

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Ohio Power Siting)
Board’s Consideration of Ohio Admin. Code) Case No: 19-778-GE-BRO
Chapter 4906-4.)

**INITIAL COMMENTS OF
THE MID-ATLANTIC RENEWABLE ENERGY COALITION**

On August 17, 2020, the Ohio Power Siting Board (“Board”) issued an Entry requesting comments from interested persons on proposed modifications to its previous version of proposed Ohio Administrative Code (“O.A.C.”) Rule 4906-4-10, relating to incident reporting and response obligations for wind farm operators (“Incident Reporting Rule”). Consistent with that Entry, the Mid-Atlantic Renewable Energy Coalition (“MAREC”) offers these initial comments with the goal of continuing the Board’s progress toward a final rule that addresses safety considerations and preserves the regulatory certainty needed for energy companies to successfully contribute to Ohio’s economic success.¹

MAREC is a nonprofit trade association of renewable energy developers (including wind), wind turbine manufacturers, and nonprofit organizations committed to promoting the use of renewable energy. Its mission is to improve and enhance the opportunities for renewable energy in numerous jurisdictions in and around the Mid-Atlantic, including Ohio, in order to improve the environment, diversify electric generation portfolios, and boost economic

¹ In accordance with the August 17, 2020 Entry, MAREC limits these comments to input regarding the modifications to the Incident Reporting Rule that were proposed as an attachment to that Entry. MAREC maintains and reserves the right to pursue all objections to the Incident Reporting Rule as set forth in its July 11, 2019 Initial Comments, July 26, 2019 Reply Comments, and December 23, 2019 Application for Rehearing.

development throughout the region. MAREC's members include developers/owners of wind projects in Ohio that are operational and projects that have received certificates from the Board but are not yet under construction, as well as projects currently under construction.

Preliminarily, MAREC appreciates the Board and the Staff's continued openness to suggestions and recommendations regarding the proposed rule. The modifications proposed in the August 17, 2020 Entry offer significant improvements over the version of the Incident Reporting Rule originally promulgated by the Board through its November 21, 2019 Finding and Order and February 20, 2020 Entry on Rehearing. The addition of a fixed regulatory timeline for investigation of a reportable incident and the completion of that investigation is vital because it permits MAREC's members to move forward with project development without facing the prospect of indefinite operational suspensions.

Similarly, MAREC appreciates the proposed adoption of its suggestion (provided at the August 14, 2020 technical workshop) to introduce flexibility in allowing verification of the final incident report by a qualified equipment manufacturer representative in addition to a professional engineer. With that other option available, a project operator should generally be able to identify an individual with the expertise to attest that equipment damaged in a reportable incident has been properly repaired or replaced.

At the same time, MAREC members believe that there may well be circumstances in the future in which neither a manufacturer's representative nor an engineer may be best suited to certify that equipment is ready to re-start. For example, if the incident involved a collection line or certain turbine equipment no longer under warranty, there could be scenario in which a non-engineer consultant or technician is best suited to make that judgment. For that reason, MAREC recommends the Board add a third option allowing Board Staff to accept certification from any

other person with appropriate qualifications on a case-by-case basis as a “catch-all.” This third option will provide the Board comfort that in any given scenario, re-start will be approved by an appropriately qualified individual. It may be rare—but certainly not impossible—that the statement is best coming from a non-professional engineer or non-manufacturer representative. Adding this third option will give the Board the ultimate decision making authority, while also providing the project operator the flexibility to propose other qualified persons on a case-by-case basis to testify to the ability to resume operations.

Finally, MAREC also suggests that the language regarding verification be modified to better reflect the appropriate scope of responsibility of both the wind farm operator and a third party. A wind farm operator has responsibility for the decision to restart damaged property, while it is normal practice for a third party vendor or contractor to simply verify that a repair or replacement of damaged equipment has been properly completed. It could therefore be challenging to obtain this new type of verification from a third party. Accordingly, MAREC believes that it would be more workable to require a third-party certification that repairs to damaged property have been satisfactorily completed, accompanied by a representation from the wind farm operator that it is ready to restart operations.

Combining these two suggested revisions, MAREC proposes that the Board revise the language of section (D)(2)(a) as follows:

Such approval is premised upon the filing of a complete and final written report fully addressing the factors set forth in paragraph (C), a representation by the wind farm operator that it is ready to restart the damaged property, as well as and a notarized statement that a satisfactory repair or replacement of the damaged property has been completed from either (1) a licensed professional engineer; or (2) a qualified representative from the manufacturer of the damaged equipment; or (3) another person that Board Staff determines has appropriate qualifications to provide the required statement under the circumstances. ~~that it is safe to restart the damaged property.~~

MAREC believes that, with these minor changes, the proposed Incident Reporting Rule meets the needs of the Board and the industry. MAREC appreciates the Board's thorough consideration of these important issues, which are key to maintaining common-sense regulatory safeguards governing wind farm operations in Ohio.

Respectfully submitted,

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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 on August 24, 2020.

/s/ Madeline Fleisher

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Summary: Comments Initial Comments of the Mid-Atlantic Renewable Energy Coalition electronically filed by Ms. Madeline Fleisher on behalf of Mid-Atlantic Renewable Energy Coalition