u>5/16/2022</u>	Supplemental Testimony of Courtney Dohoney electronically filed by Christine M.T. Pirik on behalf of Birch Solar 1, LLC.	Test.
<u>5/16/2022</u>	Supplemental Testimony of Derek Brown electronically filed by Christine M.T. Pirik on behalf of Birch Solar 1, LLC.	Test.

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<u>5/16/2022</u>	Supplemental Testimony of Ryan J. Weller electronically filed by Christine M.T. Pirik on behalf of Birch Solar 1, LLC.	Test.
<u>5/16/2022</u>	Supplemental Testimony of Shanelle Montana electronically filed by Christine M.T. Pirik on behalf of Birch Solar 1, LLC.	Test.
<u>5/16/2022</u>	Joint Stipulation and Recommendation electronically filed by Christine M.T. Pirik on behalf of Birch Solar 1, LLC.	115
<u>5/16/2022</u>	Public Comment of Carole Daley, via website, electronically filed by Docketing Staff.	Pub. Com.
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<u>5/16/2022</u>	Notice of Withdrawal from Intervention electronically filed by Mr. Jack A. Van Kley on behalf of Against Birch Solar, LLC and Members.	116
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<u>5/17/2022</u>	Public Comment of Greg Mescher, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/18/2022</u>	Public Comment of Russell E. Holly.	Pub. Com.
<u>5/18/2022</u>	Public Comment of N. Bauer, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/18/2022</u>	Public Comment of Julie Mescher, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/19/2022</u>	Public Comment of Stacey Bauer, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/19/2022</u>	Public Comment of Mark Carpenter, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/20/2022</u>	Public Comment of State Senator and Senate President Matt Huffman, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/27/2022</u>	Transcript for Hearing Held May 18, 2022 at 9:00 am, before Attorney Examiners Michael Williams and Jesse Davis, 180 E. Broad Street, Room 11-A, Columbus, Ohio 43215 electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.	Trans.

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<u>5/31/2022</u>	Public Comment of Karen & Michael Fry, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>5/31/2022</u>	Public Comment of Adrian Zuber, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>6/3/2022</u>	Public Comment of Kim Daniel, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>6/7/2022</u>	Public Comment of Dave & Lynn McCray, via website, electronically filed by Docketing Staff.	Pub. Com.
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<u>6/9/2022</u>	Public Comment of Brian G. Winegardner, Cory A. Nooman, Russell E. Holly, Krista N. Bohn, Brion E. Rhodes, Beth A. Seibert, Clark A. Spieles, Theodore L. Ciminillo, Rachael S. Gilroy, via website, electronically filed by Docketing Staff.	Pub. Com.

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<u>6/14/2022</u>	Public Comment of Michael S. Ruppert, Business Manager-IBEW Local 32, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>6/16/2022</u>	Amended Motion for Admission Pro Hac Vice for Eric L. Christensen with attachments electronically filed by John A. Heer on behalf of Allen Auglaize Coalition for Reasonable Energy.	117
<u>6/22/2022</u>	Public Comment of Monica Harnish, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>6/23/2022</u>	Public Comment of Jane Hankins, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>6/24/2022</u>	Public Comment of Joyce Stombaugh, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>6/27/2022</u>	Public Comment of Carole Daley, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>6/30/2022</u>	Public Comment of Amy Sackman Odum, via website, electronically filed by Docketing Staff.	Pub. Com.

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<u>7/5/2022</u>	Public Comment of Lys Schiele, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>7/5/2022</u>	Public Comment of Steve Hershey, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>7/5/2022</u>	Public Comment of Jackie & Rex Messick, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>7/5/2022</u>	Public Comment of Thomas Ritchie, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>7/5/2022</u>	Public Comment of Lynn & Dave McCray, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>7/5/2022</u>	Public Comment of Anthony and Beverly Rampe, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>7/5/2022</u>	Public Comment of Carl Boswell, via website, electronically filed by Docketing Staff.	Pub. Com.
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<u>7/5/2022</u>	Public Comment of Meghan Moniaci, via website, electronically filed by Docketing Staff.	Pub. Com.
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<u>7/5/2022</u>	Public Comment of Susan Hubbell, via website, electronically filed by Docketing Staff.	Pub. Com.
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<u>7/6/2022</u>	Public Comment of Jim and Stephney Fess, via website, electronically filed by Docketing Staff.	Pub. Com.
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<u>7/6/2022</u>	Public Comment of Earlene Greber, via website, electronically filed by Docketing Staff.	Pub. Com.
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<u>7/7/2022</u>	Public Comment of Sheila Keller, via website, electronically filed by Docketing Staff.	Pub. Com.
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<u>7/8/2022</u>	Public Comment of Regarding the Project, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>7/8/2022</u>	Public Comment of Bob Rinker, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>7/8/2022</u>	Public Comment of Daven Stedke, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>7/8/2022</u>	Public Comment of Allen Dake, via website, electronically filed by Docketing Staff.	Pub. Com.
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<u>7/11/2022</u>	Public Comment of Anthony Swygart, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>7/11/2022</u>	Public Comment of Lori Meyer, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>7/11/2022</u>	Public Comment of Mike Harrison, via website, electronically filed by Docketing Staff.	Pub. Com.
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<u>7/12/2022</u>	Public Comment of Susan E., via website, electronically filed by Docketing Staff.	Pub. Com.
<u>7/12/2022</u>	Public Comment of Richard Haas, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>7/12/2022</u>	Public Comment of Mary Jennings, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>7/12/2022</u>	Public Comment of Tyler Cramer, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>7/12/2022</u>	Public Comment of Brad Niemeyer, P.E., Sanitary Engineer for Allen County, OH, via website, electronically filed by Docketing Staff.	Pub. Com.
<u>7/12/2022</u>	Public Comment of Larry and Deborah Sidener, via website, electronically filed by Docketing Staff.	Pub. Com.

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**Before
THE SUPREME COURT OF OHIO**

BIRCH SOLAR 1 LLC

Supreme Court Case No. 2023-1011

Appellant,

VS.

Ohio Power Siting Board,

Appellee.

**Being Before
THE OHIO POWER SITING BOARD OR
THE PUBLIC UTILITIES COMMISSION OF OHIO**

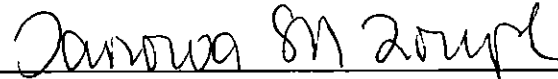
**In the Matter of the Application of
BIRCH SOLAR 1 LLC for a Certificate
of Environmental Compatibility and
Public Need for a Solar-Powered Electric
Facility Located in Allen and Auglaize
Counties, Ohio**

Case No. 20-1605-EL-BGN

CERTIFICATION

I, Tanowa M. Troupe, the duly appointed and qualified Secretary of The Public Utilities Commission of Ohio, in whose custody the books, records, and files of said Commission are kept, do hereby certify there is transmitted herewith the docket entries of the Commission, ICN Nos. 1-137, the **Order on Rehearing dated June 15, 2023** inclusive; and the Certification of the record in Case No. **20-1605-EL-BGN**.

IN WITNESS THEREOF, I have thereunto set my hand
and affixed the official seal of The Public Utilities Commission
of Ohio this 1st day of September, 2023.



Tanowa M. Troupe, Secretary
Michelle Green, Acting Secretary
Gail Young, Acting Secretary
Susan Patterson, Acting Secretary

THE PUBLIC UTILITIES COMMISSION OF OHIO