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March 9, 2021

The Honorable Jay Agranoff
Administrative Law Judge
Ohio Power Siting Board
180 East Broad Street, 12th Floor
Columbus, OH 43215-3793

Re: Motion for Waiver,
Case No. 20-1679-EL-BGN

Dear Judge Agranoff:

On February 19, 2021, Pleasant Prairie Solar LLC (“Applicant”) filed a motion for protective order under Ohio Administrative Code (“Ohio Adm.Code”) 4906-2-21(D). Specifically, Applicant asks the Ohio Power Siting Board (“Board”) to have the financial data representing estimated capital and intangible costs, and operation and maintenance costs kept confidential. This information is on portions of pages 30-32 of the Application Narrative and page 1 of Application Exhibit O. According to Applicant, the public disclosure of this information would have an adverse effect on itself and others.

In addition, the Applicant requests that the certificate and policy numbers on Application Exhibit L, the Certificate of Liability Insurance, be kept confidential. The Applicant states that the certificate and policy numbers are the subject of reasonable efforts to maintain their secrecy and are not otherwise available in the public domain.

In support of its motion, Applicant refers to R.C. 1333.61, which defines a “trade secret” as information that (1) derives independent actual or potential economic value from not being generally known by other persons able to obtain economic value from its disclosure or use and (2) it is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. R.C. 1333.61(D). R.C. 1333.65 states that a court shall use reasonable means to preserve a trade secret. According to Ohio Adm.Code 4906-2-21(D), upon motion by any party, the Board may issue any order which is necessary to protect the confidentiality of information in a document to the extent that federal or state law prohibits the release of the information. Applicant avers that non-disclosure of the

information is not inconsistent with Title 49 of the Revised Code, in compliance with Ohio Adm.Code 4906-2-21(D).

Staff of the Board does not oppose Applicant's motion to keep the requested pieces of information confidential.

Respectfully submitted,

/s/ Kyle L. Kern

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

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