

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Ross)	
County Solar, LLC for a Certificate of)	Case No. 20-1380-EL-BGN
Environmental Compatibility and Public)	
Need)	

MOTION FOR WAIVER AND REQUEST FOR EXPEDITED RULING

Pursuant to R.C. 4906.06(A)(6), Ohio Adm.Code 4906-3-01, and Ohio Adm.Code 4906-2-27(C), Ross County Solar, LLC (“Applicant”) moves the Ohio Power Siting Board (“the Board”) to grant, on an expedited basis, a waiver of Ohio Adm.Code 4906-3-03(B). This rule requires, in part, that an applicant conduct a public information meeting “in the area in which the project is located.” As discussed more thoroughly in the attached Memorandum in Support, a waiver of this rule requirement is justified based on the ongoing COVID-19 pandemic as well as the gathering and social distancing restrictions in effect in Ohio at the time of the filing of this Motion that are likely to continue to be in effect through the anticipated date of Applicant’s public information meeting, currently anticipated to be held in September, 2020.

In lieu of complying with the express language of Ohio Adm.Code 4906-3-03(B), Applicant is proposing a three-prong approach designed to provide the public with as much, or more, opportunity to learn about the proposed Project than would be required by rule. Significantly, Applicant’s proposal does not ask members of the public to leave their homes to learn about the Project. First, Applicant will host a web-based virtual public information meeting, which will offer attendees the opportunity to submit live questions to Applicant representatives. Second, for those individuals who are unable to attend or participate in the web-based virtual public information meeting, Applicant will offer a phone-based meeting coupled with paper copies of the material that will be presented at the web-based virtual public

information meeting. Finally, for any individuals who are either unable to attend these meetings, or have more specific questions about the Project, Applicant will provide Project information on request and make representatives available on a one-to-one basis to have a phone conference with any member of the public that would like to ask questions and learn more about the Project.

The public notice mailing and newspaper notice required by Ohio Adm.Code 4906-3-03(B)(1)-(2) will include not only the information required by rule, but also specific information about all three of the above options, and a map of the proposed Project area. The required public notice mailing will also include paper copies of the materials that will be presented at the web-based and phone-based meetings. These materials will also be available to any other members of the public upon request.

Notably, the Board granted a similar waiver request by an affiliate of the Applicant (Yellowbud Solar, LLC) in Case No. 20-0972-EL-BGN by Entry dated May 26, 2020. That meeting was successfully held on June 22, 2020 using the same process proposed by the Applicant.

WHEREFORE, for all of the reasons described more fully in the attached Memorandum in Support, Applicant respectfully requests that the Board grant a waiver in part from Ohio Adm.Code 4906-3-03(B). Applicant further requests, pursuant to Ohio Adm.Code 4906-2-27(C), that this waiver be granted on an expedited basis, to allow time for the publication and

mailing of the notices required by Ohio Adm.Code 4906-3-03(B)(1)-(2) in advance of the web-based and phone-based meetings currently anticipated to be held in September, 2020.

Respectfully submitted,

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MEMORANDUM IN SUPPORT

I. Introduction

Ross County Solar, LLC (“Applicant”) is proposing to construct an up to 120 MW solar powered electric generating facility in Ross County, Ohio (the “Project”). As part of the pre-application process, Applicant is required by rule (and not statute) to hold a public information meeting “in the area in which the project is located.” Ohio Adm.Code 4906-3-03(B). While a project’s public information meeting is traditionally held in person from 6 p.m. to 8 p.m. near a project area, Applicant is seeking a waiver from the rule requirement to hold the public meeting in the Project area due to the ongoing COVID-19 pandemic, and orders issued by the Ohio Department of Health (“ODH”). To protect the health and safety of members of the public, the Board’s Staff and Applicant’s representatives, a waiver of this rule requirement is justified. In lieu of an in-person meeting in the area in which the Project is located, Applicant has developed a plan for both a web-based and telephone-based meeting, as well as providing a way for members of the public to obtain the same Project information by calling or writing to Applicant which would then be followed by a one-on-one teleconference with that person.

Importantly, Applicant’s pre-application public information program is designed to provide the public with as much, or more, opportunity to learn about the proposed Project than the traditional project meeting (6 p.m. to 8 p.m. on one night), all without requiring any in-person meetings. Good cause exists to grant the waiver and Applicant asks that the waiver be granted on an expedited basis.

II. The Ongoing COVID-19 Pandemic Justifies a Waiver of the Rule Requirement to Host a Public Information Meeting in the Area in which the Project is Located

The COVID-19 pandemic has had wide-ranging effects on public life in the State of Ohio, especially as it relates to the gathering of large groups of people. The Board itself has cancelled both local public hearings and adjudicatory hearings for pending applications. *See In re The Ohio State University*, Case No. 19-1641-EL-BGN, Entry (Mar. 12, 2020); and *In re Firelands Wind, LLC*, Case No. 19-1073-EL-BTX, Entry (Mar. 11, 2020). The Board has also begun hosting its own monthly meetings through a web-based process.

The Board's recognition of the difficulty of hosting an in-person meeting during the pandemic supports a finding of good cause for this waiver. As acknowledged by the Board, on March 9, 2020, the governor signed Executive Order 2020-01D, declaring a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19. *In re Proper Procedures and Process for the Board's Operations and Proceedings During the Declared State of Emergency*, Case No. 20-0601-GE-UNC, ("Declared State of Emergency"), Entry (Mar. 17, 2020). The Board later adopted blanket waivers of certain rules regarding the filing of confidential documents, due to the ongoing COVID-19 pandemic. *Id.*, Entry at ¶9 (Apr. 16, 2020).

In addition to the Board's own proactive and responsible actions, orders and actions by ODH justify the waiver requested through this Motion. On March 12, 2020, ODH issued an order to prevent the spread of COVID-19 in the state of Ohio, urging all persons to maintain social distancing of approximately 6 feet from other people. Subsequently, on March 22, 2020, as amended on April 2, 2020, ODH issued a stay-at-home order directing that from March 23, 2020, until May 1, 2020, "all individuals currently living within the State of Ohio are ordered to stay at home or at their place of residence". Before the expiration of that order, on April 30,

2020, ODH issued an additional order that “Reopens Businesses, with Exceptions, and Continues a Stay Healthy and Safe at Home” (the “Stay Safe Ohio Order”) that was updated on May 29, 2020, and extended on June 30, 2020.

In addition, ODH issued an order on July 23, 2020, requiring facial coverings throughout the State of Ohio. That order as well as the Stay Safe Ohio Order remain in place until the Governor’s emergency order is cancelled or the order is further modified. The Stay Safe Ohio Order also generally prohibits gatherings of 10 or more people. There is no exception or exemption under the Stay Safe Ohio Order that would allow a public information meeting to proceed in a typical in-person “open house” style that has been followed for previous applications submitted to the Board.

Even after the current Stay Safe Ohio Order expires, it is likely that there will be a gradual return back to normal practices, and that mandated social distancing and prohibitions and cautions against holding large public gatherings will continue for some time. Moreover, hosting an in-person public information meeting in the area in which the Project will be located could represent a needless risk to members of the public who would attend a meeting to learn about the Project, the Board staff members, and the Applicant representatives required to travel to the Project area for the meeting. It would also present members of the public with a perceived requirement to go out in public to learn more about the Project. All of these issues can be mitigated by not hosting an in-person meeting.

Thus, in light of the ongoing COVID-19 pandemic as well as the Stay Safe Ohio Order, good cause exists to grant a waiver, in part, from Ohio Adm.Code 4906-3-03(B). As described below, Applicant has developed an alternative to hosting an in-person public meeting in the area

of the Project that will allow members of the public to learn about the Project from the comfort and safety of their own homes.

III. Applicant's Proposed Pre-application Public Information Program

Applicant's proposed pre-application public information program is summarized below. It is designed to provide the public with as much or more information and opportunities to learn about the Project than would be required by rule, all from their own homes and in compliance with the Stay Safe Ohio Order.

A. Public Notices

Applicant will timely publish the newspaper notice and send the mailing required by Ohio Adm.Code 4906-3-03(B)(1)-(2). A draft newspaper notice is attached hereto as Exhibit A and a draft mailing is attached as Exhibit B. These notices will include all information required by the rule, in addition to the following:

- A link to the Applicant website, <https://geronimoenergy.com/ross-county/>, hosted by the Applicant, that includes all information required at the public information meeting;
- Instructions for attending the web-based meeting, via GoToWebinar (<https://www.gotomeeting.com/webinar>);
- Instructions for an alternative phone-based meeting;
- Instructions for sharing written comments via mail and a web form;
- Instructions for requesting information about the Project, including paper copies of materials specific to the virtual meeting via telephone; and
- A map of the Project.

The mailing will also include a copy of the materials that will be presented at the web-based and phone-based meeting.

B. The Web-Based Meeting

Applicant plans to hold an interactive web-based meeting, currently anticipated to be held in September, 2020, to allow the public to learn about the Project and also ask questions of Applicant representatives.

- The meeting will utilize the GoToWebinar application, which is capable of hosting up to 1,000 participants and allows people to connect via the web application.
- GoToWebinar requires signup to participate prior to the meeting, and maintains a record of participants and of all written comments solicited during the meeting.
- For users who prefer not to register, another live stream option that does not require registration will also be available via the Project website prior to the start of the meeting.
- At the start and midway point of the meeting, users will be encouraged to submit questions via the Project website or via email if they desire in lieu of the GoToWebinar option.
- A recording of the presentation will be posted following the meeting to ensure another avenue for participation for those who wish to remain anonymous.
- During the web-based public information meeting, web participants would be able to view the presentation by Applicant representatives.
- At the beginning of the presentation, a moderator would explain the meeting format and the methods available to participants to submit questions to Applicant representatives.
- Depending upon the number of participants, for practical purposes, and to ensure a quality sound experience for participants, telephone and web access would be for listening only. The meeting platform would allow participants to listen and submit questions or comments through a chat function.
- Questions submitted would be read during question and answer periods at the halfway point of the meeting, and again at the end of the meeting. Comments and questions would be addressed on a first-come, first-serve basis, much like standing in line at an in-person meeting.
- Any questions and comments that cannot be addressed during the meeting will be answered directly to the participant after the meeting via telephone, email, or mail. All questions, and comments will be posted and answered in a frequently asked questions section of the Project website.
- Additionally, a recording of the presentation will be available for viewing on the Project's website.

C. The Phone-Based Meeting

A phone-based meeting will be held immediately following the web-based meeting, on the same date.

- The content presented in the phone-based meeting will be substantively identical to that in the web-based meeting.
- Prior to the phone-based meeting, paper presentation materials will be distributed to members of the public upon request.
- Paper presentation materials will also be provided to all those who receive a mailing sent as required by Ohio Adm.Code 4906-3-03(B)(2).
- Materials provided will include a paper copy of the presentation, Project maps, and also a pre-paid envelope or comment card to provide feedback regarding the Project.
- During the phone-based meeting, recipients will be told that written comments are requested (but not required) to be postmarked by three business days following the meeting.

D. Other Public Outreach Information

In addition to all of the information and opportunities that will be provided to the public described above, Applicant representatives will be available to discuss the Project with any member of the public. Applicant will ensure members of the public are aware of this opportunity through mailings to adjacent landowners, a newspaper notice and the Project website.

Importantly, for members of the public unable to access the internet, the newspaper notice will include:

- A map identifying the location of the Project area and general layout;
- A statement that members of the public can request a Project information packet free of charge by calling or writing to Applicant; and
- An offer by Applicant to speak one-on-one with any member of the public about the Project information packet or any other questions about the Project.

These additions to the newspaper notice contents will ensure that all members of the public, regardless of internet access, have the opportunity to learn about the Project and have the opportunity to meet with Applicant to ask questions and discuss the Project.

Applicant will also maintain an online presence at <https://geronimoenergy.com/ross-county/>. Information available online will include:

- A description of the Project;
- A registration link for attending the virtual public information meeting;
- An interactive map of the Project, including the Project area, facility layout, aerial imagery, and affected and contiguous parcels; the interactive map would allow users to zoom in to a parcel-level scale to see where the Project is located in relation to their property, and to find their address using a search tool;
- A downloadable PDF map of the Project, showing the same geographic data included in the interactive map, at no greater than 1:12,000 scale;
- A web form for submitting written comments;
- A phone number for requesting additional information, including paper copies of virtual meeting materials; and
- A recorded copy of the web-based public information meeting following the meeting.

All of the above steps, including the landowner mailings, will ensure members of the public have the opportunity to request information about the Project and to meet with Applicant representatives (through the webinar, through the group phone conference or in a one-on-one phone call) to discuss the Project. And most importantly, members of the public can do so without having to leave their homes.

IV. Conclusion

The ongoing COVID-19 pandemic and Stay Safe Ohio Order have required changes to the Board's ordinary meeting procedures. Thus, good cause exists to allow for the waiver of the in-area meeting requirement for an applicant's public information meeting in Ohio Adm.Code 4906-3-03(B). In addition, the public information program described by Applicant provides as much, or more, opportunities for public engagement and information than exist under applicable rules. As good cause exists for granting the waiver and given the grant of other similar waivers,¹ Applicant respectfully requests that the Board grant a waiver in part from Ohio Adm.Code 4906-

¹ See e.g. *In re Yellowbud Solar, LLC*, Case No. 20-0972-EL-BGN, Entry (May 26, 2020).

3-03(B), and that the waiver be granted on an expedited basis to allow the publication and mailing of public notices in advance of the planned September, 2020 meeting date.

Respectfully submitted,

/s/ Michael J. Settineri

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Notice of Public Information Meeting for Proposed Major Utility Facility

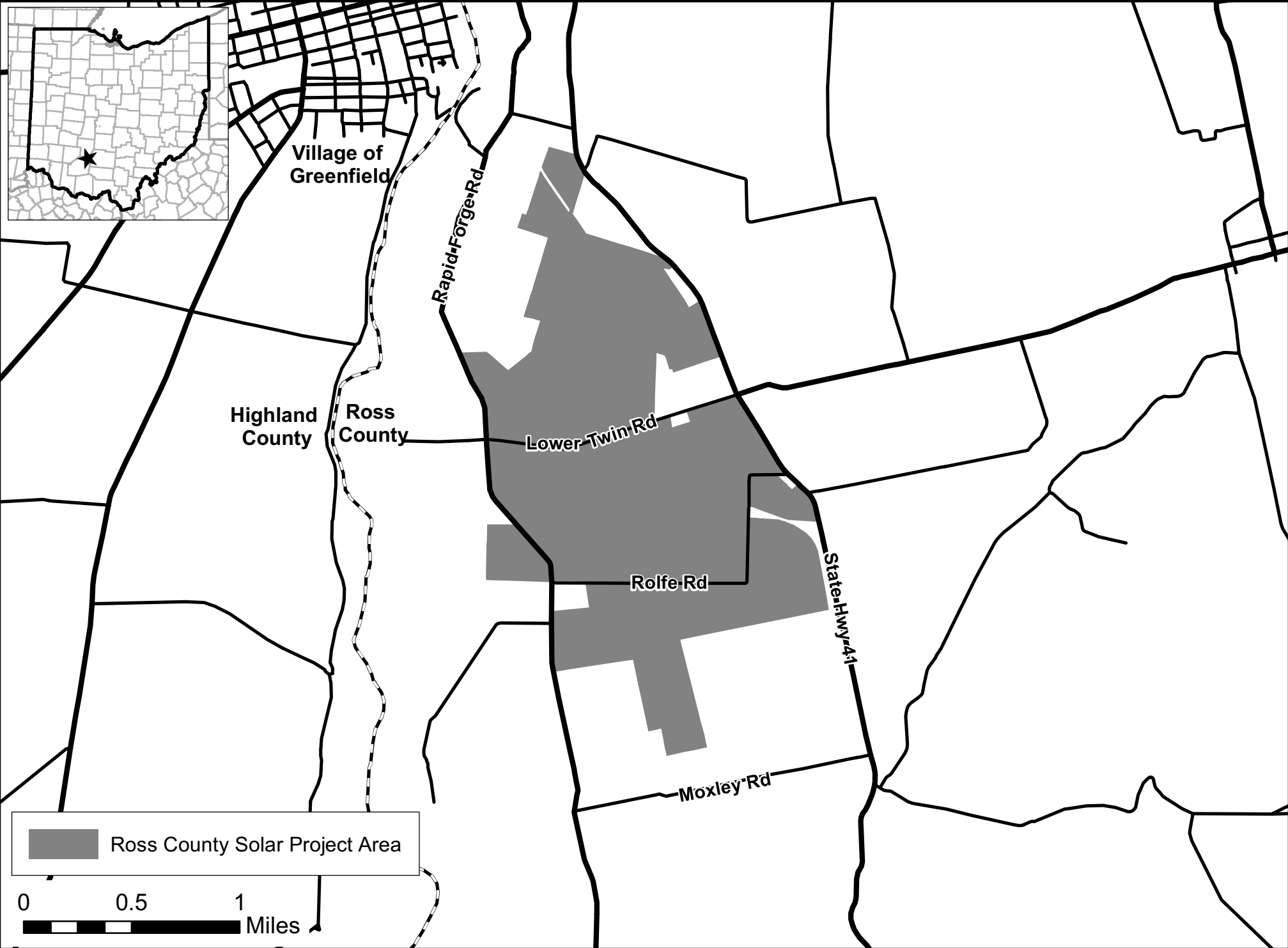
Ross County Solar, LLC, a subsidiary of Geronimo Energy, LLC, a National Grid Company, has scheduled a Public Information Meeting for **<Date>** to outline plans to build the Ross County Solar Project (the “Project”). The proposed Project is located in Ross County, Ohio and will have a maximum total project generating capacity of up to 120 megawatts. The general purpose of the Project is to maximize energy production from solar resources to deliver clean, renewable electricity to the regional transmission system to serve the needs of electric utilities and their customers. Ross County Solar anticipates filing its application with the Ohio Power Siting Board in September of 2020. Construction is estimated to begin as early as 4th quarter of 2021, with commercial operations in 2022.

Due to the ongoing public health crisis, the public information meeting will be held remotely on **<Date>**, beginning at 6:00 pm. An alternative phone-based meeting option is also available (details below). A link to participate in the online session or alternatively view the session without registration is available via the Project website at <https://geronimoenergy.com/ross-county/>. A video recording of the presentation will be posted to the website following the meeting. Comments will be solicited live during the meeting and can also be submitted following the meeting.

If you do not have access to internet, and would like to learn more about the Project, an alternative call-in based meeting will be held on **<Date>** at 8:00 PM. At the time of the phone-based meeting, please call **(XXX) XXX-XXXX** and enter Access Code **XXX-XXX-XXX#**.

If you have questions, would like to obtain paper copies of presentation materials, or to comment via mail, please call Ross County Solar at 937-519-2007.

ROSS COUNTY SOLAR, LLC





September XX, 2020

Re: Join us for an Online Ross County Solar Project Public Information Meeting

Dear «Name_Line_Letter»,

We hope this letter finds you and your family healthy and well. We are contacting you as adjacent landowner or tenant to invite you to a Public Information Meeting for the Ross County Solar Project. The Ross County Solar Project Public Information Meeting will replace the traditional in-person Public Information Meeting for this Project due to the COVID-19 pandemic. The health and safety of community members near our projects is very important to us, as is the dissemination of information regarding our planned local solar energy development. For these reasons, we invite you and your neighbors to attend the online session, a phone session, or contact us directly with questions or for additional information (details below).

About the Project

The Ross County Solar Project is a proposed up to 120 megawatt (MW) solar energy project under development east of the Village of Greenfield in Ross County. The Project will maximize energy production from solar resources to deliver clean, renewable electricity to the regional transmission system to serve the needs of electric utilities and their customers. Ross County Solar, LLC, is a subsidiary of Geronimo Energy, a National Grid Company. Geronimo Energy has successfully developed renewable energy projects throughout North America - and we look forward to presenting this project to you and other community stakeholders.

Public Information Meeting Logistics

We are planning an approximately one-hour-long online session for the Ross County Solar Project Public Information Meeting on <Date> at 6:00 PM EDT.

- ✓ The Public Information Meeting will be structured as a presentation about solar energy, Geronimo Energy, the Ross County Solar Project, and the Ohio Power Siting Board permitting process.
- ✓ Speakers include Geronimo Energy experts, as well as outside consultants.
- ✓ Throughout the session, we will be answering written questions from attendees.
- ✓ Following the session, Geronimo Energy will post a compilation of the information session's Q&A, as well as a recording of the information session on the project's webpage at <https://geronimoenergy.com/ross-county/>.

How to Register for the Public Information Meeting

Geronimo Energy is utilizing the GoToWebinar platform to host this Public Information Meeting. We highly recommend registration to maximize your experience. If you would not like to register, a separate link will be provided on our website to view the meeting via a live stream option.

1. Prior to the Event Date

Please navigate to the project's webpage, <https://geronimoenergy.com/ross-county/>, where there is a link to register for the event.

2. After You Register

Upon completing the online registration form, you will be sent a confirmation email with a link for the live event. Save this email and mark your calendar so you have this information on the evening of the session.

(See Page 2 for Additional Details)



3. On the Date of the Meeting

Open the confirmation email you received from GoToWebinar and click on the link provided. You will be directed to the online event webpage. If you miss the meeting, a video recording will also be available via the Project website.

Using GoToWebinar

We encourage you to learn how to use GoToWebinar by visiting this website: <https://support.goto.com/webinar/how-to-join-attendees>.

Alternative Phone Based Meeting

An alternative phone-based meeting will be held on <DATE> at 8:00 PM EDT. At the time of the phone-based meeting, please call (XXX) XXX-XXXX and enter Access Code XXX-XXX-XXX#. Paper copies of presentation materials have been included along with this letter for your convenience.

Ohio Power Siting Board Process

Under Ohio Law, electric generating facilities capable of producing 50 MW or more must apply for a Certificate of Environmental Compatibility and Public Need from the Ohio Power Siting Board (OPSB). The OPSB provides for a single unified process by which facilities can obtain a certificate to operate. Generally speaking, the OPSB process includes a public information meeting, submittal of certificate application, 60-day staff completeness review, application acceptance, OPSB staff review and recommendation, public hearing, adjudicatory hearing, and certificate issuance/denial. There are various avenues for public participation throughout the permitting process. This includes commenting on the docket, attending public hearings, and more. You are also welcome to contact the OPSB directly for more information, and opportunities to stay informed regarding the process are listed to the right.

Should you require GoToWebinar technical assistance at any time:

- ✓ Visit the support webpage: <https://support.goto.com/webinar?labelid=4a17cd95>
- ✓ Chat Support: <https://support.goto.com/ADDYOURUNIQUEWEBINAR#HERE>
- ✓ Toll Free Phone: +1(833) 851-8340

OPSB Contact Information

Ohio Power Siting Board
180 E Broad St
Columbus, OH 43215
Phone: (866) 270-6772
opsb.ohio.gov
info@opsb.gov

Looking to stay informed regarding the OPSB process?

- ✓ You will receive additional notification regarding the process, including public hearings.
- ✓ Follow the online case docket: <<https://XXXX>>
- ✓ Subscribe to OPSB meeting notices: <https://public.govdelivery.com/accounts/OHPUC/subscriber/new>

We look forward to introducing the Ross County Solar Project to you and your community. We have pre-supplied meeting materials and a pre-paid envelope to comment on the Project for your convenience. Should you have any additional questions or wish to speak to a member of our staff, please contact us at rosscountysolar@geronimoenergy.com or at 937-519-2007. You can also mail us at the address listed at the bottom of the page.

Sincerely,

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Case No(s). 20-1380-EL-BGN

Summary: Motion for Waiver and Request for Expedited Ruling electronically filed by Mr. Michael J. Settineri on behalf of Ross County Solar, LLC