

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of **Juliet**)
Energy Project, LLC for a Certificate of)
Environmental Compatibility and Public Need) Case No. 20-1760-EL-BGN
for a Solar Facility Located in Wood County,)
Ohio.)

MOTION FOR WAIVER

Juliet Energy Project, LLC (“Juliet”) filed an application with the Ohio Power Siting Board (“OPSB” or “Board”) to construct and operate a 101 megawatt solar facility in Wood County, Ohio on March 12, 2021. In support of that application, and through this motion, Juliet seeks a waiver from Ohio Administrative Code Rule 4906-4-08(D)(2)-(4), which requires a ten-mile study area with respect to the impact on landmarks and cultural resources. Juliet submits that good cause exists for granting this waiver, as set forth in the accompanying Memorandum in Support.

WHEREFORE, Juliet Energy Project, LLC respectfully requests that the Board grant it a waiver from Rule 4906-4-08(D)(2)-(4) of the Ohio Administrative Code.

Respectfully submitted on behalf of
JULIET ENERGY PROJECT, LLC



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MEMORANDUM IN SUPPORT

I. INTRODUCTION

Juliet Energy Project, LLC (“Juliet”) is proposing to construct a 101 MW solar powered electric generating facility in Wood County, Ohio (“the Project”). In support of its application to construct the Project, Juliet respectfully requests a waiver from Ohio Administrative Code Rule 4906-4-08(D)(2)-(4) with respect to evaluation of impacts to landmarks, identification of and evaluation of impacts to landmarks, recreation and scenic areas, and visual impacts.

As more fully explained below, good cause exists to grant the waiver. Moreover, Juliet’s application, filed March 12, 2021, will provide all information necessary for the Board and its Staff to conduct a review and make the determinations required by Ohio Revised Code Section (“R.C.”) 4906.10, including adequate information related to O.A.C. 4906-4-08(D)(2)-(4).

II. WAIVER REQUEST

Juliet requests a waiver from the ten-mile study areas required by Ohio Administrative Code Rule 4906-4-08(D). Rule 4906-4-08(D)(2) requires an applicant to provide an evaluation of the impact of the proposed facility on the preservation and continued meaningfulness of mapped landmarks within a ten-mile radius and to describe plans to avoid or mitigate any adverse impact. Rule 4906-4-08(D)(3) requires an applicant to describe and evaluate impacts to the identified

recreation and scenic areas within ten miles of the project area. And Rule 4906-4-08(D)(4) requires applicant to evaluate the visual impact of the proposed facility within a ten-mile radius from the project area.

A waiver to allow a reduction in the area of analysis here better aligns with the characteristics of the Project. Juliet has evaluated the impact of the Project on the preservation and continued meaningfulness of the registered landmarks within a two-mile vicinity of the Project Area, and within a five-mile vicinity of the Project Area for scenic and recreation areas, and visibility and viewshed. As part of its review and because of the Project's low profile, as well as screening afforded by vegetation and existing structures, visibility of the planned components is anticipated to be limited to the immediate vicinity of the Project. The Visual Resource Assessment (Exhibit P) provides information on the lack of impact to landmarks. It notes that due to the nature of the technology and the setting specific to the Project, no effects are anticipated on landmarks or scenic and recreation areas outside of the immediate Project Area, though the effects on landmarks outside of the immediate Project Area were studied and considered within a five-mile radius of the Project. Moreover, the Phase I Cultural Workplan (Exhibit F) relies on the viewshed analysis results employing an evaluation based upon a six foot tall observer restricted to a five-mile radius as well as a two-mile study area range for simulations, in line with previous solar projects in northwestern Ohio in consideration of the local topographic conditions.

For these reasons, good cause exists—and Juliet respectfully requests—a waiver from O.A.C. Rule 4906-4-08(D)(2)-(4), to allow for the focused two- and five-mile study areas rather than the ten-mile study area. The Board has granted similar waivers to other solar projects in the past. *In re Ross County Solar, LLC*, Case No. 20-1380-EL-BGN, Entry dated Jan. 20, 2021; *In re Yellowbud Solar, LLC*, Case No. 20-0972-EL-BGN, Entry dated July 9, 2020; *see In re*

Willowbrook Solar I, LLC, Case No. 18-1024-EL-BGN, Entry dated October 4, 2018; *see also In re Alamo Solar I, LLC*, Case No. 18-1578-EL-BGN, Entry dated April 3, 2019.

III. CONCLUSION

For good cause, Juliet respectfully requests that the Board or Administrative Law Judge grant waivers in part or in whole as to Ohio Administrative Code Rules 4906-4-08(D)(2)-(4).

Respectfully submitted on behalf of
JULIET ENERGY PROJECT, LLC



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Summary: Motion for Waiver and Memorandum in Support by Juliet Energy Project, LLC electronically filed by Teresa Orahoud on behalf of Dylan F. Borchers