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August 17, 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. 21-164-EL-BGN

Dear Judge Agranoff:

On August 6, 2021, Harvey Solar I, LLC ("Applicant") filed a motion for a waiver under Ohio Administrative Code ("Ohio Adm.Code") 4906-4-08(D)(2)-(4). Specifically, Applicant asks the Ohio Power Siting Board ("Board") for a waiver from Ohio Adm.Code 4906-4-08(D)(2)-(4) to allow for a reduced study area "with respect to evaluation of impacts to landmarks, identification of and evaluation of impacts to landmarks, recreation and scenic areas, and visual impacts."

The referenced sections of the Board's rules require an Applicant to provide an evaluation of certain facility impacts within ten (10) miles of the project area. According to the Applicant, good cause exists for granting a waiver from those rules to allow for a focused study area of only two (2) miles for the impact on the preservation and continued meaningfulness of the registered landmarks (Ohio Adm.Code 4906-4-08(D)(2)), five (5) miles for scenic and recreation areas (Ohio Adm.Code 4906-4-08(D)(3)), and five (5) miles for visibility and viewshed (Ohio Adm.Code 4906-4-08(D)(4)). Applicant submits that good cause exists given that the proposed Project's low profile, together with existing vegetative and structural screening, is expected to limit impacts to within the requested study areas. Applicant further notes that the Board has granted similar requests in recent cases.

Staff of the Board ("Staff") does not oppose Applicant's motion for a waiver to allow for the use of a more focused study area rather than a ten (10) mile study area.

Respectfully submitted,

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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 electronically filed by Mrs. Kimberly M. Naeder on behalf of OPSB