

June 16, 2022

Via email

Mindy Bourne (mindy.bourne@poseycountyin.gov)
Executive Director
Posey County Area Plan Commission
126 E. Third St. Coliseum Bldg., Room 223
Mount Vernon, IN 47620

Re: Posey Solar, LLC Final Development Plan Application

Dear Mindy:

My understanding is that you have received a filing fee from Posey Solar LLC (the "Project") in the amount of \$63,333 pertaining to our proposed Final Development Plan ("Final DP") application for the Posey Solar Project. We provide the Data Room link below regarding the Project which contain proposed submittals.

[https://arevon.sharepoint.com/:f:/r/sites/MidwestSolar/Shared%20Documents/Midwest%20Solar%20DevCo/1.%20CapDyn/Projects/Posey/09%20Permitting-Other/Solar%20Ordinance/Dev%20Plan/Dev%20Plan%20\(External\)?csf=1&web=1&e=d7dVKG](https://arevon.sharepoint.com/:f:/r/sites/MidwestSolar/Shared%20Documents/Midwest%20Solar%20DevCo/1.%20CapDyn/Projects/Posey/09%20Permitting-Other/Solar%20Ordinance/Dev%20Plan/Dev%20Plan%20(External)?csf=1&web=1&e=d7dVKG)

These submittals, as summarized below, are set out in the County Solar Zoning Ordinance, as amended on April 20, 2021 (the "Ordinance") and represent, in the experience of Arevon Energy and Tenaska, best practice approaches to the required submittals which together we believe will constitute a complete filing under the SECS provisions of the Ordinance—with the exceptions as noted below under b. and e. As we have discussed, the Project is being downsized from approx. 300 MW to no more than 200 MWac.

Per Section 153.124.03 of the Ordinance, here is a summary of documents included in the Data Room with hard copies being mailed directly to you from Tenaska.

Final Development Plan Application

- a. Revised Site Plan
- b. Transportation Plan—also known as Road Use Agreement ("RUA"). We note that the submitted form of RUA and Transportation Plan (together with Exhibits) were approved by i) the SECS Transportation Committee on June 8, 2022 and ii) should be considered by the County Commissioners on June 21, 2022. Revisions have been made to address the comments of the third party reviewer (Beam, Longest Neff). The document will be executed by the Project and the Commissioners at the time of application for an Improvement Location Permit.
- c. Approved Drainage Plan
- d. Updated Safety and Security Plan
- e. Updated Decommissioning Plan (also known as Decommissioning Plan Agreement ("DPA").) We note that we believe that the form of this document (and required attachments) have been reviewed by the County Attorney and Plan Commission attorneys. DPA will be signed by the Project at the time of application for an Improvement Location Permit. Note that the Decommissioning Cost (as defined therein) will be calculated by Westwood and Attachment D thereto will be populated in the document and filed no later than July 8, 2022.
- f. Construction and Operations Bond (titled Performance Bond Annual Form).
- g. Economic Development Agreement—not applicable as tax abatement is not being sought.

- h. Signed Additional Assurance document

Additional Submittal Items

- i. Signed Application
- j. Signed Updated Affidavit of Consent
- k. Updates to the following Preliminary Development Plan submittals (given the Project downsizing): Maps, Project Summary, Project Ownership Description, Visual Impact Report Memo, Noise Evaluation Report Addendum and Natural Resource Impact Report Addendum
- l. Updated Proposed Conditions of Approval
- m. Proposed Findings of Fact

Thank you for your review. Assuming that you find these submittals in order, and the Commissioners approve the Transportation Plan and Road Use Agreement on June 21, we are hopeful that the Project application will be deemed accepted and that a hearing date of Monday August 15 can be set. We look forward to our next call on Thursday June 30 at 11 am CT to discuss your review of these submittals and finalizing a schedule for legal notice and submittal of packets for the Plan Commission members and other interested parties.

Sincerely,



Mary E. Solada
Indiana Project attorney

MES/cmm
Enclosures

cc: Terry Hall (terry@terryhall.law)
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