

July 6, 2021

Ms. Tanowa Troupe, Secretary  
Ohio Power Siting Board  
Docketing Division  
180 East Broad Street, 11<sup>th</sup> Floor  
Columbus, Ohio 43215-3797

**Re: Case No. 20-1679-EL-BGN - In the Matter of the Application of Pleasant Prairie Solar Energy LLC for a Certificate of Environmental Compatibility and Public Need to Construct a Solar-Powered Electric Generation Facility in Franklin County, Ohio.**

**Third Supplemental Response to Third Data Request and Supplemental Response to Fifth Data Request from Staff of the Ohio Power Siting Board**

Dear Ms. Troupe:

Attached please find Pleasant Prairie Solar Energy LLC's ("Applicant") Third Supplemental Response to Third Data Request and Supplemental Response to the Fifth Data Request from the staff of the Ohio Power Siting Board ("OPSB Staff"). The Applicant provided this response to OPSB Staff on July 6, 2021.

We are available, at your convenience, to answer any questions you may have.

Respectfully submitted,

/s/ Christine M.T. Pirik

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Matthew C. McDonnell (0090164)

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Ms. Tanowa Troupe  
Pleasant Prairie Solar Energy LLC  
Case No. 20-1679-EL-BGN  
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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 these cases. In addition, the undersigned certifies that a copy of the foregoing document is also being served upon the persons below this 6<sup>th</sup> day of July, 2021.

/s/ Christine M.T. Pirik

Christine M.T. Pirik (0029759)

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4851-0213-7073 v1 [39579-53]

**BEFORE  
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Pleasant Prairie )  
Solar Energy LLC for a Certificate of Environmental )  
Compatibility and Public Need to Construct a Solar- ) Case No: 20-1679-EL-BGN  
Powered Electric Generation Facility in Franklin )  
County, Ohio. )

**PLEASANT PRAIRIE SOLAR ENERGY LLC 'S  
THIRD SUPPLEMENTAL RESPONSE TO THE THIRD DATA REQUEST AND  
SUPPLEMENTAL RESPONSE TO FIFTH DATA REQUEST  
FROM THE STAFF OF THE OHIO POWER SITING BOARD**

On February 19, 2021, as supplemented on April 7 and 21, 2021, Pleasant Prairie Solar Energy LLC (“Applicant”) filed an application (“Application”) with the Ohio Power Siting Board (“OPSB”) proposing to construct a solar-powered electric generation facility in Franklin County, Ohio.

On April 15 and May 26, 2021, the Staff of the OPSB (“OPSB Staff”) provided the Applicant with OPSB Staff’s Third and Fifth Data Requests, respectively. Now comes the Applicant providing the following Third Supplemental Response to the Third Data Request and Supplemental Response to the Fifth Data Request from the OPSB Staff.

**Third Supplemental Response to Third Data Request – Question 1:**

1. **As provided in Ohio Adm.Code 4906-4-08(C)(1)(c) and (C)(4)(c)-(d) and based upon current land use trends, and any applicable land use plans, whether published or prepared by a consultant, is the project expected to inhibit or enhance future development of planned shopping centers, commercial/industrial development, and proposed residential subdivisions? Provide any supporting analysis and sources that were considered.**

**Response:** Attached is the Qualified Energy Project (“QEP”) Certificate issued by the Ohio Development Services Agency (“ODSA”) on June 30, 2021.

**Supplemental Response to Fifth Data Request – Question 1:**

2. Please provide an update on coordination/concurrence from the Ohio Historic Preservation Office (OHPO) on specific avoidance or mitigation measures for impacts from the project on archaeological and historic/architecture sites.

**Response:** Attached is the executed Memorandum of Understanding (“MOU”) between the Applicant and the State Historic Preservation Office (“SHPO”).

Respectfully submitted,

/s/ Christine M.T. Pirik

Christine M.T. Pirik (0029759)

William Vorys (0093479)

Matthew C. McDonnell (0090164)

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*Attorneys for Pleasant Prairie Solar Energy LLC*

## **Attachment 1**

Qualified Energy Project Certificate  
Ohio Development Service Agency  
Issued June 30, 2021



## OHIO QUALIFIED ENERGY PROJECT TAX EXEMPTION CERTIFICATE

### PLEASANT PRAIRIE SOLAR ENERGY LLC

### PLEASANT PRAIRIE SOLAR PROJECT, FRANKLIN COUNTY

Upon examination of Pleasant Prairie Solar Energy LLC's May 30, 2021 Qualified Energy Project Tax Exemption Application, the Director of the Ohio Development Services Agency ("Director") has determined that (a) the applicant has submitted a timely application as described in Ohio Revised Code (ORC) Section 5727.75(E)(1)(a)(i); (b) the resolution passed by the Franklin County Commissioners on May 25, 2021 that establishes the entire county as a "alternative energy zone" remains in effect and satisfies the requirements of ORC Section 5727.75(E)(2)(b); and (c) no portion of the project's facility was used to supply electricity before December 31, 2009.

Accordingly, pursuant to ORC Section 5727.75(E)(2), the Director hereby certifies that the proposed 250 MW Pleasant Prairie Solar Project in Franklin County, as described in the application referenced above, is a "Qualified Energy Project." The distinction of "Qualified Energy Project" is vested in the Pleasant Prairie Solar Project for its operational lifetime, unless revoked pursuant to ORC Section 5727.75(E)(3).

Upon submission of all required construction reports, the Director shall issue a certificate of verification confirming compliance with the requirements of section 5727.75 of the Revised Code. A copy of this certificate of verification will be distributed to Pleasant Prairie Solar Energy LLC, the Tax Commissioner, the Franklin County Auditor, the Franklin County Treasurer, and each applicable taxing unit within the affected county.

2021-06-30 07:31:14 UTC

Executed at Columbus, Ohio, this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

Lydia L. Mihalik  
Director  
Ohio Development Services Agency

By: E-SIGNED by Matthew McClellan  
on 2021-06-30 07:31:14 EST

Name: Matthew McClellan

Title: Assistant Director

## **Attachment 2**

### **Memorandum of Understanding Applicant and State Historic Preservation Office Executed**



**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE OHIO STATE HISTORIC PRESERVATION  
OFFICE AND PLEASANT PRAIRIE SOLAR ENERGY, LLC REGARDING THE  
PLEASANT PRAIRIE SOLAR ENERGY PROJECT IN  
FRANKLIN COUNTY, OHIO**

**WHEREAS**, on February 19, 2021 Pleasant Prairie Solar Energy LLC (“Pleasant Prairie Solar”) submitted an application for a Certificate of Environmental Compatibility and Public Need in Case No. 20-1679-EL-BGN (“Certificate”) to the Ohio Power Siting Board (“OPSB”), and intends to operate the Pleasant Prairie Solar Energy Center Project (“Project”), an up to 250 MW solar-powered electric generating facility to be located in Pleasant and Prairie Townships in Franklin County, Ohio.

**WHEREAS**, a Phase I Archaeological Reconnaissance Survey and Report and a Phase I History Architecture Reconnaissance Survey and Report were completed (collectively, the “Reports”);

**WHEREAS**, Pleasant Prairie Solar and the Ohio State Historic Preservation Office (“SHPO”) established an Area of Potential Effects (“APE”) (see Appendix B) for the Survey to include the area of potential ground disturbance and any property that may be physically altered or destroyed by the Project, as well as a visual radius around the Project for visual impacts; and

**WHEREAS** the Reports identified cultural resources of archaeological and architectural significance;

**WHEREAS**, the archaeological sites 33-Fr-3401, 33-Fr-3412, 33-Fr-3413, and 33-Fr-3425 were identified within the boundaries of the Project and determined through SHPO consultation to be potentially eligible for the National Register of Historic Places (NRHP);

**WHEREAS**, seventeen architectural resources were identified within the visual APE of the Project through the Survey (Ohio Historic Inventory Ref. Nos. FRA1094528, FRA0194328, FRA1094728, FRA0176528, FRA0176628, FRA1094928, FRA1095227, FRA1095327, FRA1095527, FRA0175928, FRA1095128, FRA0176028, FRA0176128, FRA0176228, FRA0176828, FRA0176928, and FRA0875528), which have been determined as individually eligible for listing in the National Register of Historic Places (“NRHP”);

**WHEREAS**, five of the seventeen resources were preliminarily identified in the Phase I History Architecture Reconnaissance Survey and Report as having potential indirect adverse effects due to visual impacts from the Project (Ohio Historic Inventory Ref. No. FRA0176628, FRA1094928, FRA1095327, FRA1095527 and FRA1095128);

**WHEREAS**, adverse impacts from the Project are not anticipated to resources FRA1095527 and FRA1095128 due to their distance from the Project, existing vegetation in the direct vicinity of these resources that assist with screening, existing vegetation at greater distances from the resources that help to obscure portions of the Project’s aboveground infrastructure from view, and the continued traditional agricultural use of the surrounding landscape;

**WHEREAS**, Pleasant Prairie Solar utilized its currently proposed Landscape Mitigation Plan as submitted in their application (Exhibit E) to the OPSB to address visual impacts to resources FRA0176628, FRA1094928, and FRA1095327 from the Project and propose strategies to mitigate adverse impacts, a copy of which is attached as **Appendix A**. A final landscape plan will be provided to OPSB and SHPO for review prior to construction; based on final design; however, the historic properties screening



Plan (**Appendix B**) depicts vegetation mitigation plans as related to the historic properties referenced herein. In addition, Invenergy has submitted voluntary filing to the OPSB (**Appendix C**) further defining the extent of Module 3 screening that will occur in association with the Project.

**WHEREAS**, Effects and Mitigation Measures for the foregoing resources have been identified as **Appendices A and B**.

**NOW, THEREFORE**, the SHPO and Pleasant Prairie Solar agree in this Memorandum of Understanding ("MOU") as follows:

## **I. RECITALS**

The recitals set forth above are incorporated into and are made a part of this MOU.

## **II. STIPULATIONS**

- A. The SHPO agrees that the provisions of **Appendices A and B** specific to the foregoing identified resources and the associated resource specific mitigation measures adequately address the impacts to the resources identified in the recitals to this MOU.
- B. The SHPO and Pleasant Prairie Solar agree that if the Project is constructed, the Project shall be implemented in accordance with the following stipulations to account for the effect of the Project on historic resources.
  1. Pleasant Prairie Solar will avoid ground disturbance in the designated avoidance areas for archaeological sites 33-Fr-3401, 33-Fr-3412, 33-Fr-3413, and 33-Fr-3425. Construction fencing will be placed within the 50-foot buffer of these resources, near the buffer edge, prior to construction to physically demarcate the area from construction personnel, indicating avoidance. This fencing will be maintained in good condition throughout the duration of construction and will be included the plan notes of the final design plans.
  2. Subject to paragraph 3 below, Pleasant Prairie Solar will implement a project-specific Landscape Mitigation Plan to mitigate for adverse effects.
  3. Pleasant Prairie Solar may revise the Landscape Mitigation Plan upon development of the Project's final facility layout subject to the following conditions:
    - a. The revised Landscape Mitigation Plan shall not remove planned vegetative screening between any of the aboveground Project components and architectural resources FRA0176628, FRA1094928, and FRA1095327.
    - b. Changes to the Landscape Mitigation Plan that do not impact views to the resources identified in paragraph (a) above are not subject to SHPO review.

- c. Any reduction in screening between aboveground project components and the resources identified in paragraph (a) above shall not occur unless an amendment to this MOU is executed pursuant to Section IV of this MOU.

### **III. POST-REVIEW DISCOVERIES**

1. In the event that Pleasant Prairie Solar discovers a previously unidentified site within the APE that may be eligible for listing in the NRHP that would be affected by the Project, Pleasant Prairie Solar shall promptly stop work in the immediate area of the unidentified site and notify the SHPO within 48 hours of the discovery. If Pleasant Prairie Solar and SHPO concur that the discovered resource is eligible for listing in the NRHP, Pleasant Prairie Solar will consult with the SHPO to evaluate measures that will avoid, minimize, and/or mitigate adverse effects. Upon agreement between Pleasant Prairie Solar and SHPO regarding such measures, Pleasant Prairie Solar shall implement the measures and notify the OPSB through its Staff of the implementation of the measures.
2. If Pleasant Prairie Solar discovers any human or burial remains during implementation of the Project, Pleasant Prairie Solar shall cease work immediately in the surrounding area, notify the SHPO and the OPSB's Staff and adhere to applicable state and federal laws regarding the treatment of human or burial remains. Temporary respectful protection of the exposed remains from looting or other natural disturbances will be provided.

### **IV. AMENDMENTS**

This MOU may be amended upon the written agreement of the SHPO and Pleasant Prairie Solar. The amendment will be effective on the date a copy is signed by all parties unless otherwise stated and agreed to in the amendment.

### **V. TERMINATION**

If Pleasant Prairie Solar determines that the terms of this MOU will not or cannot be carried out, they shall immediately consult with the SHPO to attempt to develop an amendment per Section IV of this MOU. If terms of an amendment cannot be reached within thirty days, the MOU may be terminated upon written notification to the SHPO.

Should the OPSB deny Pleasant Prairie Solar's application for a Certificate and such order of the OPSB becomes final and non-appealable, then either party may terminate this MOU at its discretion by providing written notice to the other party.

### **VI. DURATION**

This MOU is effective upon its execution by both the SHPO and Pleasant Prairie Solar and shall remain in effect leading up to and upon receipt of a Certificate issued by the OPSB to Pleasant Prairie Solar or any subsequent transferee. Thereafter, this MOU shall remain in effect until expiration of the Certificate.

## **VII. EXECUTION IN COUNTERPARTS**

This MOU may be executed in counterparts, with a separate page for each signatory, each of which shall constitute an original, and all of which shall constitute one and the same agreement.

**Ohio History Connection  
State Historic Preservation Office**

Diana Welling

Digitally signed by Diana Welling  
DN: cn=Diana Welling, o=Ohio History  
Connection, ou=State Historic Preservation  
Office, email=dwelling@ohiohistory.org, c=US  
Date: 2021.06.29 16:34:04 -0400

6/29/2021

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Diana Welling, Department Head &  
Deputy State Historic  
Preservation Officer for  
Resource Protection &  
Review

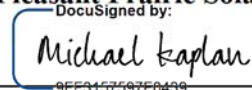
Date

Contact:

800 East 17th Avenue Columbus, OH 43215  
614-298-2000

[dwelling@ohiohistory.org](mailto:dwelling@ohiohistory.org)

**Pleasant Prairie Solar Energy LLC**

DocuSigned by:  
  
9FF3157597F0439...

6/29/2021

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Michael Kaplan

Date

Authorized Signatory Pleasant Prairie Solar Energy, LLC

Contact:

1 S. Wacker Dr.  
Chicago IL 60606  
Suite 1800

mkaplan@invenenergy.com

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

**Commission of Ohio Docketing Information System on**

**7/6/2021 1:05:05 PM**

**in**

**Case No(s). 20-1679-EL-BGN**

Summary: Response - Third Supplemental Response to Third Data Request and Supplemental Response to Fifth Data Request from Staff of the Ohio Power Siting Board electronically filed by Christine M.T. Pirik on behalf of Pleasant Prairie Solar Energy LLC