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November 9, 2021

Theresa White, Executive Director
Ohio Power Siting Board
180 E. Broad Street
Columbus, OH 43215

Re: Staff Report of Investigation
Kingwood Solar Project
OPSB Case No. 21-117-EL-BGN

Dear Ms. White:

We are submitting this correspondence in regards to the October 29, 2021 Staff Report of Investigation issued for the Kingwood Solar Project. We are doing so to bring to your attention what we believe are errors in the Staff Report of Investigation.

The errors can be found in the section of the Staff Report of Investigation addressing the public interest, convenience, and necessity criteria. Specifically:

- Pages 42 and 43 of the Staff Report of Investigation mischaracterize the 35 documents filed in the public comments section of the docket as of the date of the Staff Report.
 - One of the documents contains 76 separate letters of support for the Project.
 - 24 filed comments indicated opposition to the Project. Six are from parties that have intervened in the proceeding, including Citizens for Green Acres, Inc., Jenifer Adams, Jed Hanna, Karen Landon, Nicole Marvin, and Nick Pitstick. Multiple comments were filed by the same people, such as four separate comments filed by Jed and Angie Hanna.
- Page 44 of the Staff Report of Investigation addresses local opposition stating that “Staff recognizes that in this proceeding it has been especially prominent, one-sided, and compelling” and that Staff considered the opposition expressed at the “local public hearings.” This language appears to have been copied from the Board’s Opinion and Order

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(¶ 92) issued June 24, 2021 in the Republic Wind proceeding (Case No. 17-2295-EL-BGN), and as noted above, does not accurately represent the comments received on the public docket. As well, no local public hearing has occurred in this proceeding. The local public hearing for the Project will occur on November 15, 2021 pursuant to the Administrative Law Judge's August 26, 2021 Entry.

- Page 44 of the Staff Report quotes from the notices of intervention filed by Miami Township and Cedarville Township. Specifically Staff noted at page 44 that "... the notice of intervention for both the Board of Township Trustees of Miami Township and the Board of Trustees of Cedarville Township states their intervention: '[because the proposed project is likely to have some adverse effect on roads, properties and citizens located and/or residing in [township].]'” That language is from the Cedarville Township notice of intervention not from the Miami Township notice. The Miami Township notices of intervention (two were filed) both state “[b]ecause the proposed project *may* have some adverse effect on the roads, properties, and citizens located and/or residing in Miami Township, Green [sic] County, Ohio, the Miami Township Board of Trustees has a direct and substantial interest in this proceeding” (emphasis added in quote).¹

We hope the above information is helpful and ask that a corrected report be issued and consideration given to Staff's recommendation to the Board on the public interest criteria. We believe a corrected report is very important to ensure both the Board and the public are properly informed on the facts especially with the November 15, 2021 public hearing pending. Please do not hesitate to call me at 614-464-5462 with any questions.

Very truly yours,

/s/ Michael J. Settineri

Michael J. Settineri
Attorney for Kingwood Solar I LLC

MJS/jaw

cc: All Counsel for Parties of Record
Tanowa M. Troupe, Docketing Division

¹ Notices of Intervention filed by Miami Township (May 13, 2021 and July 14, 2021) and Cedarville Township (Apr. 27, 2021).

**This foregoing document was electronically filed with the Public Utilities
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Case No(s). 21-0117-EL-BGN

Summary: Correspondence Correspondence regarding Staff Report of
Investigation electronically filed by Mr. Michael J. Settineri on behalf of Kingwood
Solar I LLC

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3/29/2022 9:40:03 AM

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Case No(s). 21-0117-EL-BGN

Summary: Exhibit Applicant Exh 89 electronically filed by Mr. Ken Spencer on
behalf of Armstrong & Okey, Inc.