

## 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

### ENTRY

Entered in the Journal on May 5, 2021

{¶ 1} Juliet Energy Project, LLC (Juliet or Applicant) is a person as defined in R.C. 4906.01.

{¶ 2} R.C. 4906.04 provides that no person shall construct a major utility facility in the state without obtaining a certificate for the facility from the Ohio Power Siting Board (Board). In seeking a certificate, applicants must comply with the filing requirements outlined in R.C. 4906.04, as well as Ohio Adm.Code Chapters 4906-2 through 4906-4.

{¶ 3} On December 23, 2020, Applicant filed a pre-application notification letter with the Board regarding a proposed solar-powered electric generating facility in Wood County, Ohio.

{¶ 4} On January 20, 2021, Applicant held a virtual public information meeting to discuss the proposed project with interested persons and property owners. Previously, on January 12, 2021, Applicant filed an affidavit of publication demonstrating its compliance with the notice requirements of Ohio Adm.Code 4906-3-03.

{¶ 5} On March 12, 2021, Juliet filed an application with the Board for a certificate of environmental compatibility and public need to construct and operate a solar-powered electric generation facility (Project) of up to 101 megawatts [JJ1] in Wood County, Ohio.

{¶ 6} On March 29, 2021, Applicant filed a motion seeking waivers from certain provisions of the Board's rule requirements. Staff filed a response to Juliet's motion for waiver on April 13, 2021, in which it states that it does not oppose the motion for waiver to allow for the use of a more focused study area.

{¶ 7} Applicant seeks waivers from Ohio Adm.Code 4906-4-08(D)(2)-(4) regarding impacts on landmarks, recreation and scenic areas, and the visual impact of the facility. Ohio Adm.Code 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. Ohio Adm.Code 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. Ohio Adm.Code 4906-4-08(D)(4) requires an applicant to evaluate the visual impact of the proposed facility within a ten-mile radius from the project area. Applicant reports that owing to the nature of the Project as solar panels, which have a low profile, good cause exists for it to evaluate in a “focused study area” the impact of the Project. Specifically, Applicant proposes to survey within an area of two miles for cultural resources and review of landmarks and effects in the area; and within five miles for review of recreation and scenic areas and effects in that area, and within five miles for effects on general visual impacts. Applicant further asserts that, because of the Project’s low profile and anticipated screening afforded by vegetation and existing structures, visibility of the planned components is expected to be limited to the immediate vicinity of the Project as submitted by Applicant in Exhibit F to the application (Phase I Cultural Workplan). Thus, Applicant seeks waiver of Ohio Adm.Code 4906-4-08(D)(2)-(4) to allow for the focused two- and five-mile focused study areas as opposed to the required ten-mile radius.

{¶ 8} Ohio Adm.Code 4906-4-01(B) expressly provides that the Board may waive any requirement in Ohio Adm.Code Chapter 4906-4, other than one mandated by statute, upon motion.

{¶ 9} Upon consideration of Applicant’s motion for waivers, the administrative law judge finds that good cause exists to grant waivers of Ohio Adm.Code 4906-4-08(D)(2)-(4).

{¶ 10} Furthermore, should Staff determine that information regarding areas covered by the requested waivers is necessary for its investigation of the application,

Applicant is expected to comply with any resulting requests for information from Staff.

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That the motion for partial waivers regarding the requirements in Ohio Adm.Code 4906-4-08 be granted in accordance with Paragraphs 9 and 10. It is, further,

{¶ 13} ORDERED, That a copy of this Entry be served upon all interested persons and parties of record.

THE OHIO POWER SITING BOARD

/s/Jesse M. Davis

By: Jesse M. Davis  
Administrative Law Judge

NJW/kck

**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 20-1760-EL-BGN**

Summary: Administrative Law Judge Entry granting the motion for partial waivers regarding the requirements in Ohio Adm.Code 4906-4-08 in accordance with Paragraphs 9 and 10. electronically filed by Kelli C. King on behalf of Jesse M. Davis, Administrative Law Judge, Ohio Power Siting Board