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November 30, 2020

Via Electronic Filing

Ms. Tanowa Troupe
Administration/Docketing
Ohio Power Siting Board
180 East Broad Street, 11th Floor
Columbus, Ohio 43215-3793

Re: Powell Creek Solar, LLC, OPSB Case No. 20-1084-EL-BGN

Dear Ms. Troupe:

Attached for filing in the above referenced case is a copy of Powell Creek Solar, LLC's response to the Ohio Power Siting Board Staff's Data Request.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Dylan F. Borchers

Attachment

**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.)

**POWELL CREEK SOLAR, LLC'S NOVEMBER 30, 2020 RESPONSES TO
STAFF'S DATA REQUESTS**

1. *Page 34 of the Application states the following: “No later than the beginning of the tenth year of each lease’s term, the Applicant will deliver to the property owner a payment bond or a letter of credit issued by a credit worthy bonding company or financial institution, as applicable, in an amount equal to one hundred ten percent (110%) of the Reclamation Estimate, less any other financial assurance that the Applicant has provided to any government agency for restoration of the property covered by the lease.” Staff would recommend that the decommissioning funds in this scenario be posted in the form of a performance bond where the company is the Principal, the insurance company is the Surety, and the Ohio Power Siting Board is the Obligee. Please indicate the Applicant’s understanding and commitment to provide this to Staff and indicate when this would be provided.*

RESPONSE: At this time, Powell Creek will commit to posting a performance bond or similar third-party financial assurance instrument in the amount of the net decommissioning cost, to be in place prior to the start of construction.

2. *As mentioned on page 34 of the Application, please explain what is meant by “the Applicant has provided to any government agency for restoration of the property covered by the lease.”*

RESPONSE: Powell Creek’s landowner leases contain a commitment of posting financial assurance to cover decommissioning and reclamation, conditioned on the lack of such decommissioning requirements from a governmental agency. As part of its OPSB application, Powell Creek has committed to a Decommissioning Plan, as well as third party financial assurance to cover these costs. For this reason, the reference to the decommissioning and financial assurance commitments in the landowner leases may be stricken from the Application.

3. *Page 34 of the Application states the following: “Specifically, six months prior to the beginning of the tenth year of each lease’s term, the Applicant will retain an independent demolition contractor with solar experience to provide a good faith estimate of the total cost to decommission the Facility including restoring any changes made to the property (the Reclamation Estimate).“ Staff would recommend that the Applicant retain an independent, registered professional engineer, licensed to practice engineering in the state of Ohio to estimate the total cost of decommissioning facility. Please indicate the Applicant’s understanding and commitment to provide this to Staff and indicate when this would be provided.*

RESPONSE: Powell Creek commits to retaining an independent, registered professional engineer, licensed to practice engineering in the state of Ohio. An updated decommissioning plan and cost estimate will be provided to Staff prior to construction.

4. *Please be aware that the OEPA has published Guidance on Post-Construction Storm Water Controls for Solar Panel Arrays. It is expected, unless otherwise agreed to, that the Applicant will commit to apply this guidance to project construction and operation. <https://epa.ohio.gov/Portals/35/storm/Guidance%20on%20Post-Construction%20Storm%20Water%20Controls%20for%20Solar%20Panel%20Arrays.pdf?ver=2019-10-22-122431-753>. Please confirm the Applicant’s understanding of this guidance.*

RESPONSE: Powell Creek understands this guidance and commits to applying it to project construction and operation.

5. *Please include any met tower locations for this project in the Applicant’s GIS files submitted to staff.*

RESPONSE: There are not any free standing met towers proposed for this project. As described in the Certificate Application (Section 4906-4-03(B)(2)(h)), there will be between 15 and 30 pyranometers for the project, which will be mounted to the PV racking systems and will be approximately 6 inches in diameter and 3 feet tall. Final locations have not been determined, so shapefiles are not available.

6. *Please provide a thorough update of the Applicant’s cultural resources survey work to date, and communication with the Ohio Historic Preservation Office (OHPO), and coordination efforts with OHPO going forward.*

RESPONSE: The Historic Resources Survey was completed and submitted to OHPO on September 3, 2020. A Determination of No Effect was received from OHPO on October 3, 2020. That letter was submitted to the Ohio Power Siting Board (OPSB) on October 23, 2020. The archaeological survey was completed on November 5, 2020 in accordance with the work plan approved by OHPO on July 23, 2020. The Phase IB report summarizing the findings of the archaeological survey is currently being drafted. It is anticipated that this

will be submitted to OHPO/OSPB in December 2020. Powell Creek Solar, LLC intends to enter into a programmatic agreement with OHPO and had a discussion with OHPO on November 10, 2020. The Applicant will continue to work with OHPO to finalize the programmatic agreement and will keep OPSB Staff copied in on all correspondence, so as to keep OPSB Staff aware of any future updates.

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 20-1084-EL-BGN

Summary: Response of Powell Creek Solar, LLC to OPSB Staff's Data Request electronically filed by Teresa Orahoud on behalf of Dylan F. Borchers