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October 26, 2020

The Honorable Jeffrey Jones
Administrative Law Judge
Ohio Power Siting Board
180 East Broad Street, 12th Floor
Columbus, OH 43215-3793

Re: Motion for Waiver,
Case No. 20-1605-EL-BGN

Dear Honorable Jeffrey Jones:

On October 16, 2020, Birch Solar, LLC (Applicant), filed a motion for waiver of Ohio Administrative Code (Ohio Adm.Code) 4906-3-03(B), in which it requested that the Ohio Power Siting Board authorize the Applicant to hold virtual public information meetings (PIMs) and provide notice of such, as described in its motion and memorandum in support. In its motion and memorandum in support, Applicant avers that its request is for good cause given the continued state of emergency and the need for social distancing to protect the public.

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 COVID-19 pandemic and the radically changed environment resulting from the response warrant an acknowledgment of the importance of social distancing. Staff also recognizes that, as of the filing of Applicant's motion, Ohio's Stay Home Order has been somewhat lifted and the governor has implemented protocols aimed at responsibly restarting Ohio's economy during the ongoing COVID-19 pandemic. These protocols include wearing facemasks and limiting the capacity of gatherings to meet social distancing guidelines of 6 feet, with special care given to protect individuals with high-risk conditions. It is anticipated that, while there will be a gradual return back to normal practices, the necessity for social distancing and the caution against holding large public gatherings will continue for the foreseeable future.

This being the case, Staff does not object to the requested waiver.

Respectfully submitted,

Kyle L. Kern

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

cc: Parties of Record:

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