

BEFORE THE OHIO POWER SITING BOARD

- - -

In the Matter of the :
Application of Willowbrook:
Solar I, LLC, for a :
Certificate of : Case No. 18-1024-EL-BGN
Environmental :
Compatibility and Public :
Need. :

- - -

PROCEEDINGS

before Mr. Jeff Jones, Administrative Law Judge, at
the Ohio Power Siting Board, 180 East Broad Street,
Room 11-D, Columbus, Ohio, called at 10:00 a.m. on
Thursday, February 28, 2019.

- - -

ARMSTRONG & OKEY, INC.
222 East Town Street, Second Floor
Columbus, Ohio 43215-5201
(614) 224-9481 - (800) 223-9481

- - -

APPEARANCES:

Vorys, Sater, Seymour and Pease, LLP
By Mr. Michael J. Settineri
and Mr. MacDonald W. Taylor
52 East Gay Street
Columbus, Ohio 43215

On behalf of the Applicant.

Ohio Farm Bureau Federation
By Ms. Amy Milam
280 North High Street
Columbus, Ohio 43215

On behalf of the Ohio Farm Bureau
Federation.

Dave Yost, Ohio Attorney General
By Mr. Thomas Lindgren,
Assistant Attorney General
Public Utilities Section
30 East Broad Street, 16th Floor
Columbus, Ohio 43215

On behalf of the OPSB Staff.

- - -

1	INDEX		
2	- - -		
3	WITNESS	PAGE	
4	Douglas Herling		
5	Direct Examination by Mr. Settineri	11	
6	Examination by ALJ Jones		
7	Grant Zeto		
8	Direct Examination by Mr. Lindgren	26	
9	Examination by ALJ Jones	28	
10	- - -		
11	JOINT EXHIBIT	IDENTIFIED ADMITTED	
12	1 Joint Stipulation and		
13	Recommendation	11	31
14	- - -		
15	COMPANY EXHIBIT	IDENTIFIED ADMITTED	
16	1 Application for a Certificate		
17	of Environmental Compatibility		
18	and Public Need Application	8	24
19	2 Notice of Filing of		
20	Applicant's Responses to		
21	Staff's Data Requests	8	24
22	3 Proof of Service	9	24
23	4 Proof of Notice of Public		
24	Informational Meeting	9	24
25	5 Various Proof of		
26	Publications	9	24
27	6 Direct Testimony of		
28	Douglas Herling	9	24
29	7 Direct Testimony of		
30	Lori Coleman	10	25
31	8 Direct Testimony of		
32	Matthew Robinson	10	25
33	- - -		

INDEX (Continued)

- - -

COMPANY EXHIBIT IDENTIFIED ADMITTED

9 Direct Testimony of David Hessler 10 25

10 Direct Testimony of Andrew Lines 10 25

11 Direct Testimony of Shawn McGee 11 25

- - -

STAFF EXHIBIT IDENTIFIED ADMITTED

1 Staff Report of Investigation 28 31

- - -

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Thursday Morning Session,
February 28, 2019.

- - -

ALJ JONES: Let's go on the record.

The Ohio Power Siting Board has assigned
for hearing at this time and place Case No.
18-1024-EL-BGN, that being in the Matter of the
Application of the Willowbrook Solar I, that's Roman
numeral I, LLC, for a Certificate of Environmental
Compatibility and Public Need.

My name is Jeff Jones. I am an
Administrative Law Judge with the Power Siting Board,
and I have been assigned by the Board to this hearing
today.

At this time I will take appearances on
behalf of the parties. On behalf of the Applicant
Willowbrook Solar.

MR. SETTINERI: Thank you, your Honor. I
would like to make an appearance on behalf of
Willowbrook Solar I, LLC, Michael Settineri and
MacDonald Taylor, law firm of Vorys, Sater, Seymour
and Pease, 52 East Gay Street, Columbus, Ohio 43215.

ALJ JONES: Thank you, Mr. Settineri.

On behalf of the Ohio Farm Bureau
Federation.

MS. MILAM: Yes, good morning, your Honor. Amy Milam on behalf of Ohio Farm Bureau, 280 North High Street, Columbus, Ohio 43215.

ALJ JONES: Thank you.

On behalf of Staff of the Power Siting Board.

MR. LINDGREN: On behalf of the Staff, Ohio Attorney Dave Yost by Thomas G. Lindgren, Assistant Attorney General, 30 East Broad Street, 16th Floor, Columbus, Ohio 43215.

ALJ JONES: Thank you, Mr. Lindgren.

I would also like to note for the record at this time that there were two other intervening parties to this case, James and Jeanine Powell and Timothy Brinker. Both Mr. Powell -- Mr. and Mrs. Powell and Mr. Brinker have filed requests to withdraw their intervention and no longer want to be considered party to this case. Those were filed on February 25 by the Powells of 2019, I'm sorry, and Timothy Brinker on February 26, 2019. So those two parties will no longer be considered parties in this case or intervenors in this case.

At this time before we begin with the case in chief of the Applicant Willowbrook Solar, I would ask if there is anybody who would like to offer

1 local public testimony on this proceeding. I know
2 there was a local public hearing previously held in
3 the project area, but I am just asking if there is
4 anybody else that wanted to give local public
5 testimony.

6 Seeing no one, Mr. Settineri, are you
7 prepared to proceed?

8 MR. SETTINERI: Yes, we are, your Honor.
9 Thank you.

10 Your Honor, a preliminary matter, as you
11 are aware, there's a Joint Stipulation and
12 Recommendation that was filed in this proceeding
13 early yesterday afternoon. Given that there is a
14 Board rule, Rule 4906-2-24(B), we would at this time
15 move for a waiver of that rule to allow for the
16 Stipulation to be filed under the 24 deadline as
17 contained in that rule.

18 ALJ JONES: Any objection to
19 Mr. Settineri's motion?

20 MR. LINDGREN: No objections.

21 MS. MILAM: No, your Honor.

22 ALJ JONES: Thank you. That motion will
23 be granted. Thank you.

24 MR. SETTINERI: Thank you, your Honor.
25 Then, your Honor, at this time to start our

1 presentation, we will call Mr. Doug Herling to the
2 stand, please.

3 ALJ JONES: Mr. Herling, would you raise
4 your right hand, please.

5 (Witness sworn.)

6 ALJ JONES: Thank you.

7 You may proceed, Mr. Settineri.

8 MR. SETTINERI: Thank you, your Honor.
9 The first thing I would like to do is start by
10 marking for the record a number of exhibits.

11 ALJ JONES: Okay.

12 MR. SETTINERI: First, I would like to
13 mark for the record Company Exhibit 1 which is the
14 Application for a Certificate of Environmental
15 Compatibility and Public Need that was filed in this
16 proceeding.

17 ALJ JONES: It shall be so marked.

18 (EXHIBIT MARKED FOR IDENTIFICATION.)

19 MR. SETTINERI: The next exhibit to mark
20 is Company Exhibit 2 which are the Applicant's
21 Responses to Staff's Data Request filed on this
22 docket yesterday.

23 ALJ JONES: The document shall be so
24 marked.

25 (EXHIBIT MARKED FOR IDENTIFICATION.)

1 MR. SETTINERI: The next exhibit to mark
2 is Company -- as Company Exhibit 3 is a Proof of
3 Service of the Application that was deemed complete.

4 ALJ JONES: It shall be so marked.

5 (EXHIBIT MARKED FOR IDENTIFICATION.)

6 MR. SETTINERI: The next exhibit to mark
7 as Company Exhibit 4 are various Proofs of Mailings
8 to local landowners.

9 ALJ JONES: That document shall be so
10 marked.

11 (EXHIBIT MARKED FOR IDENTIFICATION.)

12 MR. SETTINERI: The next document to mark
13 as Company Exhibit 5 are various Proofs of
14 Publications also previously filed in the docket in
15 this proceeding.

16 ALJ JONES: The document shall be so
17 marked as Exhibit 5.

18 (EXHIBIT MARKED FOR IDENTIFICATION.)

19 MR. SETTINERI: Next as Company Exhibit 6
20 the Direct Testimony of Douglas Herling.

21 ALJ JONES: That document shall be so
22 marked.

23 (EXHIBIT MARKED FOR IDENTIFICATION.)

24 MR. SETTINERI: Next as Company Exhibit 7
25 the Direct Testimony of Lori Coleman, C-O-L-E-M-A-N.

1 ALJ JONES: The document shall be so
2 marked.

3 (EXHIBIT MARKED FOR IDENTIFICATION.)

4 MR. SETTINERI: As Company Exhibit 8, we
5 would ask to mark the Direct Testimony of Matthew
6 Robinson.

7 ALJ JONES: That document shall be so
8 marked.

9 (EXHIBIT MARKED FOR IDENTIFICATION.)

10 MR. SETTINERI: As Company Exhibit 9, we
11 would ask to mark the Direct Testimony of David
12 Hessler.

13 ALJ JONES: That document shall be so
14 marked.

15 (EXHIBIT MARKED FOR IDENTIFICATION.)

16 MR. SETTINERI: And as Company Exhibit
17 10, the Direct Testimony of Andrew Lines, L-I-N-E-S.

18 ALJ JONES: That document shall be so
19 marked.

20 (EXHIBIT MARKED FOR IDENTIFICATION.)

21 MR. SETTINERI: As Company Exhibit 11,
22 the Direct Testimony of Shawn McGee, M-c-G-E-E, Shawn
23 S-H-A-W-N.

24 ALJ JONES: The document shall be so
25 marked.

1 (EXHIBIT MARKED FOR IDENTIFICATION.)

2 MR. SETTINERI: And, lastly, as Joint
3 Exhibit 1, the Joint Stipulation and Recommendation
4 that was filed in this proceeding.

5 ALJ JONES: Joint Exhibit 1 shall be so
6 marked.

7 (EXHIBIT MARKED FOR IDENTIFICATION.)

8 - - -

9 DOUGLAS HERLING

10 being first duly sworn, as prescribed by law, was
11 examined and testified as follows:

12 DIRECT EXAMINATION

13 By Mr. Settineri:

14 Q. Good morning, Mr. Herling.

15 A. Good morning.

16 Q. Could you please state your name and
17 business address for the record, please.

18 A. My name is Douglas Herling. I am
19 Director of Business Development with Open Road
20 Renewables, 1105 Navasota Street, Austin, Texas
21 78702.

22 Q. Okay. Mr. Herling, we have marked a
23 number of exhibits in this proceeding. I would like
24 to walk you through those exhibits to have you
25 identify them for the record, please. If we can

1 start first with Company Exhibit 1. Do you have that
2 before you?

3 A. I do.

4 Q. And can you identify that for the record,
5 please.

6 A. Company Exhibit 1 is the Application for
7 Willowbrook Solar I, LLC.

8 Q. And you were involved in the development
9 and preparation of that application, correct?

10 A. I was.

11 Q. And could you identify for the record
12 what's been marked as Company Exhibit 2, please.

13 A. Company Exhibit 2 are the Applicant's
14 Responses to Staff's Data Requests.

15 Q. Okay. And were you involved in preparing
16 those responses?

17 A. Yes, I was.

18 Q. Okay. And could you identify for the
19 record what's been marked as Company Exhibit 3,
20 please.

21 A. Company Exhibit 3 is the Proof of Service
22 of the Application.

23 Q. Okay. And could you identify for the
24 record what's been marked as Company Exhibit 4,
25 please.

1 A. Company -- Company Exhibit 4 is the
2 Proofs of Mailings to local adjacent and
3 participating landowners.

4 Q. Okay. And you were involved in the
5 development of the landowner mailing list, correct?

6 A. Yes, I was.

7 Q. Okay. And could you identify for the
8 record what's been marked as Company Exhibit 5,
9 please.

10 A. Company Exhibit 5 includes Proofs of
11 Publication in local newspapers.

12 Q. And could you identify what's been marked
13 as Company Exhibit 6, please.

14 A. Company Exhibit 6 is my testimony for the
15 proceeding today.

16 Q. Okay. And I am also going to have you at
17 this time, if you can, identify for the record what's
18 been marked as Joint Exhibit 1, please.

19 A. Joint Exhibit 1 is the Joint Stipulation
20 and Recommendation agreed to by the parties here
21 today.

22 Q. And as to Joint Exhibit 1, you were
23 involved -- were you involved in the negotiations
24 related to that Joint Stipulation and Recommendation?

25 A. Yes, I was.

1 Q. Okay. All right. I would like to turn
2 back to your direct testimony as Company Exhibit 6,
3 please. Do you have that before you, sir?

4 A. Yes, I do.

5 Q. Take your time. Do you have that before
6 you?

7 A. Yes.

8 Q. Okay. Was that prepared by you or at
9 your direction?

10 A. Yes, it was.

11 Q. Okay. And do you have any corrections to
12 that testimony at this time?

13 A. I do. We have one minor correction of a
14 typo.

15 Q. And if you could identify that for the
16 court reporter, please.

17 A. The typo is on page 6, line 12, Answer
18 13, we are striking the "D" in "noticed." It should
19 read "notice."

20 Q. Do you have any other corrections to your
21 testimony?

22 A. I do not.

23 Q. Now, in your testimony I wanted to direct
24 your attention to Answer 22, Question 22. Are you
25 there?

1 A. Yes.

2 Q. Okay. Now, you reviewed the Staff Report
3 issued on February 4, 2019, in this proceeding,
4 correct?

5 A. Yes, I have.

6 Q. Okay. And your -- in the Question and
7 Answer on 22, you present revisions to Staff's
8 recommended conditions in the Staff Report, correct?

9 A. Correct.

10 Q. All right. Now, with the Joint
11 Stipulation being signed and submitted and filed in
12 this proceeding, does that supercede your
13 recommendations in Answer 22 as to the conditions
14 that you recommend revising?

15 A. Yes, it does.

16 Q. Okay. All right. You can set that
17 aside, Mr. Herling. Let -- one last question on that
18 though. If I was to ask you the questions in your
19 testimony, subject to the correction you gave and the
20 clarification of the testimony with regards to the
21 stipulation, would your answers be the same today?

22 A. Yes, my answers would all remain the
23 same.

24 Q. Thank you. If we can turn to Joint
25 Exhibit 1, please. And, again, you were involved in

1 the negotiations in the Stipulation, correct?

2 A. Yes, I was.

3 Q. Okay. And I am going to repeat something
4 here for the record, but we'll just make sure it's
5 clear. In your original February 22, 2019, prefiled
6 testimony that is marked as Company Exhibit 6, did
7 you make recommendations regarding the conditions
8 proposed by Staff in the February 4, 2019, Staff
9 Report of Investigation?

10 A. Yes. And the Joint Stipulation reflected
11 my recommendations regarding Staff's proposed
12 conditions after negotiation with Staff. To be clear
13 the recommended conditions in the Joint Stipulation
14 replace the revisions to Staff's proposed conditions
15 I presented in my initial prefiled testimony marked
16 as Company Exhibit 6.

17 Q. Is the Joint Stipulation a product of
18 serious bargaining among capable and knowledgeable
19 parties?

20 A. Yes. I was personally involved in the
21 negotiation of the Joint Stipulation. These
22 signatory parties to the Joint Stipulation were all
23 represented by counsel. During negotiations, these
24 signatory parties agreed to modify some -- some of
25 the conditions that Staff proposed in the Staff

Report of Investigation.

Q. Does this Joint Stipulation benefit the public interest?

A. Yes. The project is a major infrastructure project and major capital investment. It benefits the community. The project will generate clean and quiet renewable energy and will provide on-peak power during high demand periods of the mid-day and late afternoon.

In addition, the project will benefit the local economy through additional new jobs, economic stimulus, and tax revenue. The Joint Stipulation further benefits the public interests by requiring the project to take steps to meet certain requirements during the construction and operation of the project to minimize any impact of the project.

Q. And does the Joint Stipulation violate any important regulatory principle or practice?

A. No.

Q. And what do you recommend the Ohio Power Siting Board do in regard to the Joint Stipulation?

A. I recommend that the Ohio Power Siting Board adopt the Joint Stipulation including the recommendation -- including the recommended conditions.

1 MR. SETTINERI: Thank you, Mr. Herling.

2 Your Honor, at this time the witness is
3 available for cross-examination.

4 ALJ JONES: Ms. Milam, do you have any
5 questions for this witness?

6 MS. MILAM: No questions, your Honor.

7 ALJ JONES: Mr. Lindgren, do you have any
8 questions for this witness?

9 MR. LINDGREN: No questions, your Honor.

10 ALJ JONES: Okay.

11 - - -

12 EXAMINATION

13 By ALJ Jones:

14 Q. Sorry, Mr. Herling. I have a couple.

15 A. That's all right.

16 Q. So turning your attention to page 2 of
17 the Joint Stipulation and Recommendation, Joint
18 Exhibit 1 in this matter, do you have that in front
19 of you?

20 A. Yes, I do.

21 Q. Okay. And again on page 2, there's some
22 references here that I just want to see if you can
23 provide some insight and educational value to me on.
24 In the third paragraph down, the second full
25 paragraph of the -- on page 2, and in the last

1 paragraph on page 2, the first sentence, both of
2 those sentences reference electric and communication
3 lines. Do you see those references?

4 A. Yes.

5 Q. Okay. Can you explain for me what the
6 purpose of communication lines are on a solar
7 facility?

8 A. Sure. We'll typically have fiberoptic
9 cable or other communication between various
10 inverters and arrays which helps us monitor the
11 performance of the facility to relay information back
12 to a central hub.

13 Q. Is that always fiberoptic cable, or is it
14 sometimes copper?

15 A. I don't have the answer to that at the
16 moment.

17 Q. Thank you. On that same page, last
18 paragraph on that page, there is reference, it is the
19 third sentence down, it starts "The Applicant has
20 committed that those portions of the AC collector
21 system." Do you see that sentence?

22 A. Yes.

23 Q. And it talks about the "collector system
24 outside the fenced solar fields and fenced
25 substation." My question is what about the

1 facilities inside the fenced area? Will those be
2 buried or how will they be located?

3 A. Typically, yes. All -- all the
4 collection line will be buried most -- in most cases
5 at that same depth. Certain aspects of the solar
6 farm the wiring can be harnessed beneath the panels,
7 but once stepped up to a higher voltage it's buried.

8 Q. Thank you. Turning your attention to,
9 again I am in this Joint Stipulation entered in this
10 case, Condition No. 11. Let me know when you are
11 there.

12 A. I'm there.

13 Q. Okay. There is a reference in this
14 condition to -- right in the middle of the paragraph
15 "adjacent non-participating parcel contains a
16 residence -- contains a residence with a direct line
17 of sight." Do you see that sentence?

18 A. Yes, I do.

19 Q. Okay. I guess my question is at this
20 time do you know how many parcels that this would
21 impact, non-participating parcels?

22 A. We -- yes, we have a fairly -- fairly
23 good idea. I don't have the number with me at the
24 moment, but we've -- we've gone out and looked and
25 worked with as many folks as we can at this point.

1 Q. Okay. Turning your attention to
2 Condition No. 19.

3 A. I'm there.

4 Q. In the first line of Condition 19, it
5 references "In-stream construction in perennial
6 streams." Do you see that?

7 A. I do.

8 Q. My question is what was the purpose for
9 limiting this to perennial streams?

10 A. The purpose of limiting to perennial
11 streams is that there are several lower quality
12 previously disturbed ditches used for drainage from
13 fields that are not of high ecological value compared
14 to say a perennial stream. We have tried to limit
15 our crossings of any of the higher quality water
16 bodies like the perennial stream.

17 Q. Okay. Thank you. Also in that same
18 condition, the Staff Report -- do you have the Staff
19 Report with you?

20 A. I do not.

21 Q. Okay. There was a modification to the
22 condition that was in the Staff Report. And maybe
23 you know the answer to this, and if you don't, that's
24 fine. You can just say you don't. But there was a
25 reference in the Staff's condition to an

1 ODNR-approved biologist being involved in the sweep
2 seine technique. That language has been removed from
3 Condition 19. Do you know why that language was
4 removed from Condition 19?

5 A. It was based on consultation with our
6 biologists.

7 Q. Would this -- would this understanding
8 that someone that has knowledge of these species be
9 subsumed within Condition No. 22 of the Joint
10 Stipulation that there would be someone who is
11 knowledgeable in handling these species? Would that
12 be subsumed by Condition 22, do you believe?

13 A. Yes, I do believe that.

14 Q. Thank you. One -- I believe one last
15 question. I shouldn't say that. Condition No. 25 of
16 the Joint Stipulation, the discussion in the first
17 line of that Condition No. 25 says "The Applicant
18 shall to the extent practicable minimize the clearing
19 of wooded areas." Do you see that reference?

20 A. Yes, I do, your Honor.

21 Q. Would this -- to the extent practicable,
22 would this be something that would be discussed in
23 the pre-construction conference with the Power Siting
24 Board Staff?

25 A. Yes, it would. And just for the record,

1 we sought to minimize clearing to the extent possible
2 in the design of the project avoiding areas where
3 there are extensive wooded areas to leave corridors
4 and other means for travel of wildlife.

5 ALJ JONES: Okay. Thank you,
6 Mr. Herling. I believe that's all the questions I
7 have.

8 Any redirect based on my questions?

9 MR. SETTINERI: No, your Honor, we do
10 not.

11 ALJ JONES: Okay. Anybody else have
12 questions based on my questions?

13 MS. MILAM: No.

14 ALJ JONES: Thank you. Thank you.
15 That's all the questions I have.

16 THE WITNESS: Thank you, your Honor.

17 MR. SETTINERI: Your Honor, then at this
18 time we would move into the record Company Exhibit 1,
19 Company Exhibit 2, Company Exhibit 3, Company Exhibit
20 4, Company Exhibit 5, Company Exhibit 6, and Joint
21 Exhibit 1.

22 ALJ JONES: Is there any objection to the
23 admission of Company Exhibits 1 through 6 or Joint
24 Exhibit 1? Joint Exhibit 1 is the Joint Stipulation;
25 is that correct?

1 MR. SETTINERI: That is correct, your
2 Honor.

3 ALJ JONES: I would like to take that up
4 when -- after I ask Mr. Zeto some questions. So at
5 this time let's take up Company's Exhibits 1 through
6 6. Any objection to the admission of those?

7 MR. LINDGREN: No objection.

8 MS. MILAM: No objection.

9 ALJ JONES: Thank you. Those documents
10 shall be admitted.

11 (EXHIBITS ADMITTED INTO EVIDENCE.)

12 MR. SETTINERI: Next, your Honor, we had
13 previously marked a series of exhibits for other
14 individuals' testimony Company Exhibit 7, Company
15 Exhibit 8, Company Exhibit 9, Company Exhibit 10,
16 Company Exhibit 11. For all of those witnesses,
17 Mr. Coleman, Robinson, Hessler, Lines, and McGee,
18 they are all out of town witnesses. And after
19 consulting with the parties, all parties to the case,
20 they said they have no cross-examination for those
21 witnesses, and they are agreeable to stipulate to the
22 admission of all of those exhibits into the record
23 without the appearance of those witnesses here today.

24 ALJ JONES: Thank you, Mr. Settineri. Is
25 there any objection to the admission of the

1 testimonies that are marked as Exhibits 7 through 11
2 at this time?

3 MS. MILAM: No objection.

4 MR. LINDGREN: No objection.

5 ALJ JONES: Thank you. Those documents
6 shall be so admitted.

7 (EXHIBITS ADMITTED INTO EVIDENCE.)

8 MR. SETTINERI: Thank you, your Honor.
9 And this concludes our presentation at this time.

10 ALJ JONES: Thank you.

11 Thank you, Mr. Herling. You may step
12 down.

13 Ms. Milam, do you have any witnesses you
14 want to provide today?

15 MS. MILAM: I do not, your Honor.

16 ALJ JONES: Thank you.

17 Mr. Lindgren?

18 MR. LINDGREN: Thank you, your Honor.

19 The Staff calls Grant Zeto to the stand.

20 ALJ JONES: Mr. Zeto, would you raise
21 your right hand.

22 (Witness sworn.)

23 ALJ JONES: Thank you. Please be seated.

24 Go ahead, Mr. Lindgren.

25 MR. LINDGREN: Thank you.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

GRANT ZETO

being first duly sworn, as prescribed by law, was
examined and testified as follows:

DIRECT EXAMINATION

By Mr. Lindgren:

Q. Good morning, Mr. Zeto.

A. Good morning.

Q. Would you state your full name for the
record.

A. Grant Zeto.

Q. And what is your business address?

A. 180 East Broad Street, Columbus, Ohio
43215.

Q. Thank you. Where are you employed?

A. I am employed with the Public Utilities
Commission of Ohio.

Q. How long have you been employed there?

A. I've been employed here since 2011.

Q. Thank you. And what is your position?

A. I am a Utility Specialist 2. I
specialize in environmental review.

Q. Thank you. Were you involved in the
investigation of the project we are here regarding
this morning, the Willowbrook Solar Farm?

A. Yes, I was.

1 Q. And what was your role?

2 A. I was the Staff lead investigator for the
3 project and helped to author sections of the Staff
4 Report.

5 Q. Thank you.

6 MR. LINDGREN: May I approach the
7 witness?

8 ALJ JONES: Yes, you may.

9 MR. LINDGREN: Let the record reflect I
10 am handing the witness what I will ask to be marked
11 as Staff Exhibit 1.

12 Q. Mr. Zeto --

13 ALJ JONES: Are you going to describe
14 what the document is?

15 MR. LINDGREN: I was going to ask him, if
16 that's okay.

17 ALJ JONES: Okay.

18 Q. Do you recognize that document?

19 A. Yes, I do.

20 Q. And can you explain what it is?

21 A. This is the Staff Report of
22 Investigation, the result of our review of the
23 Application and the other documents provided in the
24 docket in this case.

25 Q. Thank you. And does it accurately

1 reflect the results of your investigation?

2 A. Yes, it does.

3 Q. Thank you. Mr. Zeto, are you familiar
4 with the Joint Stipulation and Recommendation that
5 has been marked as Joint Exhibit 1?

6 A. Yes, I am.

7 Q. And would you recommend that the
8 Commission adopt this stipulation?

9 A. Yes, I would.

10 MR. LINDGREN: Thank you.

11 No further questions.

12 ALJ JONES: Thank you. Let's go ahead
13 and mark Staff's Exhibit 1 as the Staff Report of
14 Investigation in the case docketed February 4, 2019.

15 (EXHIBIT MARKED FOR IDENTIFICATION.)

16 ALJ JONES: Mr. Settineri, do you have
17 any questions for this witness?

18 MR. SETTINERI: We don't, your Honor.
19 Thank you.

20 ALJ JONES: Ms. Milam?

21 MS. MILAM: I do not, your Honor.

22 - - -

23 EXAMINATION

24 By Alj Jones:

25 Q. Mr. Zeto, I think I just have one that I

1 think you can clear up for me if you have the Staff
2 Report of Investigation in front of you. Could you
3 turn to page 19, please.

4 A. Okay. I'm there.

5 Q. And in the -- I want to direct your
6 attention to the third and fourth paragraphs on page
7 19 of the Staff Report investigation. Do you have
8 those in front of you?

9 A. Yes, I do.

10 Q. Okay. There is a discussion in paragraph
11 3 about the Sloan's crayfish and there is a
12 discussion in paragraph 4 regarding perennial
13 streams. Do you see those references?

14 A. Yes.

15 Q. And I guess my question is -- and it
16 relates to the Joint Stipulation Condition 19. Do
17 you have the Joint Stipulation in front of you?

18 A. No, I don't.

19 I have it now.

20 Q. Okay. So my question is just simply the
21 reference to perennial streams in the Staff Report at
22 page 19, paragraph 4, is -- is that intended to apply
23 to the discussion of the Sloan's crayfish in the
24 Staff Report of Investigation page 19, paragraph 3?

25 A. Not necessarily. There was kind of two

1 recommendations happening. But we did end up with
2 the perennial streams and Sloan's crayfish.

3 Q. So the Joint Stipulation Exhibit No. 1,
4 Condition No. 19, is how you intend for this
5 condition to read at the present time; is that
6 correct?

7 A. Yes. This was -- this condition was the
8 result of coordination with ODNR, and the condition
9 as written accurately reflects that coordination.

10 ALJ JONES: Thank you, Mr. Zeto. That's
11 all the questions I have.

12 Any redirect, Mr. Lindgren?

13 MR. LINDGREN: None, your Honor.

14 ALJ JONES: Thank you. Any other
15 questions of this witness?

16 MS. MILAM: No, your Honor.

17 ALJ JONES: Thank you.

18 MR. LINDGREN: Your Honor, I would move
19 for the admission of Staff Exhibit 1, the Staff
20 Report of Investigation.

21 ALJ JONES: Any objections to the
22 admission of Staff Exhibit 1, the Staff Report of
23 Investigation in this case?

24 MS. MILAM: No objection.

25 MR. SETTINERI: No objection, your Honor.

1 ALJ JONES: Thank you. That document
2 shall be so admitted.

3 (EXHIBIT ADMITTED INTO EVIDENCE.)

4 ALJ JONES: Okay. Now, Mr. Settineri, do
5 you renew your motion for the admission of Joint
6 Exhibit No. 1 which is the Joint Stipulation and
7 Recommendation in this matter?

8 MR. SETTINERI: Yes, we do, your Honor.
9 At this time again we renew our motion to submit
10 Joint Exhibit 1 into the record.

11 ALJ JONES: Any objections?

12 MS. MILAM: No objection.

13 MR. LINDGREN: No objections.

14 ALJ JONES: Hearing none, that document
15 shall so admitted.

16 (EXHIBIT ADMITTED INTO EVIDENCE.)

17 ALJ JONES: Is there anything further to
18 come before the Bench today?

19 MR. SETTINERI: No, your Honor.

20 MS. MILAM: No, your Honor.

21 ALJ JONES: All right. Thank you. Thank
22 you all for your attendance.

23 We are adjourned.

24 (Thereupon, at 10:30 a.m., the hearing
25 was concluded.)

CERTIFICATE

I do hereby certify that the foregoing is
a true and correct transcript of the proceedings
taken by me in this matter on Thursday, February 28,
2019, and carefully compared with my original
stenographic notes.

Karen Sue Gibson

Karen Sue Gibson, Registered
Merit Reporter.

(KSG-6705)



This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

3/18/2019 11:28:37 AM

in

Case No(s). 18-1024-EL-BGN

Summary: Transcript In the Matter of the Application of Willowbrook Solar I, LLC, for a Certificate of Environmental Compatibility and Public Record, hearing held on February 28th, 2019. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.