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September 4, 2018

The Honorable Anna Sanyal
Administrative Law Judge
Ohio Power Siting Board
180 East Broad Street, 12th Floor
Columbus, OH 43215-3793

Re: Motion for Certain Waivers,
Case No. 18-1259-EL-BTX

Dear Administrative Law Judge Sanyal:

On August 20, 2018, The Dayton Power and Light Company (Applicant) filed a motion for certain waivers. Applicant requested waivers of:

- (1) The Rule 4906-3-05 and (B), O.A.C., requirements that the alternate route not have more than 20% in common with the preferred route;
- (2) The Rule 4906-5-05(B)(2)(a)(i & ii), O.A.C., requirements concerning access roads and structure locations; and
- (3) The Rule 4906-5-07(E), O.A.C., requirement concerning cultural and archaeological resources.

The Staff of the Ohio Power Siting Board (Staff) has no objection to the request for waiver of the 20% in common rule set forth in Rule 4906-3-05 and (B), O.A.C. The Staff, however, reserves the right to require information from the Applicant in areas covered by the requested waiver if Staff determines it to be necessary during the course of the investigation.

Staff does object to the request for waiver of the requirements concerning access roads, Rule 4906-5-05(B)(2)(a)(i & ii), O.A.C., and structure locations and cultural and archaeological resources, Rule 4906-5-07(E), O.A.C. In regard to the access roads and structure locations, Staff needs to know where the access roads and structures will be (whether permanent or temporary) to determine minimum adverse impacts (clearing impacts, stream/wetland impacts, residential impacts) and make a recommendation

whether Applicant meets that criteria in the Staff Report. In regard to cultural and archaeological resources, a detailed Phase I archaeological study may or may not be needed based on what is discovered in literature review and the Ohio Historic Preservation Office (OHPO) consult. It is the Applicant's responsibility to coordinate and determine the scope of the studies rather than Staff agreeing to a blanket waiver on a specific type of study. Rule 4906-5-07(E), O.A.C. requires Applicant to provide information on cultural resources, describe studies, and evaluate impacts.

The Staff also reserves the right to investigate and contest all other issues presented in the application.

Respectfully submitted,

/s/ Steven L. Beeler

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cc: Parties of Record

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Summary: Letter of Notification to the Honorable Anna Sanyal electronically filed by Ms. Tonneta Scott on behalf of PUC