

**IN THE SUPREME COURT OF OHIO**

In the Matter of the Application of South )  
Branch Solar, LLC for a Certificate of )  
Environmental Compatibility and Public Need )  
to Construct a Solar-Powered Electric )  
Generation Facility in Hancock County, Ohio. )

Case No. 2023-1020

On Appeal from  
The Ohio Power Siting Board  
Case No. 21-0669-EL-BGN

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**MOTION OF SOUTH BRANCH SOLAR, LLC  
FOR LEAVE TO INTERVENE AS APPELLEE**

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**MOTION OF SOUTH BRANCH SOLAR, LLC**  
**FOR LEAVE TO INTERVENE AS APPELLEE**

Pursuant to S.Ct.Prac.R. 4.01 and Civ.R. 24(A), the Applicant in the underlying Ohio Power Siting Board (“Board”) proceeding, South Branch Solar, LLC (“South Branch Solar”), hereby respectfully moves this Court for leave to intervene in this proceeding as an intervening appellee and party of record. As discussed below, South Branch Solar has a real and substantial interest in matters that are the subject of this appeal; the disposition of this appeal may impair or impede South Branch Solar’s ability to protect that interest; and South Branch Solar’s interests are not adequately represented by existing parties.

South Branch Solar filed an application with the Board on July 22, 2021 (Case No. 21-0669-EL-BGN) for a certificate of public convenience and necessity (“Certificate”) to construct a utility-scale solar electric generation facility in Hancock County, Ohio (“Project”). After a full evidentiary hearing, the Board issued an Opinion, Order, and Certificate on February 16, 2023 (“Opinion”), granting the Certificate to South Branch Solar. On March 17, 2023, Appellant Travis Bohn (“Appellant”) filed an application for rehearing of the Board’s Opinion. On June 15, 2023, the Board denied Appellant’s application for rehearing. Appellant filed a notice of appeal of the Board’s Opinion and Order on Rehearing on August 14, 2023. Appellant challenges the Opinion and Order on Rehearing on several grounds relating to whether the Board reasonably and lawfully issued a certificate to the Project consistent with Ohio Revised Code (“R.C.”) 4906.10.

As the applicant seeking to construct the solar electric generation facility authorized by the Board to be located in Hancock County, South Branch Solar has a real and substantial interest in this appeal contesting the Board’s decision granting the Certificate and denying rehearing. A ruling that would require reconsideration by the Board would impede South Branch Solar from commencing construction on the Project, already well more than two years after the initial filing of

its application with the Board in July 2021. Finally, South Branch Solar's interests are not adequately represented by existing parties because South Branch Solar alone can provide the perspective of the applicant that has planned and designed the Project, extensively studied its potential impacts and benefits, and provided evidence regarding those matters in the proceeding below.

South Branch Solar's intervention will not unduly prolong or delay this proceeding. South Branch Solar intends to submit briefing to this Court in compliance with all applicable deadlines and Court rules. That briefing will contribute to the full development and resolution of this appeal. This Court regularly grants leave for certificate holders to intervene in appeals challenging the grant of their certificates by the Board. See, e.g., *In re: Icebreaker Windpower, Inc.*, Case No. 2021-0153, Mar. 24, 2021 Entry (granting motion for leave to intervene as appellee); *In re: Greenwich Windpark, LLC*, Case No. 2017-1375, Oct. 31, 2017 Entry (granting motion for leave to intervene as appellee).

For these reasons, South Branch Solar respectfully requests that the Court grant its Motion to Intervene as Appellee.

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Motion to Intervene as Appellee was served by electronic delivery upon counsel identified below for all parties of record on November 21, 2023.

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