

**BEFORE
THE OHIO POWER SITING BOARD**

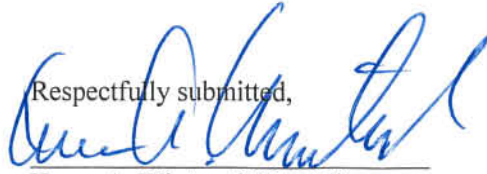
In the Matter of the Application of)	
Hecate Energy Highland 4 LLC for a)	Case No. 20-1288-EL-BGN
Certificate of Environmental)	
Compatibility and Public Need)	
For a Solar- Powered Electric)	
Generating Facility to be Located in)	
Highland County, Ohio)	

**MOTION FOR WAIVER OF THE REQUIREMENT TO CONDUCT A PUBLIC
INFORMATION MEETING “IN THE AREA IN WHICH THE PROJECT IS LOCATED” AND
REQUEST FOR EXPEDITED RULING ON THE MOTION**

Hecate Energy Highland 4 LLC (“Hecate Energy”) anticipates filing, with the Ohio Power Siting Board (“Board”), an application for a certificate of environmental compatibility and public need for a 100 MW solar powered electric generating facility in Highland County, Ohio to be known as New Market Solar and consisting of two individual projects: to be known as New Market Solar I and New Market Solar II (“Project”). Ohio Admin. Code 4906-3-03(B) requires that Hecate Energy hold a public information session “in the area in which the project is located” prior to the filing of the application. Given the COVID-19 pandemic and the gathering and social distancing requirements that continue to be advanced by the Governor’s Office and the Ohio Department of Health, Hecate Energy requests, pursuant to Ohio Admin. Code 4906-4-01(B), a waiver of this requirement. The procedures Hecate Energy intends to employ to assure that the intent of Ohio Admin. Code 4906-3-03(B) is met and that residents in the Project area are made aware of the Project and the Board’s certification process are set forth in the attached Memorandum in Support. Hecate Energy also requests, pursuant to Ohio Admin. Code 4906-2-27(C), an expedited ruling on the Motion on or before August 5, 2020, so as to allow Hecate Energy the necessary time to accomplish

the publications and notices required by Ohio Adm. Code 4906-3-03(B) for a public information session to be conducted no later than August 27, 2020.

Respectfully submitted,



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MEMORANDUM IN SUPPORT OF MOTION

I. INTRODUCTION

Hecate Energy Highland 4 LLC (“Hecate Energy” or “Applicant”) is proposing to construct a 100 MW solar-powered electric generating facility in Highland County, Ohio to be known as New Market Solar and consisting of two individual projects to be known as New Market Solar I and New Market Solar II (“Project”). Hecate Energy anticipates the filing of an application for the certificate of environmental compatibility and public need from the Ohio Power Siting Board (“Board”) for the construction and operation of the facility in the very near future. Hecate Energy has conducted the pre-application conference with Board staff contemplated by Ohio Admin. Code 4906-3-02 and intends to proceed with the required public information meeting regarding the Project.

Ohio Admin. Code 4906-3-03(B) requires that “no more than ninety days prior to submitting a standard certificate application to the Board, the applicant shall conduct at least one informational meeting open to the public to be held in the area in which the project is located.” Public information sessions have typically been held at a physical location in the Project area. However, the COVID-19 pandemic has prompted the Governor to declare a State of Emergency and the Director of the Ohio Department of Health to issue a series of orders directing all persons to stay at their places of residence, unless they are engaged in essential activities, essential government functions or to operate essential businesses and operations. While the State has lifted the mandatory requirements and restrictions of these orders as part of its “Responsible Restart Ohio”, the Governor and the Ohio Department of Health continued to advocate limiting the capacity of gatherings and events, maintaining social distancing and wearing masks, particularly as the number of cases and hospitalizations continue to rise. <https://coronavirus.ohio.gov/wps/portal/gov/covid-19/responsible-restart-ohio/>.

So as to allow the Project to proceed while adhering to the recommendations of the Governor and the Director of Health, Hecate Energy moves for waiver of the requirement of Ohio Admin. Code 4906-3-

03(B) to hold the public information session “in the area in which the project is located” in favor of the procedures set forth below.

II. ANALYSIS

Ohio Admin. Code 4906-4-01(B) authorizes the Board, upon application or motion by any party, to waive any requirement of Ohio Admin. Code Chapter 4906, other than a requirement mandated by statute. The requirement of Ohio Admin. Code 4906-3-03(B) to hold a public information meeting “in the area in which the project is located” is a requirement of Ohio Admin. Code Chapter 4906, rather than the Revised Code and, as a result, may be waived for good cause shown.

Given the constraints imposed by the current circumstances, Hecate Energy proposes to meet the public information meeting requirement of Ohio Admin. Code 4906-3-03(C) through a three-step process: (1) preparation of a power point presentation by the Hecate Energy Project team with the details of the Project and the Board’s certification process along with its posting to the Project website and distribution as set forth below; (2) preparation of a pre-recorded presentation by Hecate Energy with respect to the information set forth in the power point presentation that is also posted to the Project website; and (3) a live question and answer (“Q&A”) session conducted by Hecate Energy’s Project team to allow the public to ask questions and receive answers regarding the Project.

A. Power Point Presentation

Hecate Energy will prepare a power point presentation with respect to the Project that will include information from its Project team (and the Ohio Power Siting Board staff if Board staff is amenable to participating) regarding the Applicant and the Project. This information will consist of the location, size and capacity, as well as maps allowing affected property owners to identify the location of their properties in relation to the Project, the facilities and equipment proposed, the studies that have been conducted as to the impacts of the Project (including but not limited to ecological, cultural, and socioeconomic), and the Board’s certification process.

The power point will include contact information for the Applicant as well as contact information for the Board. The power point presentation will be posted to the Project website ten (10) days in advance of the live Q&A session to be conducted with respect to the Project.

B. Pre-Recorded Presentation

The Hecate Energy Project team (and the Ohio Power Siting Board staff if Board staff are amenable) will prepare a recorded presentation of the material contained in the power point presentation regarding the Project. The recorded presentation will be posted to the Project website ten (10) days in advance of the subsequent live Q&A session to be conducted with respect to the Project.

C. Live Q&A Session

The live Q&A session will be conducted by the Project team and will allow the public to ask questions and receive answers from the Applicant (and Board staff) regarding the Project and the Board's certification process. The platform to be used for the live Q&A session will be capable of hosting up to three hundred (300) participants and will allow participants to connect by telephone. A toll free number and access code will be provided. Participants will be able to ask questions, at which time the participant's line will be unmuted by the operator. Questions will be addressed on a "first come, first serve" basis. Any questions the Applicant is unable to address during the live Q&A will be addressed subsequent to the call. In addition, the public will be able to submit comments to the Applicant via email or through a form located on the Project website beginning ten (10) days prior to the live Q&A session. Comments received prior to live Q&A session will be addressed during the live Q&A session to the extent possible. Again, in the event that the Applicant is unable to address all questions during the call, questions and/or comments will be addressed subsequent to the call. Finally, all comments received will be addressed in the application for the certificate as required by Ohio Admin. Code 4906-3-03(B)(4).

C. Additional Information to be Included in Required Notices

In addition to the content of the public notice required by Ohio Admin. Code 4906-303(B)(1), Hecate Energy will also include the location of the website for the Project, instructions as to how to view the presentation and how to participate in the live Q&A session, how to obtain a hard copy of the power point presentation, if desired, information as to how to submit comments or questions with respect to the Project in advance of the live Q&A session, and contact information for the Applicant in the event there are questions regarding the foregoing.

The notice to property owners and affected tenants required by Ohio Admin. Code 4906-3-03(B)(2) will include the content required by the rule as well as the foregoing. In addition, enclosed with the letter will be a hard copy of the power point presentation.

D. Additional Information to be Included on Project Website

Prior to the sessions described above, Hecate Energy will include, on the Project website, information regarding the date of the live Q&A session as well as all necessary information as to how members of the public may participate. The power point presentation and the recorded presentation will be uploaded to the website ten (10) days in advance of the live Q&A session and maintained on the website throughout the certification process.

The website will include a map and Project information to enable affected property owners and tenants to readily ascertain a property's location relate to the Project.

The website will also have a form to submit questions and will allow community members to request a call from a Project representative.

Hecate Energy believes that the foregoing procedures will meet the intent of Ohio Admin. Code 4906-3-03(B) to make residents in the Project area aware of the Project and allow the opportunity to ask questions and have those questions answered. Hecate Energy notes that the Board has previously granted relief from the requirement of Ohio Admin. Code 4906-3-03(B) to hold the public information session “in

the area in which the project is located” under terms similar or identical to those proposed by Hecate Energy. *See In the Matter of the Application of Madison Fields Solar Project LLC for a Certificate of Environmental Compatibility and Public Need to Construct an Electric Generating Facility in Madison County, Ohio*, Case No. 19-1881-EL-BGN, May 21, 2020 Entry Granting Motion for Waiver; *In the Matter of the Application of Powell Creek Solar, LLC for a Certificate of Environmental Compatibility and Public Need for a Solar Facility Located in Putnam County, Ohio*, Case No. 20-1084-EL-BGN, June 15, 2020 Entry Granting Motion for Waiver; *In the Matter of the Application of Yellowbud Solar, LLC for a Certificate of Environmental Compatibility and Public Need*, Case No. 20-0972-EL-BGN, May 26, Entry Granting Motion for Waiver; *In the Matter of the Application of Arche Energy Project, LLC for a Certificate of Environmental Compatibility and Public Need for a Solar Facility Located in Fulton, County, Ohio*, Case No. 20-0979-EL-BGN, May 26, 2020 Entry Granting Motion for Waiver; and *In the Matter of the Application of Fox Squirrel Solar, LLC for a Certificate of Environmental Compatibility and Public Need* (June 30, 2020).

Wherefore, for all of the foregoing reasons, Hecate Energy respectfully requests that the Board grant relief from the requirement of Ohio Admin. Code 4906-3-03(B) that Hecate Energy hold a public information session “in the area in which the project is located” prior to the filing of the application on the terms and schedule set forth above.

III. REQUEST FOR EXPEDITED RULING ON THE MOTION

Hecate Energy has tentatively scheduled the live Q&A session for August 27, 2020. As a result, Hecate Energy respectfully requests expedited consideration of the Motion so that a decision is made by the Board on or before August 5, 2020. This will allow Hecate Energy the necessary time for publication and mailing of the notices required by Ohio Admin. Code 4906-3-03(B)(1) and (2) as proposed to be supplemented by Hecate Energy. These notices obviously cannot be made as proposed unless the Motion is granted. The deadline for decision on the Motion proposed by Hecate Energy will allow for the full amount of time allotted by Ohio Admin. Code 4906-2-37(C) for the public to comment on the Motion, with

an additional period of time thereafter for Board staff to consider the Motion and provide its recommendation to the Board.

Respectfully submitted,


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Case No(s). 20-1288-EL-BGN

Summary: Motion Motion for Waiver of the Requirement to Conduct a Public Information Meeting "In the Area in Which the Project is Located" and Request for Expedited Ruling on the Motion and Memorandum in Support electronically filed by Ms. Karen A. Winters on behalf of Hecate Energy Highland 4 LLC