

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Letter of Notification)
Application of Blossom Solar, LLC for a 138)
kV Transmission Line Project in Morrow) Case No. 23-104-EL-BLN
County, Ohio.)

**MOTION FOR WAIVER AND OBJECTION / AND REQUEST FOR CLARIFICATION
OF STAFF REPORT CONDITION**

On April 13, 2023, Blossom Solar, LLC (the “Applicant”) filed a Letter of Notice Application (“LON”) to construct a 138 kV Transmission Line Project (the “Project”) in Morrow County, Ohio (“Project”) subject to an automatic approval process as required by Ohio Revised Code (“R.C.”) 4906.03 and Ohio Administrative Code (“O.A.C”) 4906-6 (“Application”). The Project will transmit power generated by the Blossom Solar Project (Case No. 22-151-EL-BGN) into the existing American Transmission Systems Inc. (“ATSI”) 138 kV Galion substation (“Utility Substation”).

On June 14, 2023, the Staff of Ohio Power Siting Board (“Staff”) Staff issued a Report of Investigation subject to six conditions (“Staff Report”). Per the Staff Report, the automatic approval date for the Application is June 21, 2023.

O.A.C 4906-6-10(C) provides that “Any conditions included in a staff report that are not objected to by an applicant prior to the automatic approval date ... shall be deemed automatically adopted by the board, administrative law judge, or executive director as conditions on the certificate of environmental compatibility and public need.”

Relatedly, O.A.C 4906-6-10(C) also requires an applicant to file “a written objection or proposes an alternative condition to any condition proposed in a staff report with the board at least

three days prior to the automatic approval date, such condition shall only be effective if specifically recommended by the staff in an amended staff report and adopted by the board within the time permitted for consideration of the application provided in division (F) of section 4906.03 of the Revised Code.” (emphasis added).

As the automatic approval date is tomorrow, June 21, 2023, the Applicant respectfully requests a waiver from this three day requirement to provide an objection / request for clarification to the second condition of the Staff Report on June 20, 2023. Accordingly, the Applicant requests that the second condition of the Staff report be clarified to read as follows (with new proposed language provided in underlines):

Prior to the commencement of construction activities in areas that require permits or authorizations by federal or state laws and regulations, the Applicant shall obtain and comply with such permits or authorizations. The Applicant shall provide copies of permits and authorizations, including all supporting documentation, on the case docket prior to commencement of construction. Any permit violation received by the Applicant from the permitting agency shall be provided on the case docket within seven days of receipt. With regard to crossing any wetlands, in the event that the Applicant does not use HDD, it would obtain any necessary permits to allow for alternate construction techniques.

The Applicant requests that the Staff issue an updated automatic approval date and that an amended Staff Report be issued as soon as practicable. Therefore, the Applicant respectfully requests that this motion for waiver and request for clarification to the Staff Report condition be granted.

Respectfully Submitted,

/s/ Matthew C. McDonnell

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CERTIFICATE OF SERVICE

The Ohio Power Siting Board's e-filing system will electronically serve notice of the filing of this document on the parties referenced in the service list of the docket card who have electronically subscribed to these cases. In addition, the undersigned certifies that a copy of the foregoing document is also being served upon the persons below this 20th day of June, 2023.

/s/ Matthew C. McDonnell
Matthew C. McDonnell (0090164)

Counsel:

john.jones@ohioAGO.gov

Administrative Law Judge:

Jeffrey.Jones@puco.ohio.gov

**This foregoing document was electronically filed with the Public Utilities
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6/20/2023 2:27:24 PM

in

Case No(s). 23-0104-EL-BLN

Summary: Motion - Motion for Waiver and Objection electronically filed by Mr. Matthew C. McDonnell on behalf of Blossom Solar, LLC.