

BEFORE THE OHIO POWER SITING BOARD

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In the Matter of the :  
Application of Hardin :  
Solar Energy II, LLC, for :  
a Certificate of :  
Environmental :  
Compatibility and Public : Case No. 18-1360-EL-BGN  
Need to Construct an :  
Electric Generation :  
Facility in Hardin County, :  
Ohio. :

- - -

PROCEEDINGS

before Ms. Megan Addison, Administrative Law Judge,  
at the Public Utilities Commission of Ohio, 180 East  
Broad Street, Room 11-D, Columbus, Ohio, called at  
10:01 a.m. on Thursday, March 28, 2019.

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APPEARANCES:

Dickinson Wright, PLLC  
By Ms. Christine M.T. Pirik  
and Mr. Will Vorys  
150 East Gay Street, Suite 2400  
Columbus, Ohio 43215

On behalf of the Applicant.

The Ohio Farm Bureau Federation  
By Ms. Amy M. Milam  
280 North High Street, 6th Floor  
Columbus, Ohio 43215

On behalf of the Ohio Farm Bureau  
Federation.

Dave Yost, Ohio Attorney General  
By Ms. Jodi J. Bair,  
Senior Assistant Attorney General  
Public Utilities  
30 East Broad Street, 16th Floor  
Columbus, Ohio 43215

On behalf of the Staff of the OPSB.

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10	APPLICANT EXHIBIT	IDENTIFIED	ADMITTED
11	1 Application Filed on		
12	October 12, 2018	7	11
13	2 Supplement to Application		
14	Filed on November 14, 2018	7	11
15	3 Second Supplement to		
16	Application Filed on		
17	February 15, 2019	7	11
18	4 Response to First Set of		
19	Interrogatories Filed on		
20	February 19, 2019	7	11
21	5 Certificate of Service of the		
22	Accepted, Complete Application		
23	on Local Public Officials and		
24	Libraries Filed on December 17,		
25	2018, in accordance with Ohio		
	Adm. Code 4906-3-07(A) (1)		
	and (2)	7	11
	6 Proof of Service of the		
	Accepted, Complete Application		
	on all Local Public Officials,		
	Libraries, and Each Owner of		
	Property Crossed and/or Adjacent		
	to the Proposed Facility Site		
	Filed on January 24, 2019, in		
	Accordance with Ohio Adm.		
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APPLICANT EXHIBIT IDENTIFIED ADMITTED

7 Proofs of Publication of the  
Accepted, Complete Application  
in The Ada Herald and The  
Kenton Times Filed on  
January 24, 2019, in Accordance  
with R.C. 4906.06(E) 7 11

8 Proof of Service and Proofs  
of the Second Publication of  
the Accepted, Complete  
Application in The Ada Herald  
and The Kenton Times Filed on  
March 7, 2019, in Accordance  
with Ohio Adm. Code  
4906-3-09(A) (2) 7 11

9 Prefiled Testimony of Gabe  
Klooster in Support of Joint  
Stipulation and Recommendation 7 11

- - -

STAFF EXHIBIT IDENTIFIED ADMITTED

1 Staff Report of Investigation  
Issued on February 26, 2019 8 16

2 Prefiled Testimony of James S.  
O'Dell Sponsoring Staff Report  
of Investigation 8 16

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JOINT EXHIBIT IDENTIFIED ADMITTED

1 Joint Stipulation and  
Recommendation 7 16

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Thursday Morning Session,  
March 28, 2019.

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ALJ ADDISON: Let's go ahead and go on  
the record.

The Ohio Power Siting Board has assigned  
for hearing at this time and place Case No.  
18-1360-EL-BGN being in the Matter of the Application  
of Hardin Solar Energy II, LLC, for a Certificate of  
Environmental Compatibility and Public Need Issued to  
Construct an Electric Generation Facility in Hardin  
County, Ohio.

My name is Megan Addison. I am the  
Administrative Law Judge assigned by the Power Siting  
Board to hear this case. At this time we'll take  
appearances of the parties beginning with the  
Applicant.

MS. PIRIK: Thank you, your Honor. On  
behalf of Hardin Solar Energy II, the law firm of  
Dickinson Wright, 150 East Gay Street, Columbus, Ohio  
43215 by Christine Pirik and Will Vorys.

ALJ ADDISON: Thank you.

Ms. Bair.

MS. BAIR: Thank you, your Honor. On  
behalf of the Staff of the Power Siting Board, Dave

Yost, Attorney General, Jodi Bair, Assistant Attorney General, 30 East Broad Street, Columbus, Ohio 43215.

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

ALJ ADDISON: Thank you.

We still have one pending procedural matter to address. On January 11, 2019, the Ohio Farm Bureau Federation filed a timely motion to intervene. I would also like to quickly note that no memoranda contra were filed in response to this motion.

At this time based on the arguments supporting the motion, I do find good cause exists to grant intervention to the Ohio Farm Bureau Federation consistent with Ohio Admin. Code 4906-2-12.

If there are no other procedural matters, Ms. Pirik, you have the floor.

MS. PIRIK: Thank you, your Honor. Would you like us to mark our exhibits at this time?

ALJ ADDISON: I think that would make the most sense.

MS. PIRIK: We would like to mark as Applicant Exhibit 1 the Application filed on October 12, 2018; Applicant Exhibit 2 the supplement to the

Application filed on November 14, 2018; Applicant Exhibit 3 is the second supplement to the Application filed on February 15, 2019; Applicant Exhibit 4 is the response to the first set of interrogatories filed February 19, 2019; Applicant Exhibit 5 is the Certificate of Service filed on December 17, 2018; Applicant Exhibit 6 is the Proof of Service filed on January 24, 2019; Applicant Exhibit 7 is the Proofs of Publication filed on January 24, 2019; Applicant Exhibit 8 is the Proof of Service and Proofs of Second Publication filed on March 7, 2019; and Applicant Exhibit 9 is the prefiled testimony of Mr. Gabe Klooster.

ALJ ADDISON: Thank you. Those exhibits will be so marked.

(EXHIBITS MARKED FOR IDENTIFICATION.)

MS. PIRIK: Your Honor, we would also like to mark as Joint Exhibit 1 the Joint Stipulation and Recommendation signed on behalf of Staff, of the Ohio Farm Bureau Federation, and the Applicant.

ALJ ADDISON: Thank you very much. It will be so marked.

(EXHIBIT MARKED FOR IDENTIFICATION.)

ALJ ADDISON: Thank you.

Ms. Bair, did Staff wish to mark its

1 exhibits at this time or?

2 MS. BAIR: Yes, thank you, your Honor.  
3 We would like to mark as Staff Exhibit 1 the Staff  
4 Report of Investigation that was filed on February  
5 26, 2019, and as Staff Exhibit 2 the prefiled  
6 testimony of James O'Dell.

7 ALJ ADDISON: Thank you. They will be so  
8 marked.

9 (EXHIBITS MARKED FOR IDENTIFICATION.)

10 MS. BAIR: Thank you, your Honor.

11 ALJ ADDISON: Ms. Pirik.

12 MS. PIRIK: Thank you. The Applicant  
13 would like to call Gabe Klooster to the stand.

14 (Witness sworn.)

15 ALJ ADDISON: Thank you. Please be  
16 seated.

17 - - -

18 GABE KLOOSTER

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

21 DIRECT EXAMINATION

22 By Ms. Pirik:

23 Q. Good morning, Mr. Klooster.

24 A. Good morning.

25 Q. Could you please state and spell your



1 name for the record.

2 A. My name is Gabe Klooster, G-A-B-E  
3 K-L-O-O-S-T-E-R.

4 Q. And by whom are you employed?

5 A. Invenergy LLC.

6 Q. Did you provide prefiled direct testimony  
7 in this case?

8 A. I did.

9 Q. And is that testimony marked as Applicant  
10 Exhibit 9?

11 A. Yes, it is.

12 MS. PIRIK: Your Honor, I would just note  
13 we've given copies of Applicant Exhibit 9,  
14 Mr. Klooster's testimony, as well as Joint Exhibit 1  
15 to the court reporter and copies are on the Bench for  
16 your review.

17 ALJ ADDISON: Thank you very much.

18 Q. (By Ms. Pirik) Mr. Klooster, do you have  
19 in front of you what's been marked -- I think I  
20 already asked you that, but I'll ask again.

21 A. I do, yeah.

22 Q. Was this prefiled testimony prepared by  
23 you and under your direction?

24 A. Yes, it was.

25 Q. Do you have any corrections or changes to

1 your testimony at this time?

2 A. I do not.

3 Q. And if I asked the same questions that  
4 are in your testimony, would your answers be the same  
5 today?

6 A. They would.

7 MS. PIRIK: Your Honor, we've marked all  
8 of the exhibits, and I would move for admission of  
9 Applicant Exhibits 1 through 9, subject to  
10 cross-examination.

11 ALJ ADDISON: Thank you, Ms. Pirik. I  
12 will reserve ruling on your motion for admission  
13 after asking the other parties if they have any  
14 questions for this witness.

15 Ms. Milam, any questions?

16 MS. MILAM: No, your Honor.

17 ALJ ADDISON: Ms. Bair?

18 MS. BAIR: None, thank you.

19 ALJ ADDISON: Thank you. And if I could  
20 just ask one quick clarifying question. I just  
21 wanted to gather some clarification if all of Staff's  
22 recommendations proposed in its Staff Report have  
23 been accepted as part of the Joint Stipulation and  
24 Recommendation?

25 THE WITNESS: I think that we negotiated

1 a couple of items of the Stipulation, but they  
2 effectively cover everything raised in the Staff  
3 Report.

4 ALJ ADDISON: Okay. Thank you.

5 THE WITNESS: Thank you.

6 ALJ ADDISON: All right. Ms. Pirik has  
7 already moved for admission of -- and I apologize.  
8 Ms. Pirik, did you already move for admission of  
9 Exhibits 1 through 9 and Joint Exhibit 1 or just  
10 Exhibit 9?

11 MS. PIRIK: I just moved 1 through 9,  
12 waiting for Staff's testimony for the joint exhibit,  
13 but if you would like it moved too, I can do that.

14 ALJ ADDISON: That's okay. We will cover  
15 your Applicant's 1 through 9 initially. We will wait  
16 for Staff's testimony for Joint Exhibit 1.

17 Are there any objections to the admission  
18 of Applicant's Exhibits No. 1, 2, 3, 4, 5, 6, 7, 8,  
19 or 9?

20 MS. MILAM: No objection, your Honor.

21 MS. BAIR: No objection.

22 ALJ ADDISON: They will be admitted.

23 (EXHIBITS ADMITTED INTO EVIDENCE.)

24 HEARING OFFICER: Anything further,  
25 Ms. Pirik?

1 MS. PIRIK: No, your Honor.

2 ALJ ADDISON: Thank you.

3 Ms. Bair.

4 MS. BAIR: Thank you. Staff would like  
5 to call James O'Dell to the stand.

6 (Witness sworn.)

7 ALJ ADDISON: Please be seated.

8 - - -

9 JAMES O'DELL

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

12 DIRECT EXAMINATION

13 By Ms. Bair:

14 Q. Could you please state your name and  
15 spell it for the record.

16 A. James S. O'Dell, O-'-D-E-L-L.

17 Q. By whom are you employed and in what  
18 capacity?

19 A. Public Utilities Commission of Ohio for  
20 the Power Siting Board, I'm a senior analyst.

21 Q. And do you have before you what has been  
22 marked as Staff Exhibit 1 that was filed on February  
23 26, 2019?

24 A. Yes, I do.

25 Q. And could you tell me the title of this

1 document.

2 A. The Hardin Solar Center II -- Hardin  
3 Solar Energy II, LLC, Case No. 18-1360-EL-BGN.

4 Q. And what was your role in developing this  
5 Staff Report?

6 A. I was the lead analyst in the case.

7 Q. And could you please just give us a brief  
8 summary of the Staff's investigation and what was  
9 conducted.

10 A. Yes. We reviewed the Applicant's  
11 Application. We conducted site visits. We performed  
12 Data Requests and Interrogatories to the Applicants.  
13 We consulted with other state agencies and other  
14 coordinating agencies, reviewed the record, and  
15 prepared a recommendation for the Board recommending  
16 approval of the facility.

17 Q. And what kind of a case would you  
18 describe this as?

19 A. 170 megawatts battery storage facility  
20 located in Hardin County, Ohio, essentially a second  
21 phase of the Hardin I, surrounds the Hardin I  
22 facility previously certificated by the Board.

23 Q. Do you have any changes or corrections to  
24 make to the Staff Report?

25 A. Staff Report, no, ma'am.

1 Q. Okay. And I would like to ask you to  
2 look at Staff Exhibit 2, your testimony. Do you have  
3 that before you?

4 A. Yes, ma'am.

5 Q. And what is this document?

6 A. Prefiled testimony of James S. O'Dell.

7 Q. Was this testimony prepared by you and  
8 under your direction?

9 A. Yes, ma'am.

10 Q. Do you have any changes, corrections, or  
11 additions that you would like to make to your  
12 testimony?

13 A. Just one small typographical error. It  
14 notes in here the Staff Report was filed this  
15 testimony states March 26. That should be February  
16 26 of 2019.

17 Q. And that is on page 2, line 15, of your  
18 prefiled testimony?

19 A. That is correct.

20 Q. And we would change March 26 to February  
21 26.

22 A. Correct.

23 Q. Any other changes or additions?

24 A. No.

25 MS. BAIR: Your Honor, I would like to

1 move Staff Exhibit 1, the Staff Report; and Staff  
2 Exhibit 2, Mr. O'Dell's testimony into the record.

3 HEARING OFFICER: Thank you very much,  
4 Ms. Bair.

5 Any questions, Ms. Milam?

6 MS. MILAM: No, your Honor.

7 ALJ ADDISON: Ms. Pirik?

8 MS. PIRIK: Yes, your Honor. I just have  
9 one question.

10 - - -

11 CROSS-EXAMINATION

12 By Ms. Pirik:

13 Q. Mr. O'Dell, you mentioned it is a 175  
14 megawatt battery storage facility?

15 A. I believe 170 is my testimony.

16 Q. I mean 170 battery storage facility?

17 A. Yes, ma'am.

18 Q. Okay.

19 ALJ ADDISON: Any other questions?

20 Q. Mr. O'Dell, would you agree that it's a  
21 170 megawatt solar facility including battery  
22 storage?

23 A. Yes.

24 MS. PIRIK: Okay. Thank you.

25 ALJ ADDISON: Thank you for that

1 clarification. Any other questions, Ms. Pirik?

2 MS. PIRIK: No, your Honor.

3 ALJ ADDISON: I have no additional  
4 questions. Mr. O'Dell, you are excused.

5 Ms. Bair previously moved Staff Exhibits  
6 1 and 2. Are there any objections to the admission  
7 of Staff Exhibits 1 and 2 into the record?

8 MS. PIRIK: No objection, your Honor.

9 MS. MILAM: No objection.

10 ALJ ADDISON: They will be so admitted.

11 (EXHIBITS ADMITTED INTO EVIDENCE.)

12 ALJ ADDISON: And as to Joint Exhibit 1,  
13 Ms. Pirik, would you like to move that at this time?

14 MS. PIRIK: We would, your Honor.

15 ALJ ADDISON: Thank you.

16 Any objections?

17 MS. BAIR: No objection.

18 MS. MILAM: None.

19 ALJ ADDISON: I didn't expect any, so we  
20 will be admitting that into the record as well.

21 (EXHIBIT ADMITTED INTO EVIDENCE.)

22 ALJ ADDISON: Thank you.

23 Is there anything else we need to address  
24 before adjourning today?

25 MS. BAIR: No.



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MS. PIRIK: No, your Honor.

MS. MILAM: No, your Honor.

ALJ ADDISON: Thank you all very much.

We are adjourned.

(Thereupon, at 10:14 a.m., the hearing  
was concluded.)

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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, March 28,  
2019, and carefully compared with my original  
stenographic notes.

*Karen Sue Gibson*

Karen Sue Gibson, Registered  
Merit Reporter.

(KSG-6720)

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**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 18-1360-EL-BGN**

Summary: Transcript In the Matter of the Application of Hardin Solar Energy II, LLC, for a Certificate of Environmental Compatibility and Public Need to Construct an Electric Generation Facility in Hardin County, Ohio, hearing held on March 28, 2019. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.