

BEFORE THE OHIO POWER SITING BOARD

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

MOTION FOR WAIVER

Pursuant to Ohio Adm.Code 4906-3-01(B), Ross County Solar, LLC (“Ross County Solar”) moves the Ohio Power Siting Board (the “Board”) to grant a waiver in part from Chapter 4906-4 of the Ohio Administrative Code. Ross County Solar will be filing an application to construct the Ross County Solar electric generation facility (the “Project”), a new solar-powered generation facility to be located in Buckskin and Paint Townships in Ross County, Ohio. Although the application is being filed in accordance with Chapter 4906-4 of the Ohio Administrative Code, Ross County Solar seeks a waiver from Ohio Adm.Code 4906-4-08(D)(2)-(4) to allow for a reduced study area regarding the Project’s impact on landmarks and recreation and scenic areas, as well as the visual impact of the Project. A memorandum in support of the requested waiver is attached hereto.

WHEREFORE, Ross County Solar respectfully requests that the Board grant a waiver from Ohio Adm.Code 4906-4-08(D)(2)-(4).

Respectfully submitted,

/s/ Michael J. Settineri
Michael J. Settineri (0073369) Counsel of Record
Anna Sanyal (0089269)
Mark A. Hylton (0088384)
VORYS, SATER, SEYMOUR AND PEASE LLP
52 East Gay Street
Columbus, Ohio 43215
(614) 464-5462
mjsettineri@vorys.com
aasanyal@vorys.com
mahylton@vorys.com

Attorneys for Ross County Solar, LLC

MEMORANDUM IN SUPPORT

I. INTRODUCTION

Ross County Solar, LLC (“Ross County Solar”) is proposing to construct an up to 120 megawatt solar-powered electric generation facility in Ross County, Ohio (the “Project”). In support of its application to construct the Project, Ross County Solar is seeking a waiver from Ohio Adm.Code 4906-4-08(D)(2)-(4) with respect to the evaluation of the impacts to landmarks (4906-4-08(D)(2)), description of and evaluation of the impacts to recreation and scenic areas (4906-4-08(D)(3)), and evaluation of visual impacts (4906-4-08(D)(4)) within a ten-mile radius of the Project. As more fully explained below, good cause exists to grant the waiver given the nature of the facility (solar). Importantly, Ross County Solar’s application will provide all information necessary for the Ohio Power Siting Board (the “Board”) and its Staff to conduct a review and make the determinations required by R.C. 4906.10.

II. REQUESTED WAIVER

Ohio Adm.Code 4906-4-08(D)(2)-(4) (Study Area Regarding the Facility’s Impact on Landmarks and Recreation and Scenic Areas and Visual Impact of the Facility)

Three sections of Ohio Adm.Code 4906-4-08(D) require an applicant for any type of generation facility to provide certain evaluations of the impact of the proposed facility within ten miles of the project area. First, Ohio Adm.Code 4906-4-08(D)(2) requires the 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 describe plans to avoid or mitigate any adverse impact. Second, Ohio Adm.Code 4906-4-08(D)(3) requires the applicant to describe and provide an evaluation of the impact of the proposed facility on recreation and scenic areas within a ten-mile radius of the project area, as well as describe plans to mitigate any

adverse impact. Third, Ohio Adm.Code 4906-4-08(D)(4) requires the applicant to evaluate the visual impact of the proposed facility within a ten-mile radius from the project area.

Ross County Solar submits that good cause exists for granting a waiver from those rules to allow for the focused study area of two miles for cultural resources and review of landmarks and effects in that area, five miles for review of recreation and scenic areas and effects in that area, and five miles for the effects on general visual impacts. Given the nature of the technology (solar panels), impacts are not anticipated to landmarks and recreation and scenic areas both within and beyond the study area, or to visual resources generally. Specifically 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 and well under the five-mile visual impact study area (see Exhibit T to the Application, Section 1 of the Phase I History Architecture Reconnaissance Survey, Area of Potential Effect).

Accordingly, based on the foregoing, Ross County Solar submits that good cause exists for a waiver from Rule 4906-4-08(D)(2)-(4) to allow for the focused study area rather than a ten-mile study area. Notably, the Board has granted similar waivers to other solar projects in the past. *See In re Willowbrook Solar I, LLC*, Case No. 18-1024-EL-BGN, Entry (Oct. 4, 2018); *In re Angelina Solar I, LLC*, Case No. 18-1579-EL-BGN, Entry (Jan. 17, 2019); and *In re Yellowbud Solar, LLC*, Case No. 20-0972-EL-BGN, Entry (July 9, 2020).

III. CONCLUSION

As good cause exists for granting the waiver, Ross County Solar respectfully requests

that the Board grant a waiver from Ohio Adm.Code 4906-4-08(D)(2)-(4) to allow for the use of a more focused study area rather than a ten-mile study area.

Respectfully submitted,
/s/ Michael J. Settineri
Michael J. Settineri (0073369) Counsel of Record
Anna Sanyal (0089269)
Mark A. Hylton (0088384)
VORYS, SATER, SEYMOUR AND PEASE LLP
52 East Gay Street
P.O. Box 1008
Columbus, Ohio 43215-1008
(614) 464-5462
(614) 719-5146 (fax)
mjsettineri@vorys.com
aasanyal@vorys.com
mahytlon@vorys.com
Attorneys for Ross County Solar, LLC

CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being sent via electronic mail on October 30, 2020 to:

/s/ Michael J. Settineri

Michael J. Settineri

Thomas G. Lindgren

thomas.lindgren@ohioattorneygeneral.gov

*Counsel for Staff of the Ohio Power Siting
Board*

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

10/30/2020 2:14:29 PM

in

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

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