

**BEFORE
THE OHIO POWER SITING BOARD**

In The Matter of The Application of **Circleville**)
Solar, LLC for a Certificate of Environmental)
Compatibility and Public Need For The) Case No. 22-0117-EL-BTX
Construction of a 138kV Electric Transmission)
Line in Pickaway County, Ohio)

MOTION FOR WAIVER

Applicant, Circleville Solar, LLC (“Applicant”), pursuant to Ohio Administrative Code (“OAC”) Rule 4906-2-27(C), respectfully moves the Ohio Power Siting Board (“Board”) to grant a waiver from the requirement OAC Rule 4906-3-05 which requires that the alternate route have no more than twenty percent (20%) in common with the preferred route. The reason for this waiver request is set forth below in the attached memorandum in support.

Respectfully submitted on behalf of
Circleville Solar, LLC



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MEMORANDUM IN SUPPORT

I. INTRODUCTION

In accordance with Chapter 4906 of the Ohio Revised Code (“RC”) and Ohio Administrative Code (“OAC”) Chapter 4906-5, the Applicant filed an application for a certificate to construct a transmission line (“Project”) in Pickaway County, Ohio (the “Application”) on June 8, 2022. OAC Rule 4906-3-05 provides that “two routes shall be considered as alternatives if not more than [20%] of the routes are in common.” In light of the characteristics of the Project and the current point-of-interconnection (“POI”) located at the Circleville 138 kV Substation, limited alternate routes are available. Thus, the Applicant requests a waiver from the requirement OAC Rule 4906-3-05 which requires that the alternate Route have no more than twenty percent (20%) in common with the preferred route. As more fully explained below, good cause exists to grant this waiver.

II. PROJECT BACKGROUND

The Applicant proposes to construct a 138 kV transmission line between 3 and 4 miles in length that crosses through Jackson Township, Wayne Township, Circleville Township, and the City of Circleville to connect to the existing Circleville 138kV Substation (the “Substation”). The transmission line is constituent to the proposed Circleville Solar Project (Case No. 21-1090-EL-

BGN) that is planned to be located in Jackson and Wayne Townships. The purpose of the Project is to transmit the electric current generated by the Circleville Solar Project to the Substation and distribute the electricity into the local electrical grid.

The Applicant has identified Preferred and Alternate Transmission Routes which are set forth in the Application. The Preferred Route originates from the Circleville Solar Project collector substation that is proposed on the south side of SR-56, then runs to the southeast parallel along SR-56 on the south side of the road before crossing to the north of SR-56 to the east of the intersection of SR-56 and SR-104. The route continues to parallel SR-56 on the north side until the intersection of SR-56 and US-22, where it turns slightly to the northeast and parallels US-22 on the north side, offset to the north of the existing 138-kV transmission line. The Preferred Route then crosses the Scioto River, adjacent land to the east of the river, and the railroad corridor before turning south and crossing US-22 and an entrance ramp onto US-23 south. The Preferred Route will traverse an underground alignment, via a horizontal directional drilling (HDD) method from west of US-23 to the POI at the Substation.

The Alternate Route is approximately 3.9 miles long and diverts off the Preferred Route for approximately 1.6 miles. The Alternate Route diverts off the Preferred Route at the intersection of SR-56 and SR-104, where the Alternate Route crosses to the east side of SR-104, just south of the intersection. The Alternate Route then traverses south along the east side of SR-104 for approximately 0.5 mile before turning east and crossing agricultural fields along parcel lines before merging back as a common route with the Preferred Route on the north side of SR-56.

III. DISCUSSION

There is no statutory requirement that an alternate route be included in an application for a transmission line. This requirement is by rule only, and the Board has full authority to waive the requirement as provided in OAC Rule 4906-3-01(B).

The Applicant's request for waiver of OAC Rule 4906-3-05 is well supported. The Applicant performed a site selection process which is described in the Application. Based upon this process, the Applicant designated three routes for the project: the Preferred and two Alternate Routes. In determining the preferred location for the transmission line, the Applicant worked closely with landowners and stakeholders. Understanding the requirement to provide an alternate route for review and consideration by the Board, the Applicant provided the best possible alternatives to the Preferred Route, while keeping in mind the design goals for the Project and the fact that the route needs to connect to the current Circleville 138 kV Substation POI. No viable alternative routes were identified during the siting process for the transmission line that would meet the 20% commonality threshold without the potential of maximizing impacts to land use, environmental resources, or cultural resources. Because of the logistical constraints related to connecting to the current POI located at Circleville 138 kV Substation and siting the Transmission Line to serve the Circleville Solar Project, the only realistic alternate routes available were more than 20% in common with the Preferred Route. The Alternate Route is approximately 68 percent common with the Preferred Route for the Project.

Furthermore, the Applicant's request for a waiver of the "20% requirement" is supported by Board precedent. *See*, Republic Wind LLC Case No. 19-1066-EL-BTX, Entry (Dec. 17, 2019) (waiver granted); Harrison Power Transmission, Case No. 17-2084-EL-BTX, Entry (March 21, 2018)(waive granted 77% shared overlap); Paulding Wind Farm (Case No. 18-1293-EL-BTX);

AEP Ohio Transmission Company, Case No. 11-4505-EL-BTX, Entry (December 21, 2011) (waiver granted where the alternate route shared 83% of the right-of-way); American Transmission Systems Inc., Case No. 11-4884-EL-BTX, Entry (November 5, 2012) (waiver granted for an 80% shared overlap); Dominion East Ohio Gas Company, Case No. 08-289-GABTX, Entry (February 5, 2009) (waiver granted a waiver of 50% overlap); Columbia Gas of Ohio, Northern Columbus Loop, Phases IV and V Case No. 04-1620-GA-BTX, Entry (February 4, 2005) (granted a shared overlap of 80%); American Transmission Systems, Inc., Case No. 01-207-EL-BTX, Entry (June 7, 2001) (waiver granted where the alternate route shared 81% of the right-of-way with the preferred route).

Therefore, the Applicant requests a waiver of the “20% requirement” within OAC Rule 4906-3-05.

IV. CONCLUSION

Based on the forgoing, the Applicant respectfully requests that the Board or administrative law judge grant this Motion for Waiver.

Respectfully submitted on behalf of
Circleville Solar, LLC



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Summary: Motion for Waiver and Memorandum in Support electronically filed by
Teresa Orahod on behalf of Dylan F. Borchers