

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of **Powell Creek**)
Solar, LLC for a Certificate of Environmental)
Compatibility and Public Need for a Solar) Case No. 20-1084-EL-BGN
Facility Located in Putnam County, Ohio.)

MOTION FOR WAIVER

Powell Creek Solar, LLC (“Powell Creek” or “Applicant”) will be filing an application to the Ohio Power Siting Board (“OPSB” or “Board”) to construct and operate a 150 megawatt solar facility in Putnam County. Through this motion, Powell Creek seeks a waiver from two rule requirements related to the application: 1) Ohio Administrative Code (“O.A.C.”) Rule 4906-4-08(D)(2)-(4), which requires a ten-mile study area with respect to the impact on landmarks and cultural resources; and 2) O.A.C. Rule 4906-4-08(A)(1)(c), which requires the submission of manufacturers’ safety manuals or similar documents and any manufacturer recommended setbacks.. Powell Creek submits that good cause exists for granting these two waivers, as set forth in the accompanying Memorandum in Support.

WHEREFORE, Powell Creek Solar, LLC respectfully requests that the Board grant waivers from Rule 4906-4-08(D)(2)-(4) and Rule 4906-4-08(A)(1)(c) of the Ohio Administrative Code.

Respectfully submitted on behalf of
POWELL CREEK PROJECT, LLC



Dylan F. Borchers

Devin D. Parram

Kara H. Herrnstein

BRICKER & ECKLER LLP

100 South Third Street

Columbus, OH 43215-4291

Telephone: (614) 227-2300

Facsimile: (614) 227-2390

E-mail: dborchers@bricker.com

dparram@bricker.com

kherrnstein@bricker.com

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MEMORANDUM IN SUPPORT

I. INTRODUCTION

Powell Creek is proposing to construct a 150 MW solar powered electric generating facility in Putnam County, Ohio (the “Project”). In support of its application to construct the Project, Powell Creek respectfully requests the following waivers from two Board rules. The first request is a waiver from O.A.C. Rule 4906-4-08(D)(2)-(4) with respect to evaluation of impacts to landmarks, identification of and evaluation of impacts to landmarks, recreation and scenic areas, and visual impacts outside of five miles of the Project. The second request is a waiver from O.A.C. Rule 4906-4-08(A)(1)(c), which requires the submission of manufacturers’ safety manuals or similar documents and any manufacturer recommended setbacks.

As more fully explained below, good cause exists to grant the waivers. Moreover, Powell Creek’s application will provide all information necessary for the Board and its Staff to conduct a review and make the determinations required by Ohio Revised Code Section (“R.C.”) 4906.10.

II. WAIVER REQUEST

A. O.A.C. Rule 4906-4-08(D)(2)-(4), to allow for a reduction of the study area regarding impacts on landmarks, recreation and scenic areas, and the visual impact of the Project.

Powell Creek requests a waiver from the ten-mile study areas requested in O.A.C. Rule 4906-4-08(D). Rule 4906-4-08(D)(2) requires an 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 to describe plans to avoid or mitigate any adverse impact. Rule 4906-4-08(D)(3) requires an applicant to describe and evaluate impacts to the identified recreation and scenic areas within ten miles of the project area. And Rule 4906-4-08(D)(4) requires applicant to evaluate the visual impact of the proposed facility within a ten-mile radius from the project area.

A waiver to allow a reduction in the area of analysis better aligns with the characteristics of the Project. Powell Creek 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. 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 Visual Resource Assessment (Exhibit V) 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 the immediate project area, though the effects on landmarks outside of the immediate project area were studied and considered within a five-mile radius of the Project.

For these reasons, good cause exists for granting a waiver from O.A.C. Rule 4906-4-08(D)(2)-(4). Therefore, Powell Creek respectfully requests a waiver from O.A.C. 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. *In re Alamo Solar I, LLC*, Case No. 18-1578-EL-BGN, Entry dated April 3, 2019.

B. O.A.C. Rule 4906-4-08(A)(1)(c), requiring the submission of manufacturers' safety manuals or similar documents and any manufacturer recommended setbacks.

O.A.C. Rule 4906-4-08(A)(1)(c) 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. Powell Creek 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, Powell Creek 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. Powell Creek also will identify specific setbacks recommended by the manufacturer (if any) once the manufacturer and specific panel model have been selected.

Accordingly, for good cause shown, Powell Creek respectfully requests that the Board grant a waiver from Rule 4906-4-08(A)(1)(c) and allow Powell Creek 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. This request is consistent with an identical waiver request that was recently granted. *In the Matter of the Application of Hillcrest Solar I, LLC for a Certificate of Environmental Compatibility and Public Need*, Case No. 17-1152-EL-BGN, Entry dated August 3, 2017.

IV. CONCLUSION

For good cause, Powell Creek respectfully requests that the Board or Administrative Law Judge grant waivers in part or in whole as to O.A.C. Rules 4906-4-08(D)(2)-(4) and 4906-4-08(A)(1)(c).

Respectfully submitted on behalf of
POWELL CREEK SOLAR, LLC



Dylan F. Borchers
Devin D. Parram
Kara H. Herrnstein
BRICKER & ECKLER LLP
100 South Third Street
Columbus, OH 43215-4291
Telephone: (614) 227-2300
Facsimile: (614) 227-2390
E-mail: dborchers@bricker.com
dparram@bricker.com
kherrnstein@bricker.com

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Summary: Motion for Waiver of Powell Creek Solar, LLC and Memorandum in Support electronically filed by Teresa Orahod on behalf of Dylan F. Borchers