



Sept 2, 2022

Case No. 21-902-GE-BRO In the Matter of the Ohio Power Siting Board's Review of Ohio
Adm. Code Chapters 49061, 4906-2, 4906-3, 4906-4, 4906-5, 4906-7, 4906-7

Reply Comments of the Ohio Conservative Energy Forum

Introduction

On June 16, 2022 the Ohio Power Siting Board (OPSB) issued proposed rules to amend Ohio Administrative Code (OAC) 4906-1 through 4906-7 and invited interested parties to submit initial comments and reply comments. The Ohio Conservative Energy Forum (OHCEF) submits its reply comments with respect to the proposed amendments to the regulations pertaining to applications seeking approval for siting and construction of major utility facilities.

Reply Comments

1. General Energy Development Requirements

OHCEF joins in with the National Audubon Society - Great Lakes, Ohio Economic Development Association, Ohio Energy Group, Ohio Oil and Gas Association and Ohio Chamber of Commerce in encouraging the OPSB to craft administrative rules that promote energy development while not imposing rules that require additional costs and burdens on traditional and renewable energy developers.

2. Solar Setbacks, Fencing, and Vegetative Screening (Rule 4906-4-09):

OHCEF is supportive of reasonable administrative setbacks from homes and roads. We believe that smart, responsible siting rules can be crafted to maximize all of a developer's tools to minimize impacts and preserve flexibility that can reflect the uniqueness of each project. The rule has currently drafted does not allow for maximum flexibility or impact reduction. We agree with the following:

- NG Renewables: agrees with Clean Energy Industry should be on case-by-case basis – no rationale presented by staff – 150 feet is too far from roads and nonparticipating parcels would render land useless and deprive landowner of rent from solar farm. 300 feet from residences is longer than needed given screening will be installed. Suggests a 50 foot setback to roads and no more than 300 feet from nearest solar panel to nonparticipating residence. The only issue is viewshed.
- NRDC: 150-foot is unnecessary and overly burdensome, will increase the overall size of projects and developers will have to lease more land – will result in higher development costs – no clear benefit in exchange. Already subject to screening.
- Chamber of Commerce: 150 feet to edge of road will require developer to obtain more leases and spread out the facility – 150 feet to parcel also a problem. Ask Board to reduce these setbacks and allow developers to deploy variety of tools aside from setbacks to mitigate visual impacts.
- OEDA: consider revising proposed requirements for setbacks and screening to give developers varied means to lessen visual impacts.

3. Additional Public Information Meeting

OHCEF believes that local communities should and currently have the opportunity to participate in the siting process. While OHCEF is in agreement with OOGA that the additional PIM meetings are redundant and add costs, we are willing to agree with Ohio Chamber of Commerce, National Grid Renewables and Clean Energy Industry for changing the rule to have the second PIM occur within 180 days instead of 90.

Conclusion

OHCEF thanks the OPSB for the opportunity to comment on the proposed amendments to Ohio Adm. Code Chapters 4906. We appreciate the OPSB's willingness to work with interested parties to achieve a balanced siting process that can attract investment in Ohio energy generation.

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Summary: Comments Reply Comments electronically filed by Ms. Sarah Spence
on behalf of Ohio Conservative Energy Forum