

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of)	
Kingwood Solar I, LLC for a Certificate)	Case No. 21-117-EL-BGN
of Environmental Compatibility and)	
Public Need)	

**JOINT STIPULATION AND RECOMMENDATION
AS TO CERTIFICATE CONDITIONS**

I. INTRODUCTION

Applicant Kingwood Solar I, LLC (“Kingwood Solar” or “Applicant”) and the Ohio Farm Bureau Federation, at times collectively referred to as the “Signatory Parties,” submit this Joint Stipulation and Recommendation as to Certificate Conditions (“Stipulation”) recommending final conditions for a Certificate of Environmental Compatibility and Public Need (“Certificate”) for construction of the Kingwood Solar Project (the “Project”) in the event the Ohio Power Siting Board (the “Board”) issues a Certificate in this proceeding.

The Applicant intends to build the Project as a 175-MW solar-powered generating facility in Cedarville, Miami, and Xenia Townships in Greene County, Ohio. The Project will be located on approximately 1,200 acres of private land. The Project will consist of large arrays of photovoltaic (“PV”) modules, commonly referred to as solar panels, ground-mounted on a tracking rack system. The Project will also consist of the fence line, belowground or hybrid (with both belowground and aboveground) electrical collection lines, inverters, access roads, a substation, an operations and maintenance (“O&M”) building, weather stations, and laydown yards. The Project will deliver power to a single point of interconnection (“POI”) on the Clarke-Greene 138-kilovolt (“kV”) circuit, owned by American Transmission Systems Incorporated. The POI will consist of

a new substation and a new 138-kV three-breaker ring bus and looping of the Clarke-Green 138-kV line into the new substation. The POI is included in this Application.

The Applicant has not yet selected the final PV modules or racking system to be utilized for the Project. However, the Applicant anticipates the facility will include approximately 410,000 panels. The Applicant will install a collector system made up of a network of electric and communication lines that would transmit the electric power from the solar arrays to a central location. The below-grade portion of the collector system would be buried at least 36 inches.

The electricity from the solar panels will be generated in direct current (“DC”). Sets of panels are electrically connected in a series and terminated at an inverter. The inverters convert the DC power (approximately 1,500 volts) from the panels to alternating current (“AC”) power (650-950 volts depending on the inverter specifications). Next, a transformer steps up the AC voltage of generated electricity from the inverter output voltage to 34.5 kV. From the transformers, buried electrical cables will transmit the electrical output to the facility substation, where the electricity will be stepped up from 34.5 kV to 138 kV to interconnect to the existing transmission infrastructure.

The Applicant proposes to construct approximately 11.3 miles of new access roads for use in connection with the Project. Access roads will be gravel surfaced and minimized in width to the extent practicable with a target width of less than 20 feet for internal roads. The Project will also include one meteorological station that would be approximately 20 feet tall and installed adjacent to the Project substation. This weather station will measure various aspects of the weather such as solar irradiance and wind speed.

The Project may also include a storage container building approximately 40 feet long by 50 feet wide and 20 feet tall, and would include a 20,000 square foot parking lot.

This Stipulation results from discussions among the Signatory Parties as well as from the Applicant's discussions with parties to this proceeding that participated in Stipulation discussions but have not signed this Stipulation. The Signatory Parties recommend the Board adopt the following conditions if the Board determines that a Certificate should be issued for the proposed Kingwood Solar Project.

II. STIPULATED PROVISIONS

A. Recommended Conditions for a Certificate of Environmental Compatibility and Public Need issued for the proposed Kingwood Solar Project.

- (1) The Applicant shall install the facility, utilize equipment and construction practices, and implement mitigation measures as described in the application and as modified and/or clarified in supplemental filings, replies to data requests, and recommendations in the *Staff Report of Investigation*, as modified by this Stipulation.
- (2) The Applicant shall conduct a preconstruction conference prior to the commencement of any construction activities. Staff, the Applicant, and representatives of the primary contractor and all subcontractors for the project shall attend the preconstruction conference. The conference shall include a presentation of the measures to be taken by the Applicant and contractors to ensure compliance with all conditions of the certificate, and discussion of the procedures for on-site investigations by Staff during construction. Prior to the conference, the Applicant shall provide a proposed conference agenda for Staff review and shall file a copy of the agenda on the case docket. Prior to the conference, the Applicant shall also provide notice of the meeting to the Greene County Board of County Commissioners, the Cedarville Township Board of Trustees, the Xenia Township Board of Trustees, the Miami Township Board of Trustees, the Greene County Engineer, In Progress, LLC and the Greene Soil & Water Conservation District should representatives wish to attend the conference for informational purposes. The Applicant may conduct separate preconstruction conferences for each stage of construction.
- (3) Within 60 days after the commencement of commercial operation, the Applicant shall submit to Staff a copy of the as-built specifications for the entire facility. If the Applicant demonstrates that good cause prevents it from submitting a copy of the as-built specifications for the entire facility within 60 days after commencement of commercial operation, it may request an extension of time for the filing of such as-built specifications. The Applicant shall use reasonable efforts to provide as-built drawings in both hard copy and as geographically referenced electronic data.
- (4) Separate preconstruction conferences may be held for the different phases of civil construction and equipment installation. At least 30 days prior to each preconstruction conference, the Applicant shall submit to Staff, for review and acceptance, one set of detailed engineering drawings of the final project design for that phase of construction and mapping

in the form of PDF, which the Applicant shall also file on the docket of this case, and geographically referenced data (such as shapefiles or KMZ files) based on final engineering drawings to confirm that the final design is in conformance with the certificate. The final design shall incorporate a minimum setback from the project's fence line of at least 250 feet from non-participating residences as of the application filing date, and a minimum setback from the project's inverter stations of at least 500 feet from non-participating residences as of the application filing date. Mapping shall include the limits of disturbance, permanent and temporary infrastructure locations, areas of vegetation removal and vegetative restoration as applicable, and specifically denote any adjustments made from the siting detailed in the application. The detailed engineering drawings of the final project design for each phase of construction shall account for geological features and include the identity of the registered professional engineer(s), structural engineer(s), or engineering firm(s), licensed to practice engineering in the state of Ohio who reviewed and approved the designs. All applicable geotechnical study results shall be included in the submission of the final project design to Staff.

- (5) At least 30 days prior to the preconstruction conference, the Applicant shall provide Staff, for review and acceptance, the final geotechnical engineering report. This shall include a summary statement addressing the geologic and soil suitability.
- (6) At least 30 days prior to the preconstruction conference, the Applicant shall provide Staff, for review and acceptance, an Unanticipated Discovery Plan. This shall include detailed plans for remediation of any oil and gas wells within the project area.
- (7) If any changes are made to the facility layout after the submission of final engineering drawings, the Applicant shall provide all such changes to Staff in hard copy and as geographically-referenced electronic data. All changes are subject to Staff review for compliance with all conditions of the certificate, prior to construction in those areas.
- (8) Should karst features be identified during additional geotechnical exploration or during construction, the Applicant shall avoid construction in these areas when possible. If mitigation measures are used in lieu of avoidance, the Applicant's consideration of adequate mitigation measures shall include potential hydrogeological impact.
- (9) The certificate shall become invalid if the Applicant has not commenced a continuous course of construction of the proposed facility within five years of the date of journalization of the certificate unless the Board grants a waiver or extension of time.
- (10) As the information becomes known, the Applicant shall file on the public docket the date on which construction will begin, the date on which construction was completed, and the date on which the facility begins commercial operation.
- (11) Prior to the commencement of construction activities in areas that require permits or authorizations by federal or state laws and regulations, the Applicant shall obtain and comply with such permits or authorizations. The Applicant shall provide copies of permits and authorizations, including all supporting documentation, to Staff no less than seven days prior to the applicable construction activities and shall file such permits or authorizations

on the public docket. The Applicant shall provide a schedule of construction activities and acquisition of corresponding permits for each activity at the preconstruction conference(s).

- (12) Subject to the application of R.C. 4906.13(B), the certificate authority provided in this case shall not exempt the facility from any other applicable and lawful local, state, or federal rules or regulations nor be used to affect the exercise of discretion of any other local, state, or federal permitting or licensing authority with regard to areas subject to their supervision or control.
- (13) The facility shall be operated in such a way as to assure that no more than 175 MW would be injected into the Bulk Power System at any time.
- (14) The Applicant shall not commence any construction of the facility until it has executed an Interconnection Service Agreement and Interconnection Construction Service Agreement with PJM Interconnection, which includes construction, operation, and maintenance of system upgrades necessary to integrate the proposed generating facility into the regional transmission system reliably and safely. The Applicant shall docket in the case record a letter stating that the Agreement has been signed or a copy of the executed Interconnection Service Agreement and Interconnection Construction Service Agreement.
- (15) Prior to commencement of construction, the Applicant shall submit to Staff its design for the perimeter fence for confirmation that the design complies with this condition. Project perimeter fencing shall be designed to be both small-wildlife permeable and aesthetically fitting for a rural location, taking into account applicable codes and NERC requirements. To the extent modifications can be made to a code compliant fence, the Applicant shall install a fence that: has the lowest height possible; has frequent openings in the bottom rows in the fence not more than 500 feet apart and that must be at least nine inches wide and seven inches high to allow the passage of mammalian predators and other wildlife species. This condition shall not apply to substation fencing.
- (16) Prior to commencement of any construction, the Applicant shall prepare a landscape and lighting plan in consultation with a landscape architect licensed by the Ohio Landscape Architects Board that addresses the aesthetic and lighting impacts of the facility with an emphasis on any locations where an adjacent non-participating parcel contains a residence with a direct line of sight to the project area at any time of the year. The plan shall also address potential aesthetic impacts to nearby communities, the travelling public, and recreationalists by incorporating appropriate landscaping measures such as shrub plantings or enhanced pollinator plantings. The plan shall include measures such as fencing, vegetative screening, or good neighbor agreements. Unless alternative mitigation is agreed upon with the owner of any such adjacent, non-participating parcel containing a residence with a direct line of sight to the fence of the facility, the plan shall provide for the planting of vegetative screening designed by the landscape architect to enhance the view from the residence and be in harmony with the existing vegetation and viewshed in the area. Subject to any project area reductions, vegetative screening shall at a minimum consist of screening in the locations shown on the attached screening plan using the identified levels of screening from the Landscaping Plan attached to the Applicant's application in this proceeding. The Applicant shall maintain vegetative screening for the

life of the facility and the Applicant shall substitute and/or replace any failed plantings so that, after five years, at least 90 percent of the vegetation has survived. The Applicant shall maintain all fencing along the perimeter of the project in good repair for the term of the project and shall promptly repair any damage as needed. Lights shall be motion-activated and designed to narrowly focus light inward toward the facility, such as being downward-facing and/or fitted with side shields. The Applicant shall provide the plan to Staff and file it on the public docket for review and confirmation that it complies with this condition.

- (17) The Applicant shall contact Staff, the ODNR, and/or the USFWS as applicable within 24 hours if state and/or federally listed threatened or endangered species are encountered within the construction limits of disturbance during site construction activities. Construction activities that could adversely impact the identified plants or animals shall be immediately halted until an appropriate course of action has been agreed upon by the Applicant, Staff and the appropriate agencies.
- (18) If the Applicant encounters any new listed plant or animal species or suitable habitat of these species prior to construction, the Applicant shall identify avoidance areas or alternatively explain appropriate mitigation measures for these species to accommodate construction activities. This information will be included in the final engineering drawings and associated mapping, as required in condition 4. The Applicant shall avoid impacts to these species and explain how impacts would be avoided during construction. Coordination with the ODNR and USFWS may also allow a different course of action.
- (19) The Applicant shall incorporate post construction stormwater management under OHC00005 (Part III.G.2.e, pp. 19-27) as applicable and will also incorporate applicable guidance from the Ohio Environmental Protection Agency's Guidance on Post-Construction Storm Water Controls for Solar Panel Arrays (dated October 2019). Following the completion of final project engineering design, the Applicant shall perform pre- and post-construction stormwater calculations to determine if post-construction best management practices are required, based on requirements contained in Ohio EPA's Construction General Permit. The calculations along with a copy of any stormwater submittals made to the Ohio EPA shall be submitted to the Greene County Department of Building Regulation and the Greene County Soil & Water Conservation District. If post construction storm water best management practices are required, the Applicant will submit construction drawings detailing any stormwater control measures to the Greene County Department of Building Regulation and the Greene County Soil & Water Conservation District, as applicable, no less than seven days prior to the applicable construction activities.
- (20) The Applicant shall have an environmental specialist on site during construction activities that may affect sensitive areas, to be mutually agreed upon by the Applicant and Staff. Sensitive areas which would be impacted during constructions shall be identified on a map provided to Staff, and may include, but are not limited to, wetlands, streams, and locations of threatened or endangered species habitat. The environmental specialist shall be familiar with water quality protection issues and potential threatened or endangered species of plants and animals that may be encountered during project construction. The environmental specialist mutually agreed upon by Staff and the Applicant shall be

authorized to report any issues simultaneously to Staff and the Applicant. To allow time for the Applicant and Staff to respond to any reported issues, the environmental specialist shall have authority to stop construction activities in or near the impacted sensitive area(s) for up to 48 hours if the construction activities are creating unforeseen environmental impacts in the sensitive areas identified on the map.

- (21) The Applicant shall adhere to seasonal cutting dates of October 1 through March 31 for the removal of trees three inches or greater in diameter to avoid potential impacts to Indiana bats, northern long-eared bats, little brown bat, and tricolored bats unless coordination with the Ohio Department of Natural Resources (ODNR) and the U.S. Fish and Wildlife Service (USFWS) allows a different course of action. If coordination with these agencies allows clearing between April 1 and September 30, the Applicant shall docket proof of completed coordination on the case docket prior to clearing trees.
- (22) The Applicant shall take steps to prevent establishment and/or further propagation of noxious weeds identified in Ohio Adm.Code Chapter 901:5-37 during implementation of any pollinator-friendly plantings, as well as during construction, operation, and decommissioning. This would be achieved through appropriate seed selection, and annual vegetative surveys consistent with the vegetation management plan included in the application. If noxious weeds are found to be present, the Applicant shall remove and treat them with herbicide as necessary, and shall follow all applicable state laws regarding noxious weeds. The Applicant shall also remove and treat with herbicide as necessary any noxious weeds upon notice from a board of township trustees that noxious weeds exist on Project property. Prior to commencement of construction, the Applicant shall consult with the Greene Soil & Water Conservation District regarding seed mixes for the Project and shall provide the tags on such seed mixes to the Greene Soil & Water Conservation District.
- (23) The Applicant shall conduct no in-water work in perennial streams from April 15 through June 30 to reduce potential impacts to indigenous aquatic species and their habitat, unless coordination efforts with the ODNR allows a different course of action. If coordination with ODNR allows in-water work in perennial streams between April 15 and June 30, the Applicant shall file proof of such coordination on the docket prior to conducting such work
- (24) The Applicant shall obtain transportation permits prior to the commencement of construction activities that require them. The Applicant shall coordinate with the appropriate regulatory authority regarding any temporary road closures, road use agreements, driveway permits, lane closures, road access restrictions, and traffic control necessary for construction and operation of the proposed facility. Coordination shall include, but not be limited to, the Greene County Engineer, the ODOT, local law enforcement, and health and safety officials. The Applicant shall detail this coordination as part of a final transportation management plan submitted to Staff prior to the preconstruction conference for review and confirmation by Staff that it complies with this condition and then file the plan on the public docket. This final transportation management plan would include any county required road use maintenance agreements. The final transportation management plan shall address the methodology for monitoring all local county and township roads used for construction traffic during construction to ensure these

roads remain safe for local traffic. Any damaged local public roads, culverts and bridges would be repaired promptly to their previous or better condition by the Applicant under the guidance of the appropriate regulatory authority. Any temporary improvements would be removed unless the appropriate regulatory authority request that they remain in place.

- (25) At least 30 days prior to the preconstruction conference, the Applicant shall provide the status (i.e., avoidance, mitigation measures, or capping) of each water well within the project area. The Applicant shall indicate to Staff whether the nearest solar components to each uncapped well within the project area meets or exceeds any applicable minimum isolation distances outlined in Ohio Adm.Code 3701-28-7. The Applicant shall relocate the solar equipment at least 50 feet from each active water well. The Applicant may demonstrate that the well is for nonpotable use and relocate solar equipment at least 10 feet from that nonpotable use water well, or seal and abandon the water well.
- (26) At least 30 days prior to the preconstruction conference, that the Applicant shall submit its emergency response plan to Staff for review and acceptance. That plan shall include a provision(s) to keep the Village of Yellow Springs (e.g., city administrator or water department) and the Camp Clifton Day Camp informed of the status of any spills, significant panel damage, and repair/clean-up/decommission schedule.
- (27) At least 30 days prior to the preconstruction conference, the Applicant shall demonstrate that the substation equipment are outside the inner management protection zone(s) for the Camp Clifton Day Camp source water protection area.
- (28) At least 30 days prior to the preconstruction conference, the Applicant shall demonstrate that its solar panels to be installed at the solar facility, including over the outer management zones of the Village of Yellow Springs and Camp Clifton Day Camp, do not exhibit the characteristic of toxicity through analysis with the US EPA's toxicity characteristics leachate procedure (TCLP) test.
- (29) At least 30 days prior to the start of construction, the Applicant shall file a copy of the final complaint resolution program for construction and operation of the project on the public docket. At least seven days prior to the start of construction and at least seven days prior to the start of facility operations, the Applicant shall notify via mail affected property owners and tenants who were provided notice of the public informational meeting; attendees of the public informational meeting who requested updates regarding the project; any other person who requests updates regarding the project; all residents, airports, schools, and libraries located within one mile of the project area; parties to this case; and county commissioners, township trustees, and emergency responders. These notices shall provide information about the project, including contact information and a copy of the complaint resolution program. The start of construction notice shall include a timeline for construction and restoration activities. The start of facility operations notice shall include a timeline for the start of operations. The Applicant shall file a copy of these notices on the public docket, including written confirmation that the Applicant has complied with all preconstruction-related conditions of the certificate. During the construction and operation of the facility, the Applicant shall submit to Staff a complaint summary report by the fifteenth day of April, July, October, and January of each year through the first five years of operation. The

report shall include a list of all complaints received through the Applicant's complaint resolution program, a description of the actions taken toward the resolution of each complaint, and a status update if the complaint has yet to be resolved. The Applicant shall file a copy of these complaint summaries on the public docket.

- (30) General construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m., or until dusk when sunset occurs after 7:00 p.m. Impact pile driving shall be limited to the hours between 9:00 a.m. and 6:00 p.m. Impact pile driving may occur between 7:00 a.m. and 9:00 a.m., and after 6:00 p.m. or until dusk when sunset occurs after 6:00 p.m., if the noise impact at non-participating receptors is not greater than daytime ambient Leq plus 10 dBA. If impact pile driving is required between 7:00 a.m. and 9:00 a.m., and after 6:00 p.m. or until dusk when sunset occurs after 6:00 p.m., the Applicant shall install a noise monitor in a representative location to catalog that this threshold is not being exceeded. Hoe ram operations, if required, shall be limited to the hours between 10:00 a.m. and 4:00 p.m., Monday through Friday. Construction activities that do not involve noise increases above ambient levels at sensitive receptors are permitted outside of daylight hours when necessary. The Applicant shall notify property owners or affected tenants within the meaning of Ohio Adm.Code 4906-3-03(B)(2) of upcoming construction activities including potential for nighttime construction.
- (31) If the inverters or substation transformer chosen for the project have a higher sound power output than the models used in the noise model, the Applicant shall submit, 30 days prior to construction, the results from an updated noise model for the project using the expected sound power output from the models chosen for the project, to show that sound levels will not exceed the average daytime ambient level in dBA for the nearest sound monitoring location for the Project Noise Evaluation attached to the application as Exhibit K plus five dBA at any nonparticipating sensitive receptor. If transformer manufacturer data is not available, the model will be updated with sound emission data following the NEMA TR1 standard. If inverter manufacturer data is not available, a similar inverter model will be used to update the sound propagation model prior to construction. Once constructed, sound level measurements will be made in close proximity to the inverter to determine the sound power level of the installed inverter. If the sound power level of the installed inverter is 2 dBA or more above the sound power level used in the updated preconstruction model, then the sound propagation model will be updated to ensure project-wide compliance with the applicable sound level limit. If the sound power level is determined to be less than 2 dBA above the sound power level used in the updated preconstruction model, then the project will be deemed in-compliance. If the equipment chosen for the project are at the same (or lower) sound power outlet as the models used in the noise model, no further action is needed for compliance of this condition.
- (32) The Applicant shall avoid, where possible, or minimize to the extent practicable, any damage to functioning field tile drainage systems and compaction to soils resulting from the construction, operation, and/or maintenance of the facility in agricultural areas. For the purposes of the conditions in this Stipulation, "field tile drainage systems" or "drainage system" includes both mains and laterals within the facility footprint. Damaged field tile systems shall be promptly repaired or rerouted to at least original conditions or modern equivalent at the Applicant's expense to ensure proper drainage. However, if the affected

landowner agrees to not having the damaged field tile system repaired, they may do so only (i) if the field tile systems of adjacent landowners remain unaffected by the non-repair, non-replacement, or non-rerouting of the landowner's field tile system and (ii) the damaged field tile does not route directly to or from an adjacent parcel. In accordance with the Applicant's complaint resolution plan, the Applicant shall consult with any landowner that submits a complaint to the Applicant related to drainage issues on the landowner's property.

- (33) If a main drain tile is impacted due to the construction of the facility, the damaged field tile drainage system shall be promptly repaired and/or rerouted no later than 10 days after such damage is discovered, pending weather and contractor availability, and be returned to at least original condition or their modern equivalent. If a main drain tile is found to be impacted during the operation, and/or maintenance of the facility, the damaged field tile drainage systems shall be promptly repaired and/or rerouted no later than 45 days after such damage is discovered, pending weather and contractor availability, and be returned to at least original conditions or their modern equivalent at the Applicant's expense. Any tile installation or repairs shall be performed in accordance with the applicable provision of Standard Practice for Subsurface Installation of Corrugated Polyethylene Pipe for Agricultural Drainage of Water Table Control, ASTM F499-02 (2008), to the extent practicable.
- (34) The Applicant shall ensure that parcels adjacent to the Project area are protected from unwanted drainage problems due to construction and operation of the project. The Applicant shall ensure this by 1) conducting a search of the Project as necessary to locate drain tiles between the Project area properties and adjacent parcels; (2) consulting with owners of all parcels adjacent to the properties making up the Project as to locations of drain tiles on those parcels, (3) consulting with the Greene Soil & Water Conservation District (the "District") and the Greene County Engineer to determine the location of any tile located in a county maintenance ditch; and (4) subsequently documenting benchmark conditions of surface and subsurface drainage systems prior to construction, including the location of laterals, mains, grassed waterways, and county maintenance ditches. During the time Applicant is conducting any field searches for drain tile or conducting construction work that could affect field tile drainage systems within the Project Area and for up to twelve months after completing construction, the Applicant will allow a District inspector to help determine, inspect, and, as necessary, require the Applicant's contractor to cause repairs to be made to necessary project field tile drainage systems that have been damaged.
- (35) At least 30 days prior to the preconstruction conference, the Applicant shall submit an updated decommissioning plan and total decommissioning cost estimate without regard to salvage value on the public docket that includes: (a) a provision that the decommissioning financial assurance mechanism include a performance bond where the company is the principal, the insurance company is the surety, and the Ohio Power Siting Board is the obligee; (b) a timeline of up to one year for removal of the equipment after the Project permanently ceases commercial operations; (c) a provision to monitor the site for at least one additional year to ensure successful revegetation and rehabilitation subject to landowner

permission to access the site; (d) a provision where the performance bond is posted prior to the commencement of construction; (e) a provision that the performance bond is for the total decommissioning cost and excludes salvage value; (f) a provision to coordinate repair of public roads damaged or modified during the decommissioning and reclamation process; (g) a provision that the decommissioning plan be prepared by a professional engineer registered with the state board of registration for professional engineers and surveyors; (h) and a provision stating that the bond shall be recalculated every five years by an engineer retained by the Applicant.

- (36) At the time of solar panel end of life disposal, retired panels that will not be recycled and that are marked for disposal shall be sent to an engineered landfill with various barriers and methods designed to prevent leaching of materials into soils and groundwater.
- (37) At least 30 days prior to the preconstruction conference, the Applicant shall demonstrate that it has implemented a setback of at least 50 feet from the solar facility fence line to the public roads edge of right of way. Specific to OH-72 and Clifton Road on the eastern portion of the Project, the Applicant shall implement a setback of 300 feet from the edge of the public road right-of-way. Specific to Clifton Road on the western portion of the Project, the Applicant shall implement a setback of 200 feet from the edge of the public road right-of-way.
- (38) The Applicant shall provide an emergency response plan to Staff prior to construction of the Project that includes a provision to provide annual training to the Xenia Township, Cedarville Township, Miami Township and Greene County emergency response services in addition to providing those agencies with emergency contacts for the Project during construction and operation. The Applicant shall develop the plan in coordination with the emergency response service agencies for the townships. Such annual training shall include training on addressing personnel injury incidents and fires. The annual training shall commence prior to the start of operation and continue until the Project is decommissioned. Emergency contact information shall be posted at the primary entrance to the Project.
- (39) The Applicant shall provide a summary report to Staff within 60 days of the occurrence of any material damage to the Facility resulting from high wind events and shall file a copy of the report on the case docket. The report shall describe the Applicant's plan for repairing the damage and the timeline for the repairs. In the event any portion of the Facility is rendered inoperable by the damage and the Applicant elects to not repair the damage, that portion of the Facility shall be decommissioned following the Applicant's decommissioning plan.

B. Other Terms

The Signatory Parties agree and recognize that this Stipulation has been entered into only for the purposes of this proceeding. Each Party agrees to support the stipulated conditions and not to assert against another party in any proceeding before the Board or any court, other than in a

proceeding to enforce the terms of this Stipulation, that party's participation in this Stipulation as support for any particular position on any issue. Each Party further agrees that it will not use this Stipulation as factual or legal precedent on any issue. The Signatory Parties request that the Board recognize that its use of this Stipulation in any proceeding other than this proceeding is contrary to the intentions of the Signatory Parties in entering into this Stipulation.

The undersigned hereby stipulate, agree and represent that they are authorized to enter into this Stipulation on March 4, 2022. Furthermore, the Signatory Parties expressly agree that this Stipulation may be amended and/or supplemented in a writing executed by the Signatory Parties.

Respectfully submitted,

/s/ Michael J. Settineri

Michael J. Settineri (0073369), Counsel of
Record

Anna Sanyal (0089269)

Nathaniel B. Morse (0099768)

Vorys, Sater, Seymour and Pease LLP

52 East Gay Street

P.O. Box 1008

Columbus, OH 43216-1008

(614) 464-5462

(614) 719-5146 (fax)

mjsettineri@vorys.com

aasanyal@vorys.com

nbmorse@vorys.com

Attorneys for Kingwood Solar I LLC

/s/ Amy Milam per authorization (MJS)

Chad A. Endsley (0080648)

Leah F. Curtis (0086257)

Amy M. Milam (0082375)

Ohio Farm Bureau Federation

280 North High Street,

P.O. Box 182383

Columbus, OH 43218-2383

614.246.8258

614.246.8658 (fax)

cendsley@ofbf.org

lcurtis@ofbf.org

amilam@ofbf.org

Attorneys for the Ohio Farm Bureau Federation

CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served on the persons below via electronic mail on March 4, 2022, to:

Jodi J. Bair
Werner L. Margard
Attorneys for Ohio Power Siting Board Staff

Jodi.bair@ohioattorneygeneral.gov
Werner.margard@ohioattorneygeneral.gov

Daniel A. Brown
Attorney for Cedarville Township Trustees

dbrown@brownlawdayton.com

David Watkins
Kevin Dunn
Attorneys for Xenia Township Trustees

dw@planklaw.com
kdd@planklaw.com

Lee A. Slone
Attorney for Miami Township Board of Trustees

lee.slone@dinsmore.com

John E. Hart
Attorney for In Progress LLC

jehartlaw@gmail.com

Charles D. Swaney
Attorney for Tecumseh Land Preservation Association

cswaney@woh.rr.com

Jack A. Van Kley
*Attorney for Citizens for Greene Acres, Inc.
And Citizen Intervenors*

jvankley@vankleywalker.com

Thaddeus M. Boggs
Attorney for the Greene County Commissioners

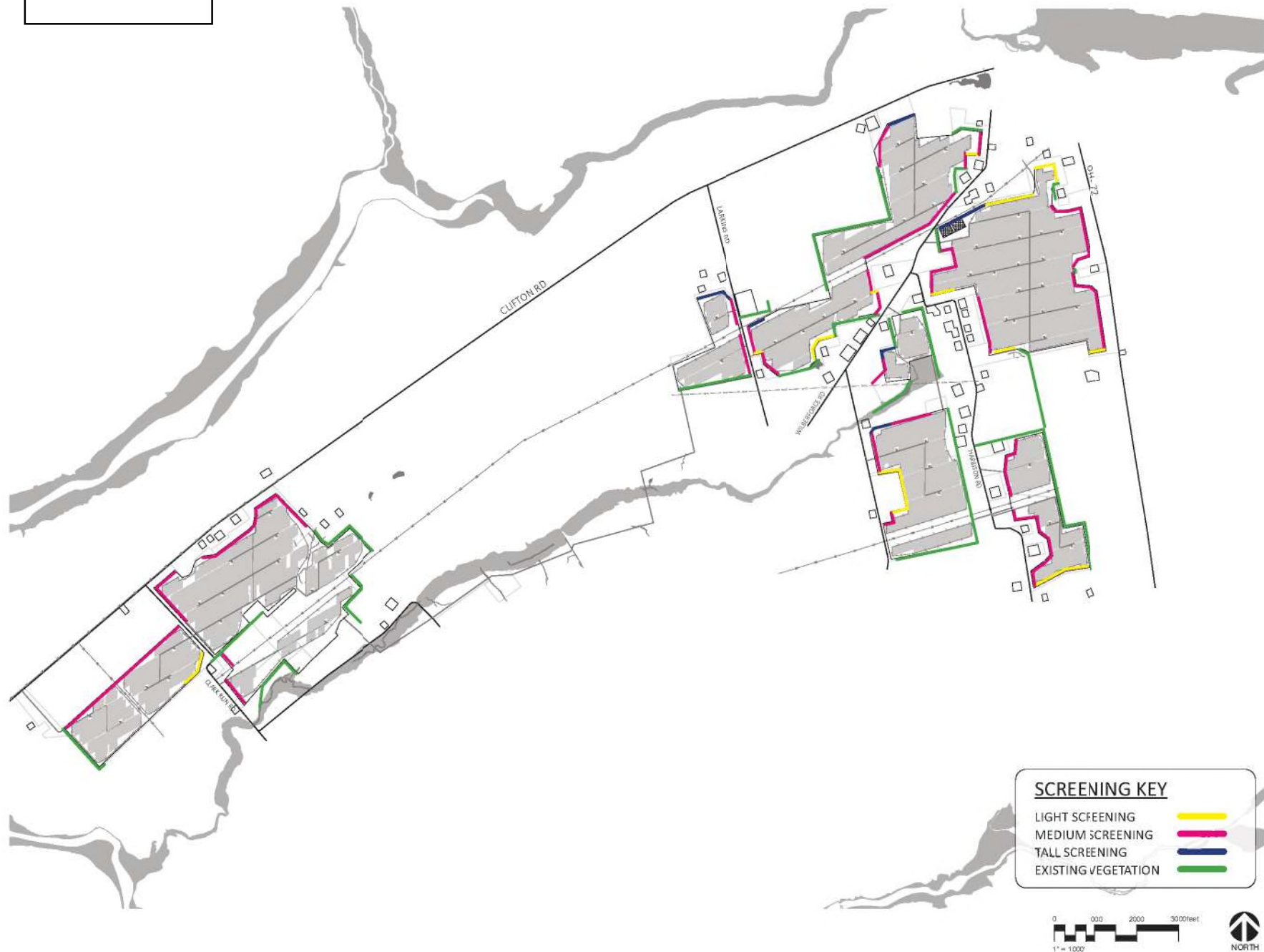
tboggs@fbtlaw.com

Chad A. Endsley
Leah F. Curtis
Amy M. Milam
Attorneys for Ohio Farm Bureau Federation

cendsley@ofbf.org
lcurtis@ofbf.org
amilam@ofbf.org

/s/ Michael J. Settineri
Michael J. Settineri

Attachment 1



KINGWOOD SOLAR
GREENE COUNTY, OHIO

[illegible]

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

3/4/2022 11:43:52 AM

in

Case No(s). 21-0117-EL-BGN

Summary: Stipulation Joint Stipulation and Recommendation as to Certificate
Conditions electronically filed by Mr. Michael J. Settineri on behalf of Kingwood
Solar I LLC