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FILE

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March 27, 2023

Ohio Power Siting Board
Attn: Matthew Butler
180 E Broad St.
Columbus, Ohio 43215

Re: Clearview Solar 1, Champaign County

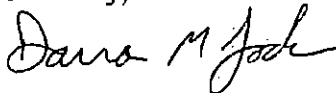
Dear Mr. Butler:

I am writing regarding the Clearview solar project in northwest Champaign County. I represent a number of landowners that are involved in the project, and recently issues have developed which we are having difficulties getting answers to from Clearview or their representatives. Most pertinently among these issues are concerns over Clearview's intentions and plans regarding the drain tile on the properties.

Clearview has expressed to the landowners a desire to move forward with the next phase of the project and begin construction; however, it seems questionable whether they are truly ready to do so, or if they intend to cut significant corners to circumvent requirements. I am aware that Clearview has a meeting upcoming with OPSB for their preconstruction conference, and I feel that some of the outstanding questions and issues are pertinent to this meeting. Due to the difficulties had in getting answers to questions from Clearview, it seemed prudent to bring these issues to light prior to the preconstruction conference to help insure that the interests of my clients are taken into consideration before the time has passed for addressing the outstanding concerns.

I have attached a copy of a letter that I have sent to Clearview today which points out the issues in more detail.

Sincerely,



Dana M. Zook

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Clearview Solar I, LLC
c/o Algonquin Power Fund (America) Inc.
354 Davis Rd., Suite 100
Oakville, Ontario, Canada L6K 2X1
Attn: Chris Lupaschuk, Senior Manager, Land and Stakeholders
Tom Healy, Senior Project Manager

Re: Construction and outstanding issues

Dear Mr. Lupaschuk and Mr. Healy:

We, the landowners of property involved in the Clearview Solar project (the "Project"), have recently received various communications regarding Clearview's desire to move forward on a number of steps in preparation of construction on the Project. We are writing to voice significant concerns that we have at the current time pertaining to timelines that have been conveyed to us, along with physical and practical aspects of Algonquin's intended actions.

We are aware that Clearview currently has a preconstruction conference scheduled for May 18 with the Ohio Power Siting Board ("OPSB"), and that there are a number of items that need to be submitted to OPSB prior to that conference—the most pertinent of those items being the vegetation management, removal and restoration plan, and the decommissioning plan, including the necessity to have the drain tile assessment completed in order to create the decommissioning plan.

Regarding the vegetation management, there has been very little to no information provided to the landowners. We are aware that the inclusion of the landowners in design and use of vegetation in the Project is in an advisory capacity only, and the final determinations for vegetation fall primarily to Clearview. However, the leases do require that legitimate consideration be given to the requests of landowners in this regard and we are concerned that, with the very short amount of time remaining before this information must be presented to OPSB, there will not be an opportunity for actual discussions on this point and that the desires of the landowners will not be faithfully taken into account.

More pressing is the decommissioning plan and bond requirements of the leases, and the necessity to take the drain tile assessments and drainage plans into account for this. At this time, we are not aware of any on the ground work that has been conducted to locate the existing drain tile and to develop a plan to insure that its functionality is not substantially

impaired during construction or operation of the Project. It is absolutely vital that the drain tile be properly mapped, and an adequate plan be formulated to guarantee that it remains functioning properly, as the drain tile is a very significant investment for the landowners and its damage or destruction could cause substantial losses to the landowners, as well as to the owners of surrounding properties. Further, it is an explicit requirement of the lease that all drain tile be mapped on the properties, as well as on any adjacent properties that share common drainage with the leased properties—including identifying the size, type of material, age, and general condition of the tile—and assessing the ability to leave the drain tile remaining in place and continuing to function as it currently does. The lease also requires consultation of adjoining landowners, which we have been explicitly told has not happened. The stipulations of OPSB also require that the drain tile be physically marked.

As stated above, there is a very short time frame remaining before information needs to be presented to OPSB, and no on the ground work has commenced to map the tile. We have been informed by persons very knowledgeable in this field that it would be virtually impossible to complete the drain tile assessment across the Project in an adequate fashion within the remaining time period. Compounding on this difficulty, there has been significant amounts of rainfall in the area recently and conditions are extremely wet with more rain expected in the coming days. Substantial issues or damage could, and likely would, be caused by driving any vehicles or equipment out onto the properties in efforts to map the tile.

Further, the communications and information we have recently received do not make us feel confident whatsoever that the drain tile assessment will be conducted properly or that the requirements of the lease will be conformed to as they pertain to the tiling. For example, one landowner was provided with a preliminary map of tile on his property that was supposedly constructed by the use of aerial imagery. This map did not include a large main running through the property, and depicted the laterals running the wrong direction. When the landowner pointed out the issue he was told the depictions were reasonable as they “were pretty close”. Multiple parties involved have also been told explicitly by Clearview or its agents that there is no plan to even attempt to locate or map the laterals—only the mains—which is in direct contradiction to the requirements of the leases. This is obviously not a good starting point and is extremely concerning to us.

We have also been informed that for some—or potentially all—areas of the project, Clearview intends to run a perimeter drain tile around the project, and work this into the system, as opposed to maintaining the tile in its currently functioning state as required by the leases. First, from the information we have been provided and in consulting with experts in this field, this will simply not work. The topography of the area and the fact that the fields are systematically tiled to account for certain amounts of water will either prevent the proper drainage of water, or will cause watersheds of property outside of the Project to be overloaded. This may also disrupt the outlet of drainage from a large portions of the landowners’ properties which lie outside of the Project area, as well as from other neighboring properties.

Not only is this perimeter drain not a workable solution, its proposal further indicates that Clearview does not intend to honor its obligations under the lease. The lease explicitly requires that all efforts be made to keep the tile in its current condition and functionality and, as stated, the tile assessment has not yet been completed. If Clearview has not completed the drain tile assessment, then it is not possible that any true and reasonable consideration has been given to maintaining the tiling system and its functionality in its current state, versus destroying it to put into place the proposed perimeter drain system.

In addition to potentially causing significant problems during the operations term of the lease, the issue of the drainage system will also have a substantial impact on the decommissioning plan. As stated above, the tiling systems are a very significant investment

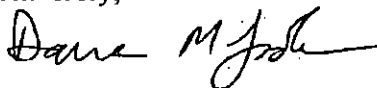
for the landowners and there is no way that a proper decommissioning plan could be formulated without having a reasonable expectation of the plan regarding the tile, nor could an appropriate bond be calculated. When asked about this, Clearview's representative stated that this was not a concern because the bond requirements of the lease will easily be covered since the salvage values of the Project can be taken into account. This is not accurate. The lease does allow for the salvage value of the Project to be taken into account, unless there are bond requirements "imposed on Tenant by governmental authority that are substantially equal to or more stringent" than the requirements of the lease. OPSB has explicitly required that the decommissioning plan submitted to them include a performance bond without regard to the resale or salvage value of the Project.

For several months, discussions have been had with Clearview's representatives regarding the above concerns, as well as others, and frequently we receive no substantive answers, or answers that we do receive take months when we are told that the information requested is readily available and will be provided immediately. We are now mere weeks away from the deadline for presenting necessary information to OPSB, and substantial and legitimate concerns have yet to be answered, and information that has been provided indicates that Clearview will not be performing adequately or in accordance with its obligations under the lease, as well as under the stipulations of OPSB.

In sum, we reiterate our concerns regarding the above points and the fact that it seems very unlikely that these concerns will be properly addressed in the time frame in which Clearview needs to have information presented to OPSB for the preconstruction conference. Requests have been made to numerous landowners asking for allowance for Clearview to move into the construction phase; however, at this time, we are not confident that Clearview is ready to do so. Many of the landowners and their families have lived on and cared for the properties at issue for over seventy years, and we want to be certain that Clearview is following the terms of the leases, as well as the stipulations imposed by OPSB, so that the land remains properly cared for to the greatest extent feasible. Terms of the leases were negotiated specifically with this motivation in mind, as well as for protecting surrounding properties owned by the landowners and their neighbors, and we have great concern that these terms are being disregarded.

Due to the significance and imminence of the concerns at issue and their relevance to the upcoming preconstruction conference with OPSB, along with our aforementioned difficulties in receiving timely and substantive communications from Clearview, a copy of this letter is being sent to OPSB to insure that the stated concerns are properly addressed before the time to do so has passed. We would like to schedule a meeting immediately to discuss these matters.

Sincerely,



Dana M. Zook
Attorney for:

- Auxano Kalitera, LLC
- Auxano Kalos, LLC
- Jeanne E. Zook, Trustee
- James K. Pullins and Lindsay E. Pullins
- David Pullins and Paula Ann Pullins, Trustees
- D. Michael Pullins and Catherine S. Pullins, Trustees
- Lee W. Davidson