



# DAVE YOST

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June 11, 2020

The Honorable Jeffrey Jones  
Administrative Law Judge  
Ohio Power Siting Board  
180 East Broad Street, 12th Floor  
Columbus, OH 43215-3793  
[Jeffrey.Jones@puco.ohio.gov](mailto:Jeffrey.Jones@puco.ohio.gov)

Re: Motion for Waiver,  
Case No. 20-1084-EL-BGN

Dear Honorable Jeffrey Jones:

On May 29, 2020, Powell Creek Solar, LLC (Powell or Applicant), filed a motion for waiver of Ohio Administrative Code (Ohio Adm.Code) 4906-3-03(B) conditioned on Powell substituting the public information meeting (PIM) with an alternative PIM, as described in its memorandum. In its motion, Applicant avers that its request is for good cause given the current state of emergency and the unique circumstances caused by the global pandemic.

Staff initially notes that on March 9, 2020, the Governor of Ohio signed Executive Order 2020-01D, declaring a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of the virus. Staff recognizes that the unique nature of the SAR-COV-2 and the radically changed environment resulting from the response warrant an acknowledgment of the importance of social distancing. Although additional executive orders have been issued, there is still currently a ban on mass gatherings of ten

or more people in the state, staying at home is still strongly recommended and social distancing is still in effect for the foreseeable future.

Staff also notes that the Applicant has submitted a method of informing the public without placing their health at risk and the project has not changed in the interim. Given the Applicant's plan, the supplemental steps proposed by Applicant, the Governor's stay at home recommendation, and the continued social distancing requirement, Staff does not object to the requested waiver.

Respectfully submitted,

**Jodi Bair**

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**On behalf of the Ohio Power Siting Board**

cc: Parties of Record:

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**Case No(s). 20-1084-EL-BGN**

Summary: Correspondence Regarding Motion of Waiver electronically filed by Mrs. Kimberly M Naeder on behalf of OPSB