



Power Siting Board

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November 9, 2020

The Honorable Greta See
The Honorable David Hicks
Ohio Power Siting Board
180 East Broad Street, 12th Floor
Columbus, OH 43215-3793

Re: Motion for Waiver,
Case No. 20-0417-EL-BGN

Dear Judges See and Hicks:

On November 2, 2020, Grover Hill Wind, LLC (Applicant), filed a motion for waiver of Ohio Administrative Code (Ohio Adm.Code) 4906-3-03(B), in which it requested the Ohio Power Siting Board (Board) authorize the Applicant to comply with Ohio Adm.Code 4906-3-03(B) using an alternative approach. Applicant proposed that it will host both a live web-based and a live teleconference question and answer virtual public information meeting (PIM) on December 3, 2020. It previously held two such meetings on August 11 and 12, 2020. It is requesting an additional PIM as it is still in the process of finalizing its application and will not be ready to file the application within the 90-day time frame required by O.A.C. Rule 4906-3-03(B).

As a general matter, in accordance with the Governor's directives for the State of Ohio, and in light of recent record-breaking COVID-19 case numbers, and the novel circumstances facing the state and nation, staff of the Board (Staff) not only does not object to the requested waiver, but also encourages the use of a virtual PIM exclusively to satisfy the PIM requirements of Ohio Adm.Code 4906-3-03(B).¹

As before, the public would be able to submit comments and questions in advance, and the Applicant would afterward respond to any questions not addressed at the public information meeting. Applicant would again make a presentation document available on its website, and a

¹ See e.g. Governor DeWine's October 29, 2020 announcement that Ohio had hit a record number of cases reported in a single 24-hour period, a situation which continued to escalate in record case numbers in following days. "The virus is raging throughout the state, and there is no place to hide," said Governor DeWine. "We must face this virus head-on with the tools that we know can beat this virus back: masks, social distancing, washing hands frequently, and good ventilation when inside."¹ Governor DeWine further stated: "The decisions Ohioans make each day will determine the outcome of this battle. We must mask more, keep distance more, and simply be more careful."

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hard copy upon request. In its motion, Applicant averred that its request is for good cause given the ongoing state of emergency, as the alternative approach will allow members of the public to learn about the project while staying home.

Staff 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 COVID-19. Since that time, multiple applicants have filed for waivers of Ohio Adm.Code 4906-3-03(B) such that each project may conduct solely virtual PIMs, and in each case, Staff has responded that it does not object to the requested waiver.¹ Throughout each waiver response, Staff has recognized the unique nature of the COVID-19 pandemic, and the radically changed environment that has resulted from the response warrants an acknowledgment of the importance of social distancing. Although additional executive orders have been issued, staying at home, as opposed to congregating in groups, is still strongly recommended and social distancing is advised for the foreseeable future.

In fact, the Board and Public Utilities Commission of Ohio (among other judicial, legislative, and regulatory tribunals) have been conducting meetings, hearings, and other business exclusively from home and it is anticipated that the necessity for social distancing and the caution against holding large public gatherings will continue for the foreseeable future. Additionally, the overall success that applicants have faced in conducting virtual PIMs has encouraged Staff to transition from its prior response that it “does not object to the requested waiver” to *encouraging* applicants to conduct their PIMs virtually.

Each of the above factors being the case, Staff not only reiterates that it does not object to the requested waiver, but also encourages the use of a virtual PIM exclusively to satisfy the PIM requirements of Ohio Adm.Code 4906-3-03(B). Neither does Staff object to the granting of the requested waiver on an expedited basis.

Respectfully submitted,



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

cc: Parties of Record

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