



150 E. GAY STREET, SUITE 2400
COLUMBUS, OH 43215-3130
TELEPHONE: 614-744-2570
FACSIMILE: 844-670-6009
<http://www.dickinsonwright.com>

September 24, 2021

Ms. Tanowa Troupe, Secretary
Ohio Power Siting Board
Docketing Division
180 East Broad Street, 11th Floor
Columbus, Ohio 43215-3797

Re: Case No. 20-1680-EL-BGN

In the Matter of the Application of Yellow Wood Solar Energy LLC for a Certificate of Environmental Compatibility and Public Need to Construct a Solar-Powered Electric Generation Facility in Clinton County, Ohio.

Response to Fourth Data Request from Staff of the Ohio Power Siting Board

Dear Ms. Troupe:

Attached please find Yellow Wood Solar Energy LLC's ("Applicant") Response to the Fourth Data Request from the staff of the Ohio Power Siting Board ("OPSB Staff"). The Applicant provided this response to OPSB Staff on September 24, 2021.

We are available, at your convenience, to answer any questions you may have.

Respectfully submitted,

/s/ Christine M.T. Pirik

Christine M.T. Pirik (0029759)

(Counsel of Record)

William V. Vorys (0093479)

Matthew C. McDonnell (0090164)

Dickinson Wright PLLC

150 East Gay Street, Suite 2400

Columbus, Ohio 43215

(614) 591-5461

cpirik@dickinsonwright.com

wvorys@dickinsonwright.com

mmcdonnell@dickinsonwright.com

(Counsel agree to receive service by email.)

Cc: Andrew Conway
Theresa White
Randall Schumacher
Jonathan Pawley

Attorneys for Yellow Wood Solar Energy LLC

Ms. Tanowa Troupe
Yellow Wood Solar Energy LLC
Case No. 20-1680-EL-BGN
Page 2

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 24th day of September, 2021.

/s/ Christine M.T. Pirik

Christine M.T. Pirik (0029759)

Counsel:

jodi.bair@ohioattorneygeneral.gov
chelsea.fletcher@ohioattorneygeneral.gov
tboggs@fbtlaw.com

Administrative Law Judge:

daniel.fullin@puco.ohio.gov
jacqueline.St.John@puco.ohio.gov

4844-9453-6443 v1 [39579-47]

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Yellow Wood Solar)
Energy LLC for a Certificate of Environmental)
Compatibility and Public Need to Construct a Solar-) Case No: 20-1680-EL-BGN
Powered Electric Generation Facility in Clinton)
County, Ohio.)

**YELLOW WOOD SOLAR ENERGY LLC 'S
RESPONSE TO THE FOURTH DATA REQUEST
FROM THE STAFF OF THE OHIO POWER SITING BOARD**

On February 24, 2021, as supplemented on June 17 and August 19, 2021, Yellow Wood Solar Energy LLC (“Applicant” or “Yellow Wood”) filed an application (“Application”) with the Ohio Power Siting Board (“OPSB”) proposing to construct a solar-powered electric generation facility in Clinton County, Ohio.

On September 20, 2021, the Staff of the OPSB (“OPSB Staff”) provided the Applicant with OPSB Staff’s Fourth Data Request. Now comes the Applicant providing the following response to the Fourth Data Request from the OPSB Staff.

Water Supply

1. **At the site visit with Staff on 9/16/2021, you had indicated that the O&M building would need a water supply and that if there isn’t an existing water well onsite, that water would be obtained through drilling a new water well permitted by the local health department. Please confirm.**

Response: There may be configurations of an operations and maintenance (“O&M”) building that include the need for potable water to serve the maintenance staff daily drinking and toiletry needs. Some of these configurations may not include well water, where potable water for drinking would be brought to the building, and harvested greywater from the roof would be used for toiletry needs. Other configurations would include a ground water well to serve as this source of water. The specific configuration for this building has not yet been selected, but again, could include a water well for this maintenance building. Based on Project due diligence that notes that panels that pass the Toxicity Characteristic leaching Procedure (“TCLP”) test

will be utilized, and that the panels do not contain metals or chemicals of concern, the Applicant understands that there is no risk to local ground water as a function of the Project and that wells in the area will not be affected by the Project.

Public Comments

2. **Staff has received written public comments on Yellow Wood Solar Energy, LLC's proposed project to date. These have been captured in the "Public Comment" tab on the docket for 20-1680-EL-BGN. For the public comments on the docket# 20-1680-EL-BGN dated from 08/7/2021 to and including 9/15/2021, please categorize these public comments into the number commenters that support the project and the number that oppose it.**

Response: From August 7, 2021, to and including September 15, 2021, 119 comments were filed in the public comment folder on the docket card for this case. Of those 119 comments, 7 comments were from individuals and households that support the Project and 112 comments, many of which were from the same individual or household, opposed or had concerns about the Project.

Additionally, the Applicant provides the following additional analysis:

- WITHIN a 1-mile buffer of the Project Area, 1 individual or household support the Project.
- WITHIN a 1-mile buffer of the Project Area, 24 comments, many of which were from the same individual or household opposed or had concerns about the Project.

Furthermore, WITHIN a 1-mile buffer of the Project Area, the following addresses submitted multiple comments opposing or restating concerns about the Project resulting in 3 addresses submitting 15 comments of the 24 total opposing comments.

- 2 comments: 1258 Canada Rd., Midland, Ohio 45148
- 10 comments: 1380 Mud Switch Rd Martinsville, OH 45146
- 3 comments: 4461 Glady Rd Lynchburg, OH 45142

For comments OUTSIDE of the 1-mile buffer of the Project Area, please see the below analysis that mirrors the above breakdown:

- OUTSIDE a 1-mile buffer of the Project Area 5 individuals or households

support the Project.

- OUTSIDE a 1-mile buffer of the Project Area 12 opposed or had concerns about the Project.

Please see the Attachment 1 to this response that includes maps showing a visual representation of the above data.

3. **Further, for the public comments on the docket# 20-1680-EL-BGN dated from 8/7/2021 to and including 9/15/2021, please generally describe the subject-matter of the comments and provide the general proportion of the comments that fall into each subject matter category.**

Response:

Please find the below breakdown of comments supporting the Project:

- General support and positivity toward renewable and clean energy: 3
- Positive economic impact support: 3
- Positive property rights support: 1

Please find the below breakdown of comments opposing or showing concerns for the Project:

- Perceived health risks: 8
- Opposition to solar land use and concern over farmland quantity: 14
- Perceived viewshed and property value impact opposition: 8
- Perceived environmental impact opposition: 6

With regard to the public outreach activities since those activities outlined in Application Exhibit G filed on February 24, 2021, please see the below recap of additional efforts. The Applicant has undertaken these significant efforts to attempt to coordinate with local stakeholders with regard to the Project's due diligence, configuration, and impact in order to respond to what the Applicant believes is misinformation or initial perception about the Project that seem to be largely sourced from entities not near the Project Area.

- Attended regularly scheduled Jefferson and Clark Township Meetings: 3
- Number of meetings or touchpoint engagements to discuss neighbor concerns: approximately 11

- Phone outreach: approximately 100 calls made
- Neighbor Agreement discussions: approximately 5
- Project Design Meetings or Engagements with the Soil and Water Manager: 2
- Planning Director Meetings or Engagements: 3
- Meetings with affected school district representatives: 4
- Economic Development Director Meetings: 1
- The applicant is a member of the local Chamber of Commerce
- Attended County Commissioner Public Hearing Regarding the Project: The Applicant attended a public meeting that the County Commissioners hosted in June 2021 with regard to the Project. The Commissioners communicated during that meeting that the goal was to receive public concerns regarding the Project, and to then review those concerns with the Applicant. The Applicant has been available to meet with the County Commissioners for this follow up and remain eager to discuss any perceived concerns or questions about the Project.

With regard to the specific concern categories of the comments, the Applicant would note the below responses:

- Perceived impacts to Property Value: Based Application Exhibit E filed on February 24, 2021, the Applicant does not believe there will be negative property value impacts. Moreover, the additional incorporation of ‘Deer Fencing,’ at least 300-foot setbacks from adjacent dwellings, and, the commitment of Level 3 landscape screening at adjacent dwellings further this position.
- Perceived health risks: Based on information in the Application that notes that the Applicant is committed to utilizing panels that pass the TCLP test, the Applicant believes there are no health risks associated with the operation of the Project.
- Opposition to solar land use and concern over farmland quantity availability: The Applicant believes that this Project Area acreage represents an area that is less than 0.1% of all available Ohio agricultural use acreage.
- Perceived viewshed impact opposition: With the incorporation of ‘Deer Fencing,’ at least 30-foot setbacks from adjacent dwellings, and the commitment of Level 3

landscape screening at adjacent dwellings it is the hope that these design configuration elements resolve these perceived concerns. Furthermore, it is noted that based on geometry: at a 300-foot setback, an object that is 15 feet tall, would appear to be 1.8 inches tall.

- Perceived environmental impact opposition: Based on Application Exhibits S, R, and M filed on February 24, 2021, the incorporation of ‘Deer Fencing,’ and ongoing coordination with the Soil and Water Manager, and the offset of other fossil fuel generation, this Project would trigger, the Applicant understands this Project to be an environmental benefit to the local area.

Respectfully submitted,

/s/ Christine M.T. Pirik

Christine M.T. Pirik (0029759)

William Vorys (0093479)

Matthew C. McDonnell (0090164)

Dickinson Wright PLLC

150 East Gay Street, Suite 2400

Columbus, Ohio 43215

(614) 591-5461

cpirik@dickinsonwright.com

wvorys@dickinsonwright.com

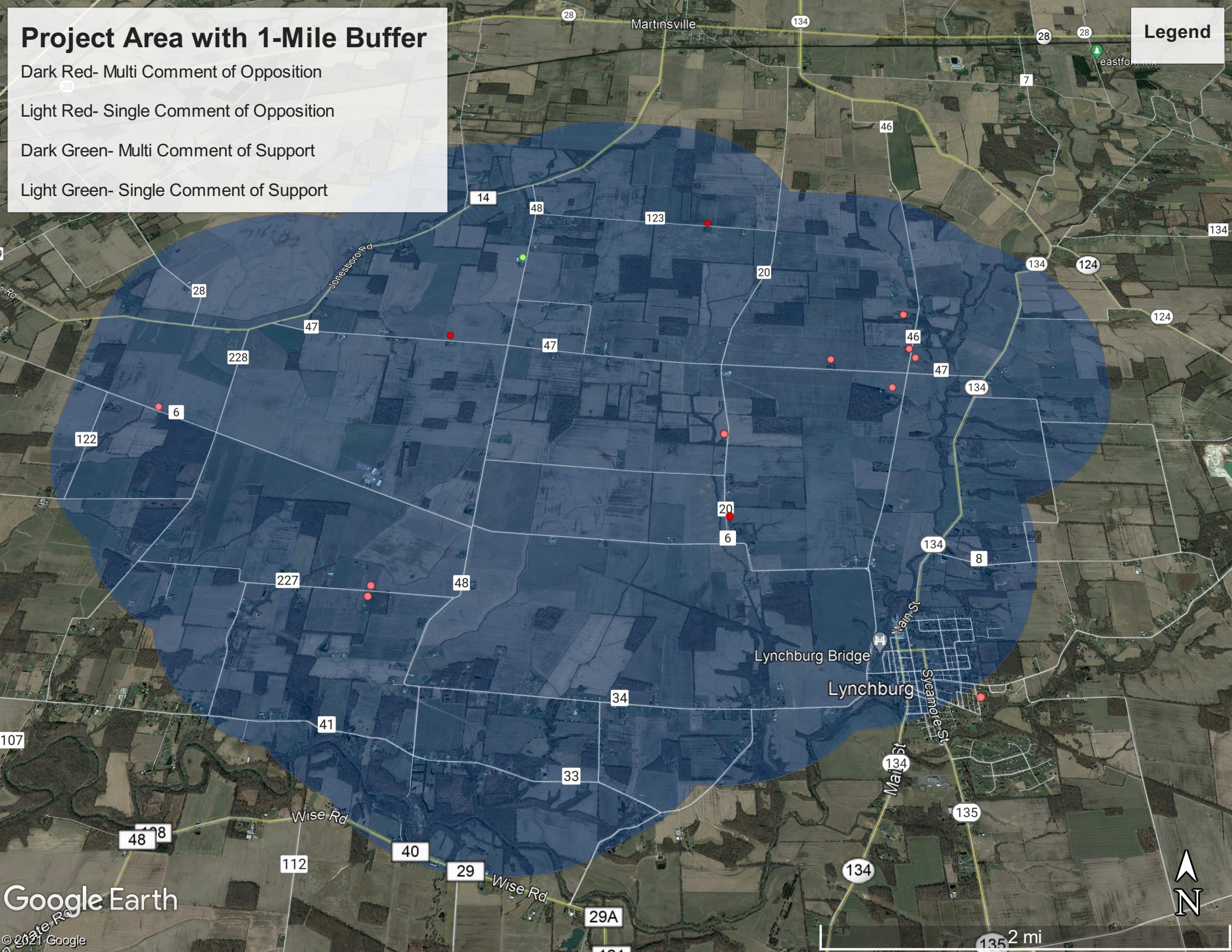
mmcdonnell@dickinsonwright.com

Attorneys for Yellow Wood Solar Energy LLC

Project Area with 1-Mile Buffer

- Dark Red- Multi Comment of Opposition
- Light Red- Single Comment of Opposition
- Dark Green- Multi Comment of Support
- Light Green- Single Comment of Support

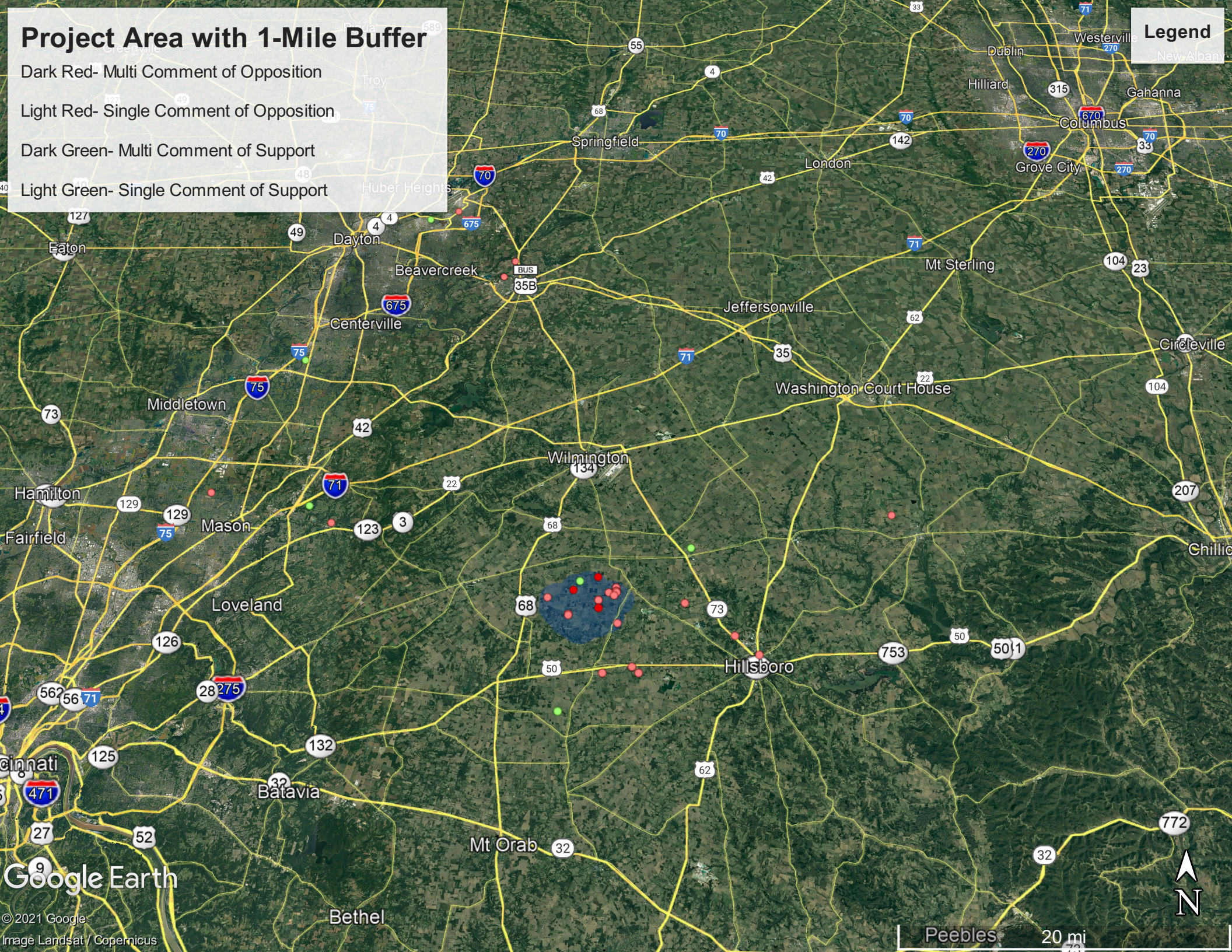
Legend



Project Area with 1-Mile Buffer

- Dark Red- Multi Comment of Opposition
- Light Red- Single Comment of Opposition
- Dark Green- Multi Comment of Support
- Light Green- Single Comment of Support

Legend



This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

9/24/2021 5:25:21 PM

in

Case No(s). 20-1680-EL-BGN

Summary: Response to Fourth Data Request from Staff of the Ohio Power Siting Board
electronically filed by Christine M.T. Pirik on behalf of Yellow Wood Solar Energy LLC