



August 14, 2020

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Ohio Power Siting)
Board's Consideration of Ohio Admin. Code) Case No: 19-778-GE-BRO
Chapter 4906-4.)

**MID-ATLANTIC RENEWABLE ENERGY COALITION
WORKSHOP COMMENTS
AUGUST 14, 2020**

Good morning. My name is Bruce Burcat, and I appreciate the opportunity to offer comments today on behalf of the Mid-Atlantic Renewable Energy Coalition. MAREC is a nonprofit trade association of renewable energy developers (including wind), wind turbine manufacturers, and nonprofit organizations committed to promoting the use of renewable energy. MAREC's mission is to improve and enhance the opportunities for renewable energy in numerous jurisdictions in and around the Mid-Atlantic, including Ohio, in order to improve the environment, diversify electric generation portfolios, and boost economic development throughout the region.

MAREC thanks the Ohio Power Siting Board for the opportunity to provide additional input on these proposed rules as revised. We have participated in the review of Rule 4906-4-10

since this proceeding began in March 2019. Throughout, MAREC has articulated a consistent position that any changes to the Board's approach to incident reporting and response for wind farms should provide the clarity and certainty that any business needs to effectively operate in today's economy. We greatly appreciate the active engagement of the Board's staff in that ongoing conversation, and their hard work in coming forward with this modified proposal.

While MAREC continues to believe that this new rule only applies prospectively, we understand that the Board's August 7 entry limits the scope of this workshop to discussion of the new revisions to these incident reporting and response requirements, as is not meant to reopen question of which resources are subject to those requirements. We therefore limit our input today to suggestions regarding how to incorporate common-sense business considerations into this rule while still accounting for the Board's safety goals.

MAREC's comments focus on two elements of the modified rule proposal:

(1) Subsection (D)(3): Requirement for verification by a licensed professional engineer that it is safe to restart damaged property after a final written report has been submitted; and

(2) Subsection (D)(4): Wind farm operator's obligation to wait seven days after submission of the final incident report before restart.

In both cases, MAREC believes some relatively minor modifications could make these elements of the proposed rule more workable while preserving their overall intent and effectiveness.

MAREC recommends the Board expand subsection (D)(3) to also allow for verification by a "qualified representative of the equipment manufacturer" in addition to a licensed professional engineer, essentially permitting an either/or option. Currently, it is not common for wind farm operators to call on professional engineers to pronounce on safe operation of facility

equipment, but equipment manufacturers do weigh in on safety considerations based on their relevant experience, expertise, and familiarity with the equipment. Allowing wind farm operators to continue the latter approach as a means for complying with the proposed rule could avoid unnecessary costs and red tape, while still offering the Board the reassurance of expert, third-party input on safety considerations in the wake of a reportable incident. If the equipment manufacturer personnel were not in the position to offer the relevant expertise, a professional engineer could still be employed to address safety concerns, but MAREC urges the Board to offer wind facility operators the flexibility to use the right person for the job. Indeed, most professional engineers are unlikely to have the experience to opine on the safety of a wind turbine and could be deterred from doing so by the prospect of liability.

Second, MAREC proposes that subsection (D)(4) be changed to allow restart of damaged property within three business days, rather than seven calendar days, after docketing of the final written incident report and safety verification. This timeframe mirrors the proposed addition to subsection (D)(1) and ensures that a wind farm operator will be able to timely resume operation where an incident that triggers the rule turns out to be easily addressed without ongoing safety issues. Ensuring a pathway to an expeditious restart is essential.

Allowing three business days for the Board to consider the final written report would still provide a reasonable amount of time for review and identification of any outstanding problems, especially since Staff will already have information regarding the incident based on the site inspection and any interim written reports. Moreover, the Board retains the option to delay restart for good cause if there were outstanding concerns that still needed addressed.

MAREC believes these two minor adjustments would result in a rule that is more workable, while maintaining sensible safety protections. We appreciate the Board's

consideration of our proposal and we thank you for the opportunity to speak today and look forward to providing further feedback in the interests of moving toward a workable and effective rule.

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Summary: Comments August 14, 2020 Workshop Comments - Bruce Burcat electronically filed by Heather A Chilcote on behalf of The Ohio Power Siting Board