

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Richwood)
Solar, LLC for a Certificate of Environmental)
Compatibility and Public Need to Construct a) Case No. 23-930-EL-BGN
Solar-Powered Electric Generation Facility in)
Union County, Ohio.)

**MOTION FOR WAIVER AND/OR EXTENSION OF TIME
FINDING THAT THE SECOND PREAPPLICATION NOTIFICATION LETTER
BE ACCEPTED AS TIMELY FILED
AND MEMORANDUM IN SUPPORT**

Pursuant to Ohio Administrative Code (“O.A.C.”) Rules 4906-2-01(B) and 4906-2-07(A), Richwood Solar, LLC (“Applicant”) respectfully files this motion with the Ohio Power Siting Board (“Board”) requesting that the Board grant this waiver and/or extension of time finding that the Applicant timely filed its second preapplication notification letter.

The Applicant requests that, for the reasons more fully set forth in the following memorandum in support, the Board grant this motion.

Respectfully submitted,

/s/ Christine M.T. Pirik
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**MEMORANDUM IN SUPPORT OF
MOTION FOR WAIVER AND/OR EXTENSION OF TIME
FINDING THAT THE SECOND PREAPPLICATION NOTIFICATION LETTER BE
ACCEPTED AS TIMELY FILED**

The Applicant is preparing to file, within the next few months, an application with the Board for a certificate of public convenience and necessity to construct the Richwood Solar project, a 250 megawatt, solar-powered electric generation and an up to 50 megawatt energy storage system in Union County, Ohio. The Applicant is hosting a public information meeting on November 1, 2023. O.A.C. Rule 4906-3-03(A) requires the Applicant to "file a preapplication notification letter with the Board at least fifteen days prior to the date of any public informational meeting(s)." The Applicant filed a preapplication notification letter describing the November 1, 2023 public information meeting with the OPSB on October 17, 2023, at least fifteen days before the meeting. The Applicant is voluntarily holding a second public information meeting in light of the fact that in the current review of O.A.C. Rule 4906-3, the Board has adopted a rule revision that would require a second public meeting. The Applicant is hosting a voluntary public information meeting on November 8, 2023 and informed Board Staff of this over a month ago. The Applicant has provided notice of the November 8, 2023 meeting to the tenants and property owners impacted by the project in addition to local public officials in accordance with O.A.C. Rule 4906-3-03. In addition, the *Marysville Tribune*, a newspaper of general circulation in the project area, published notice of the November 8, 2023 meeting on October 24, 2023 pursuant to O.A.C. Rule 4906-3-03.

Due to a technical error and filing difficulties, the second preapplication notification letter was filed the next business day after the date provided in O.A.C. Rule 4906-3-03(A) on October 25, 2023. Pursuant to the Board's process, the second preapplication letter will not be reflected

on the docket card until October 25, 2023. Therefore, the Applicant is filing this request for waiver and/or extension to ensure that the Applicant can proceed to hold this voluntary public information meeting and deem that the second preapplication letter was timely filed.

In light of the fact that the description of the project information contained in the second preapplication letter filed on October 25, 2023 for the November 8, 2023 public information meeting has not changed since the October 17, 2023 preapplication letter filed for the November 1, 2023 public information meeting and that the Board Staff were made aware of the meeting time and location for the November 8, 2023 public information meeting prior to the filing of this second preapplication letter, no party is prejudiced by granting this motion for waiver and/or extension. Therefore, the Applicant respectfully requests that the Board grant this motion for waiver and/or extension of time and accept the second preapplication letter as timely filed.

Respectfully Submitted,

/s/ Christine M.T. Pirik
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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 25th day of October, 2023.

/s/ Christine M.T. Pirik
Christine M.T. Pirik (0029759)

Counsel:

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Administrative Law Judge:

jeff.jones@puco.ohio.gov

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in

Case No(s). 23-0930-EL-BGN

Summary: Motion - MOTION FOR WAIVER AND/OR EXTENSION OF TIME
FINDING THAT THE SECOND PREAPPLICATION NOTIFICATION LETTER BE
ACCEPTED AS TIMELY FILED AND MEMORANDUM IN SUPPORT electronically
filed by Christine M.T. Pirik on behalf of Richwood Solar, LLC.