

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application)	
of Alamo Solar I, LLC for a)	Case No. 18-1578-EL-BGN
Certificate of Environmental)	
Compatibility and Public Need)	

MOTION FOR WAIVERS

Pursuant to Section 4906.06(A)(6), Revised Code and Rule 4906-3-01 of the Ohio Administrative Code, Alamo Solar I, LLC (“Alamo”) moves the Ohio Power Siting Board (“the Board”) to grant certain waivers from Chapter 4906-4 of the Ohio Administrative Code. Alamo will be filing an application to construct the Alamo Solar Farm electric generation facility (the “Project”), a new solar powered generating facility to be located in Gasper and Washington Townships in Preble County, Ohio. Although the application is being filed in accordance with Chapter 4906-4 of the Ohio Administrative Code, Alamo seeks waivers from: Rule 4906-4-08(A)(1)(c) (manufacturers’ safety manuals or similar documents and any manufacturer recommended setbacks), Rule 4906-4-08(A)(5)(c) (description of its plan for test borings, including appropriate closure plans), Rule 4906-4-08(D)(2)-(4) (reduced study area regarding the impact on landmarks), and Rules 4906-4-03(A)(1)(a), 4906-4-03(B)(4)(b), 4906-4-08(A)(5), 4906-4-08(B)(1)(a)(i), 4906-4-08(C)(1)(a)(i), and 4906-4-08(E)(1) (maps provided with the application do not show the short gen-tie connecting the project substation to the point of interconnection). A memorandum in support of the requested waivers is attached hereto.

WHEREFORE, Alamo Solar I, LLC respectfully requests that the Board grant waivers in part or in whole from Rule 4906-4-08(A)(1)(c), Rule 4906-4-08(A)(5)(c), Rule 4906-4-08(D)(2)-(4), and Rules 4906-4-03(A)(1)(a), 4906-4-03(B)(4)(b), 4906-4-08(A)(5), 4906-4-08(B)(1)(a)(i), 4906-4-08(C)(1)(a)(i), and 4906-4-08(E)(1) of the Ohio Administrative Code.

Respectfully submitted,

/s/ Michael J. Settineri

Michael J. Settineri (0073369) Counsel of Record
MacDonald W. Taylor (0086959)

VORYS, SATER, SEYMOUR AND PEASE LLP

52 East Gay Street

P.O. Box 1008

Columbus, Ohio 43216-1008

(614) 464-5462

(614) 719-5146 (fax)

mjsettineri@vorys.com

mwtaylor@vorys.com

Attorneys for Alamo Solar I, LLC

MEMORANDUM IN SUPPORT

I. INTRODUCTION

Alamo Solar I, LLC (“Alamo”) is proposing to construct a 69.9 MW solar powered electric generating facility in Preble County, Ohio (the “Project”). In support of its application to construct the Project, Alamo is seeking the following waivers from the Board’s rules: (1) a waiver from Rule 4906-4-08(A)(1)(c) to allow Alamo to provide manufacturers’ safety manuals or similar documents and any manufacturer recommended setbacks to the Board’s Staff as part of the final construction plans for the Project as opposed to being a part of the application; (2) a waiver from Rule 4906-4-08(A)(5)(c) to allow Alamo to submit a description of its plan for test borings, including appropriate closure plans, to the Board’s Staff no less than thirty (30) days prior to the commencement of the field work and after the Project’s layout has been finalized as opposed to being a part of the application; (3) a waiver from Rule 4906-4-08(D)(2)-(4) with respect to evaluation of impacts to landmarks, identification of and evaluation of impacts to recreation and scenic areas, and visual impacts outside of a five mile radius of the Project, and (4) a waiver from Rules 4906-4-03(A)(1)(a), 4906-4-03(B)(4)(b), 4906-4-08(A)(5), 4906-4-08(B)(1)(a)(i), 4906-4-08(C)(1)(a)(i), and 4906-4-08(E)(1) to allow for the submission of maps that do not show the short, 300 foot gen-tie connecting the project substation to the point of interconnection.

As more fully explained below, good cause exists to grant the waivers. Moreover, Alamo’s application will provide all information necessary for the Board and its Staff to conduct a review and make the determinations required by Section 4906.10, Revised Code.

II. **REQUESTED WAIVERS**

A. **Rule 4906-4-08(A)(1)(c) of the Ohio Administrative Code (Manufacturer's Safety Manual or Similar Document and any Recommended Setbacks from the Manufacturer)**

Rule 4906-4-08(A)(1)(c) of the Ohio Administrative Code provides that the applicant shall provide information on the safety and reliability of all equipment including the generation equipment manufacturer's safety standards including a complete copy of the manufacturer's safety manual or similar document and any recommended setbacks from the manufacturer.

The nature of the Project (a solar farm) and timing of panel model selection warrant a waiver. Alamo will not select the final panel model until after final engineering of the Project is complete. Also, the reliability of the solar panels themselves are highly unlikely to present any safety concerns, and the general public will not be exposed to the components of this project because except for access roads, they all will be either securely fenced or buried. Once the specific panel model and manufacturer is selected, Alamo will provide the Board's Staff with the manufacturer's safety standards, including complete copies of its safety manuals or similar documents as part of the final construction plans for this Project. Alamo also will identify specific setbacks recommended by the manufacturer (if any) once the manufacturer and specific panel model have been selected. The Board has granted similar waivers to other solar projects in the past. *In re Hillcrest Solar I, LLC*, Case No. 17-1152-El-BGN, Entry dated Aug. 3, 2017; *In re Willowbrook Solar I, LLC*, Case No. 18-1024-EL-BGN, Entry dated Oct. 4, 2018.

Accordingly, for good cause shown, Alamo respectfully requests that the Board grant a waiver from Rule 4906-4-08(A)(1)(c) of the Ohio Administrative Code and allow Alamo to provide the manufacturer's safety manual or similar documents and any manufacturer's recommended setbacks to the Board's Staff as part of the final construction plans for the Project

as opposed to being a part of the application.

B. Rule 4906-4-08(A)(5)(c) of the Ohio Administrative Code (Test Borings, Including Closure Plans for such Borings)

Rule 4906-4-08(A)(5)(c) requires the applicant to describe plans for test borings, including closure plans for such borings. Such plans for the test borings are to contain a timeline for providing the test boring logs and certain information to the Board including subsurface soil properties, static water level, rock quality description, percent recovery and depth and description of bedrock contact.

Alamo requests this waiver given that the panel layout will not be complete until final engineering drawings are developed and also given the nature of the Project (a solar farm). Alamo expects that equipment will use the subsurface only to a very limited degree because its subsurface impact will be very shallow and bedrock is not expected to be encountered. Racking piles are expected to reach a depth of no more than ten (10) feet below the surface and the buried collection line system is expected to be installed at a maximum depth of three (3) feet below grade. The available site geology information estimates the depth to bedrock throughout the project area to range from between approximately eight (8) to twenty-eight (28) feet below the surface. The vast majority of the Project will be constructed at a depth of no more than ten (10) feet, and the vast majority of features consist of solar panels.

Moreover, Alamo expects to conduct only limited test borings in connection with the construction of this Project. If the waiver is approved, Alamo will provide its plan for such borings, including appropriate closure plans, to the Board's Staff no less than thirty (30) days prior to the commencement of the field work and after the Project's layout has been finalized. Within sixty (60) days following the receipt of all relevant data from the borings, Alamo will provide the Board's Staff with all of the information as required by the plan, including

subsurface soil properties, status water level, rock quality description, percent recovery, and depth and description of bedrock contact.

Alamo respectfully requests a waiver from Rule 4906-4-08(A)(5)(c) of the Ohio Administration Code and requests that such plans for the test borings, including closure plans for such borings, be allowed to be submitted to the Board's Staff no less than thirty (30) days prior to the commencement of the field work as opposed to being a part of this application. Good cause exists for granting this waiver. In addition, the Board has granted similar waivers to other solar projects in the past. *In re Hillcrest Solar I, LLC*, Case No. 17-1152-El-BGN, Entry dated Aug. 3, 2017; *In re Willowbrook Solar I, LLC*, Case No. 18-1024-EL-BGN, Entry dated Oct. 4, 2018.

**C. Rule 4906-4-08(D)(2)-(4) of the Ohio Administrative Code
(Study Area Regarding the Impact on Landmarks)**

Rule 4906-4-08(D)(2) requires the 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 describe plans to avoid or mitigate any adverse impact. Rule 4906-4-08(D)(3) requires the applicant to describe and evaluate impacts to the identified recreation and scenic areas within ten miles of the project area. Rule 4906-4-08(D)(4) requires the applicant to evaluate the visual impact of the proposed facility within a ten-mile radius from the project area.

Alamo has evaluated the impact of the Project on the preservation and continued meaningfulness of the registered landmarks, scenic and recreation areas, and visibility and viewshed within a five-mile vicinity of the project area in the Cultural Resources Report (Exhibit H) and Visual Impact Report (Exhibit I). 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 Cultural Resources Report 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 a two-mile radius, though the effects on landmarks outside of the immediate project area were studied and considered within a five-mile radius of the Project.

Alamo submits that good cause exists for granting a waiver from Rule 4906-4-08(D)(2)-(4) to allow for the focused five-mile study area and review of landmarks and effects in that area. Again, impacts are not anticipated to landmarks, recreation and scenic areas, or visual impacts generally, both within and beyond the five-mile study area. However, because Alamo focused its formal study on the five-mile study area, Alamo respectfully requests a waiver from Rule 4906-4-08(D)(2) to allow for the focused five-mile study area rather than on the ten-mile study area. The Board has granted similar waivers to other solar projects in the past. *In re Willowbrook Solar I, LLC*, Case No. 18-1024-EL-BGN, Entry dated Oct. 4, 2018.

D. Rules 4906-4-03(A)(1)(a), 4906-4-03(B)(4)(b), 4906-4-08(A)(5), 4906-4-08(B)(1)(a)(i), 4906-4-08(C)(1)(a)(i), and 4906-4-08(E)(1) (Maps must show “the proposed facility”)

Rules 4906-4-03(A)(1)(a), 4906-4-03(B)(4)(b), 4906-4-08(A)(5), 4906-4-08(B)(1)(a)(i), 4906-4-08(C)(1)(a)(i), and 4906-4-08(E)(1) require the submission of maps showing the “proposed facility”. Facility “means the proposed major utility facility and all associated facilities.” Ohio Adm.Code 4906-1-01(W). “Associated facilities,” for an electric power generation plant, include “distribution lines and substations necessary to interconnect the facility to the electric grid” Ohio Adm.Code 4906-1-01(F)(3). The maps as submitted by Alamo do not show the short gen-tie that will connect the project substation to the 69-kV transmission line.

The gen-tie will be approximately 300 feet in length and will run to the west of the project substation site in an agricultural field within the evaluated project boundaries. The mapping as submitted with the application does not show the specific location of the gen-tie because the PJM Facilities Study has yet to be completed. The Facilities Study is necessary to determine where the exact location of the point of interconnection to the 69-kV transmission line should be, which in turn will drive the location of the gen-tie. Regardless, the general location of the gen-tie can be easily ascertained from the figures.

Accordingly, Alamo respectfully requests a waiver to allow Alamo to not include the gen-tie on the figures submitted with the application. Because of the minor nature of the gen-tie, good cause exists to grant a waiver from Rules 4906-4-03(A)(1)(a), 4906-4-03(B)(4)(b), 4906-4-08(A)(5), 4906-4-08(B)(1)(a)(i), 4906-4-08(C)(1)(a)(i), and 4906-4-08(E)(1).

III. CONCLUSION

As good cause exists for granting the waivers, Alamo respectfully requests that the Board grant waivers in part or in whole from Rules 4906-4-08(A)(1)(c), 4906-4-08(A)(5)(c), 4906-4-08(D)(2)-(4), and from Rules 4906-4-03(A)(1)(a), 4906-4-03(B)(4)(b), 4906-4-08(A)(5), 4906-4-08(B)(1)(a)(i), 4906-4-08(C)(1)(a)(i), and 4906-4-08(E)(1) of the Ohio Administrative Code.

Respectfully submitted,

/s/ Michael J. Settineri
Michael J. Settineri (0073369) Counsel of Record
MacDonald W. Taylor (0086959)
VORYS, SATER, SEYMOUR AND PEASE LLP
52 East Gay Street
P.O. Box 1008
Columbus, Ohio 43216-1008
(614) 464-5462
(614) 719-5146 (fax)
mjsettineri@vorys.com
mwtaylor@vorys.com
Attorneys for Alamo Solar I, LLC

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

12/10/2018 2:05:38 PM

in

Case No(s). 18-1578-EL-BGN

Summary: Motion for Waivers electronically filed by Mr. Michael J. Settineri on behalf of Alamo Solar I, LLC