

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Cadence Solar)
Energy LLC for a Certificate of Environmental)
Compatibility and Public Need to Construct a Solar-) Case No: 20-1677-EL-BGN
Powered Electric Generation Facility in Union)
County, Ohio.)

**MOTION FOR WAIVER
AND MEMORANDUM IN SUPPORT**

Pursuant to Rule 4906-4-01(B) of the Ohio Administrative Code (“O.A.C.”), Cadence Solar Energy LLC (“Applicant”) respectfully moves the Ohio Power Siting Board (“Board”) for a waiver from a part of O.A.C. Chapter 4906-4. This same day the Applicant is filing an application with the Board to construct a solar-powered electric generation facility in Union County, Ohio. Although the application is being filed in accordance with O.A.C. Chapter 4906-4, the Applicant seeks a waiver from O.A.C. Rules 4906-4-08(D)(2) through (3) to allow for a reduced study area regarding the review of cultural resources and landmarks. An explanation of the reasons supporting this motion is detailed in the attached Memorandum in Support.

Accordingly, the Applicant respectfully moves that the Board grant a waiver from O.A.C. Rules 4906-4-08(D)(2) through (3).

Respectfully submitted,

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**MEMORANDUM IN SUPPORT OF
MOTION FOR WAIVER**

I. INTRODUCTION

The Applicant is proposing to construct a solar-powered electric generation Facility of up to 275 megawatts located in York, Liberty, and Taylor Townships, in Union County, Ohio. On February 1, 2021, the Applicant filed its application with the Board. The application provides all information necessary for the Board and its Staff to conduct a review and make the determinations necessary under Ohio Revised Code Section 4906.10. As more fully explained below, good cause exists to grant the wavier given the nature of the solar facility.

II. REQUESTED WAIVER

O.A.C. Rules 4906-4-08(D)(2) through (3) require an application for any type of a generation facility to provide certain evaluations of the impact of the proposed facility within 10 miles of the project area. O.A.C. Rule 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 the mapped cultural resources and landmarks within the 10-mile radius and to describe plans to avoid or mitigate any adverse impact. O.A.C. Rule 4906-4-08(D)(3) require the Applicant to evaluate the recreational areas of the proposed facility within a 10-mile radius from the project area.

The Applicant submits that good cause exists for granting a waiver from those rules to allow for a focused study area of 2 miles for cultural resources and landmarks. As set forth in the Application the area of potential effects for the project is well below the 2-mile study area. Moreover, as reflected in Application Exhibit BB, the State Historic Preservation Office accepts the 2-mile study area.

Based on the foregoing, the Applicant submits that good cause exists for a waiver from O.A.C. Rules 4906-4(D)(2) through (3) to allow for the focused study areas, rather than a 10-mile study area. Notably, the Board has granted similar waivers to other solar projects in the past. *In re Application of Willowbrook Solar I, LLC*, Case No. 18-1024-EL-BGN, Entry (Oct. 4, 2018); *In re Application of Angelina Solar I, LLC*, Case No. 18-1579-EL-BGN, Entry (Jan. 17, 2019); *In re Application of Arche Energy Project, LLC*, Case No. 20-979-EL-BGN, Entry (Sept. 23, 2020); *In re Application of Fox Squirrel Solar, LLC*, Case No. 20-931-EL-BGN, Entry (Nov. 23, 2020).

III. CONCLUSION

For the foregoing reasons, the Applicant requests that the Board grant its motion for waiver from O.A.C. Rules 4906-4(D)(2) through (3).

Respectfully submitted,

/s/ Christine M.T. Pirik

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CERTIFICATE OF SERVICE

The Ohio Power Siting Board's e-filing system will electronically serve notice of the filing of this document on the parties referenced in the service list of the docket card who have electronically subscribed to these cases. In addition, the undersigned certifies that a copy of the foregoing document is also being served upon the persons below this 1st day of February, 2021.

/s/ Christine M.T. Pirik

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Summary: Motion for Waiver and Memorandum in Support electronically filed by Christine M. T. Pirik on behalf of CADENCE SOLAR ENERGY LLC