



# DAVE YOST

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March 17, 2022

The Honorable Jeffrey Jones  
Ohio Power Siting Board  
180 East Broad Street, 12th Floor  
Columbus, OH 43215-3793

Re: Staff's Response to Motion for  
Protective Order and Motion for Waiver,  
Case No: 21-960-EL-BGN

Dear Honorable Jeffrey Jones:

On March 2, 2022, Chipmunk Solar LLC ("Applicant") filed a Motion for Protective Order and a Motion for Waiver. This letter serves as Staff's response to those motions.

As stated above, on March 2, 2022, the Applicant filed a Motion for a Protective Order to keep certain portions in the Application confidential and not part of the public record. Specifically, Applicant requests the following are kept confidential: the cost-related information on pages 8-12 and 14 of Exhibit I, namely the total estimated capital and intangible costs of the project, cost comparison with a similar facility, present worth of the capital costs, estimated annual operations and maintenance ("O&M") costs of the project for the first two years of commercial operation, O&M cost comparisons, and present worth of the O&M cost. The Applicant also seeks confidential treatment of all disclosures set forth in Exhibit S. Applicant believes that public disclosure of such confidential and sensitive information will have an adverse effect on the Applicant's ability to compete in the marketplace. Disclosing archaeological sites/finds information will disclose sensitive information and unnecessarily risk harm in those areas. Staff of the Ohio Power Siting Board (Staff) does not oppose this Motion.

On March 2, 2022, Applicant also filed a Motion for Waiver of Ohio Administrative Code (Ohio Adm.Code) 4906-4-08(D)(2) through (4). In its motion, the Applicant requested that the Ohio Power Siting Board authorize Applicant to reduce the focused study area to two miles for cultural resources and review of landmarks and effects in that area. Applicant requested that the Ohio Power Siting Board authorize Applicant to reduce the focused study area to five miles for review of recreation and scenic areas and effects in that area, and for the effects on general visual impacts. Applicant avers that its request is for good cause given that the area of potential effects for the project is contained within the reduced study area.

Staff feels that the Applicant's submitted studies are sufficient and that the rules should be waived in this case. Staff notes, as the Applicant observed, that the Board has granted similar waivers to other solar projects in the past. This being the case, Staff does not object to the requested waivers. However, Staff reserves the right to require the results from the Applicant in the area covered by the requested waivers if Staff determines such information to be necessary during the course of its investigation.

Respectfully submitted,

*/s/ Sarah Feldkamp*

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

cc: Parties of Record

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Summary: Correspondence Regarding Staff's Response to Motion for Protective Order and Motion for Waiver electronically filed by Mrs. Kimberly M. Naeder on behalf of OPSB