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April 15, 2021

Ms. Tanowa M. Troupe, Secretary
Public Utilities Commission of Ohio
180 E. Broad Street, 11th Floor
Columbus, OH 43215

Re: In-Person Meeting Update
OPSB Case No. 21-0117-EL-BGN

Dear Ms. Troupe:

Kingwood Solar submits this correspondence to provide an update on its goal of having an in-person public information meeting. As further explained in this correspondence Kingwood Solar does not believe that an in-person public information meeting can be held at this time considering the guidance and restrictions in the April 8, 2021 order from the Director of the Department of Health.

As background, on March 26, 2021, the Administrative Law Judge granted Kingwood Solar's motion requesting a waiver from Ohio Adm.Code 4906-3-03(B) regarding the requirement to conduct a public information meeting in the area in which the project will be located. The order granting the waiver also stated that "[i]n the event that statewide health orders prohibiting mass gatherings are lifted, or if otherwise ordered by the Board, and Applicant is able to hold an in-person public information meeting, the ALJ further notes that Applicant should follow the same guidance outlined above and ensure that all who wish to participate in the in-person meeting have the opportunity to do so."

On April 5, 2021, the Director of the Ohio Department of Health rescinded the prior health orders and issued a new, consolidated health order, "Director's Order for Social Distancing, Facial Coverings and Non-Congregating."¹ In that order, the Director explained that the Director anticipates ending all pandemic-related Health Orders once public health data shows that the State of Ohio's COVID-19 case count remains at or below 50 cases per 100,000 over a

¹ Available at <https://coronavirus.ohio.gov/static/publicorders/do-social-distancing-facial-coverings-and-non-congregating.pdf>.

Ms. Tanowa Troupe, Secretary
April 15, 2021
Page 2

two-week period. The Director further explained that the way to achieve that goal is to “[c]ontinu[e] to wear a mask, socially distance and avoid large gatherings[.]” The order also provided guidance on large gatherings by organizers and managers, requiring that such events be conducted “... in a manner that discourages individuals from standing or sitting close together in buildings or on other parts of the grounds or premises.” The Director’s amended April 8, 2021 order also recommend avoiding mass gatherings and imposed the same restrictions on organizers and managers of large gatherings.²

Given the existing order’s request to avoid mass gatherings in addition to the restrictions on mass gatherings held by organizers and managers (discouraging individuals from standing or sitting close together in buildings or on other parts of the grounds or premises), Kingwood Solar does not believe that an in-person public information meeting can be held at this time. No other utility-scale solar project has held an in-person meeting and as recently as April 9, 2021 (after the April 5th and April 8th Director orders were issued), the Board granted waivers to hold virtual public information meetings with a directive that the applicants should evaluate holding an in-person public information meeting after the statewide health orders prohibiting mass gatherings are lifted.³

Kingwood Solar will continue to monitor the guidance from the Ohio Department of Health and will hold an in-person public information meeting within 30 days of the earlier of the end of the health orders restricting mass gatherings, which is expected to occur when the State meets the goal of 50 cases per 100,000 over a two-week period, or direct guidance from the Ohio Power Siting Board to hold its in-person meeting.

Very truly yours,

/s/ Michael J. Settineri

Michael J. Settineri
Vorys, Sater, Seymour and Pease LLP
Attorney for Kingwood Solar I LLC

cc: Jodi J. Bair, Counsel for Staff of the Ohio Power Siting Board
Werner L. Margard III, Counsel for Staff of the Ohio Power Siting Board

² Available at <https://coronavirus.ohio.gov/static/publicorders/amended-directors-order-for-social-distancing-21.pdf>.

³ See April 9, 2021 Order in Case No. 21-0270-EL-BGN and April 9, 2021 Order in Case No. 21-0293-EL-BGN

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Summary: Correspondence Regarding In-Person Meeting Update electronically filed by Mr. Michael J. Settineri on behalf of Kingwood Solar I LLC