

FILE

From: Michael Koenig
Sent: February 8, 2021
To: Members of the Ohio Power Siting Board
Subject: OPSB Case: 20-1679-EL-BGN: Pleasant Prairie Solar

PUOR

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I respectfully request that the Project Approval Process for OPSB Case 20-1679-EL-BGN: Pleasant Prairie Solar be postponed until Executive Order 2020-01D expires. I feel that further action on the application process to construct a Solar-Powered Electric Generation Facility in Pleasant and Prairie Townships should stop until the community can meet in person. As a group the area residents need to review the impact of this industrial sized power generating project the developer plans to construct around/next to our existing homes.

- The developer notified or had several meetings with area entities as early as September 2020, without notifying the community of their intent to build an industrial power generating project. The developer mailed notices to the community in late November 2020, giving approximately 14 days to prepare for a Public Information Meeting (PIM) on December 14, 2020. A 14-day notice under the current executive order is inadequate for the community to prepare for a public meeting on an industrial project of this magnitude.
- The community cannot meet in person due to the state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19, as stated in Judge Agranoff's response to the developer's motion seeking a waiver to change the Public Information Meeting requirement in the project area, to an online virtual meeting.
- A significant number of the approximately 190 property owners identified in the November 25, 2020, *Notice of Compliance with Service Requirement for Public Information Meetings and Service List*, could not attend the online Public Information Meeting, as many are not familiar with virtual meetings or telephone meetings of this scale.
- In Judge Agranoff's response letter November 19, 2020, Paragraph 13 states "...encourages Pleasant Prairie Solar to ensure all those who may wish to participate in the virtual public information meeting have the opportunity to do so, just as they would under normal circumstances. This must include the creation of a process by which members of the public may request reasonable accommodations to obtain access to the virtual public information meeting." To my knowledge, the residents that are not familiar with virtual meetings or telephone meetings were not offered accommodations to participate in the public information meeting.
- The *Notice of Compliance with Service Requirement for Public Information Meetings and Service List* appears to have only contacted property owners with property lines common to the planned project site. There are many other township residents' near the planned project site that have not been contacted but should be involved in the PIM, because the project will affect their property also.

The following Paragraphs 3, 4, and 13 are copied from Judge Agranoff's, Administrative Law Judge November 19, 2020, response letter.

{¶ 3} On March 9, 2020, the governor signed Executive Order 2020-01D (Executive Order), declaring a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19. As described in the Executive Order, state agencies are required to implement procedures consistent with recommendations from the Ohio Department of Health (ODH) to prevent or alleviate the public health threat associated

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with COVID-19. Additionally, all citizens are urged to heed the advice of ODH regarding this public health emergency in order to protect their health and safety. The Executive Order was effective immediately and will remain in effect until the COVID-19 emergency no longer exists. The ODH is making COVID-19 information, including information on preventative measures, available via the internet at coronavirus.ohio.gov/.

{¶ 4} Pursuant to R.C. 3701.13, the ODH has supervision of "all matters relating to the preservation of the life and health of the people" and the "ultimate authority in matters of quarantine and isolation." On March 12, 2020, the Director of the ODH issued an Order indicating that "all persons are urged to maintain social distancing (approximately six feet away from other people) whenever possible."

{¶ 13} Upon consideration of the unique circumstances of this case and the state of emergency, the administrative law judge (ALJ) finds that Pleasant Prairie Solar's motion for waiver of the requirement that the public information meeting be held in the area where the Project is to be located is reasonable and should be granted. The request for an expedited ruling is also granted. However, while granting this limited waiver request, the ALJ further notes that the Board is not endorsing or objecting to the actual manner in which the public information meeting is proposed to be held, as detailed in the motion and memorandum in support. If Pleasant Prairie Solar wishes to proceed with planning and holding the virtual public information meeting, it carries with it the risk associated with doing so. Nonetheless, the ALJ certainly encourages Pleasant Prairie Solar to ensure all those who may wish to participate in the virtual public information meeting have the opportunity to do so, just as they would under normal circumstances. This must include the creation of a process by which members of the public may request reasonable accommodations to obtain access to the virtual public information meeting. The details of this process, and all requests for accommodation received, should be forwarded to Staff upon receipt. Such shared information shall include any proposed resolutions from Pleasant Prairie Solar.