

BEFORE  
THE OHIO POWER SITING BOARD

In the Matter of the Application of )	
of Angelina Solar I, LLC, for a )	
Certificate of Environmental )	Case No. 18-1579-EL-BGN
Compatibility and Public Need )	

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**MOTION OF THE CONCERNED CITIZENS OF PREBLE COUNTY, LLC,  
ROBERT BLACK, MARJA BRANDLY, CAMPBELL BRANDLY FARMS,  
LLC, MICHAEL IRWIN, KEVIN AND TINA JACKSON, VONDERHAAR  
FAMILY ARC, LLC, AND VONDERHAAR FARMS INC. TO STRIKE  
CERTAIN PORTIONS OF THE TESTIMONY OF ANGELINA SOLAR I, LLC**

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The above-named Intervenors (collectively referred to herein as the “Concerned Citizens”) move to strike the portions of the direct and supplemental direct testimony of Douglas Herling that are specifically identified below. The Concerned Citizens also move to strike Appendix C of the Application.

**MEMORANDUM IN SUPPORT**

The Concerned Citizens request that the following testimony of Douglas Herling be struck for the reasons expressed below.

**Herling Statements about Jobs and PILOT Payments  
(Direct Testimony, Pg. 6, Line 18 to Pg. 7, Line 2)**

Douglas Herling did not perform the study on economic and fiscal impacts (Appendix C to the Application) on which he bases his projections on the jobs that may be created by constructing and operating the solar project. Nor does he possess a law degree or any other credentials that enable him to express opinions about payments in lieu of taxes (PILOT).

**Herling Statement about Noise Impacts**  
**(Direct Testimony, Pg. 8, Lines 5-8)**

Mr. Herling is not an acoustics engineer, nor does he have any expertise in evaluating noise impacts. Consequently, he has no expertise to express the expert acoustics opinions in this testimony.

**Herling Statement about Noise and Road Impacts**  
**(Direct Testimony, Pg. 15, Lines 17-18)**

Mr. Herling has no expertise in noise or road impacts. Consequently, the last sentence in Answer 26 should be struck.

**Herling Statement about Electromagnetic Fields (EMFs)**  
**(Direct Testimony, Pg. 15, Line 21 to Pg. 16, Line 5)**

Mr. Herling has no expertise with EMFs, so his expert opinions about EMFs should be struck.

**Herling Statement about the Potential Release and Toxicity of Pollutants**  
**(Direct Testimony, Pg. 15, Line 15 to Pg. 16, Line 5)**

Mr. Herling is not an engineer, nor does he have any other expertise to issue opinions on whether solar panels will release chemical constituents or whether the chemicals are toxic.

**Herling Statement about Emergency Response Services**  
**(Supplemental Direct Testimony, Pg. 3, Line 21 to Pg. 4, Line 6)**

The Concerned Citizens do not object to the first and third sentences of this paragraph. However, the rest of the paragraph expresses opinions about the operations of local emergency response personnel in which Mr. Herling has no expertise or experience. Unlike Rachael Vonderhaar, he is not a member of the community who has local knowledge about these operations.

### **Appendix C of the Application**

Appendix C of the Application, entitled “Economic and Fiscal Impact of the Angelina Solar Facility,” purports to be a report on a study by the “UC Economics Center.” No one from that organization, or anyone else, has been identified as a witness to discuss the methodology or to defend the credibility of that study. Consequently, this appendix should be struck and should not be admitted into evidence.

### **Conclusion**

For the reasons stated above, the above-described portions of Mr. Herling’s testimony and Appendix C of the Application should be struck.

Respectfully submitted,

/s/ Jack A. Van Kley  
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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 this case. In addition, I hereby certify that, on July 29, 2019, a copy of the foregoing document also is being served by electronic mail on the following: Michael Settineri at [mjsettineri@vorys.com](mailto:mjsettineri@vorys.com), MacDonald Taylor at [mwtaylor@vorys.com](mailto:mwtaylor@vorys.com), Kathryn West at [kwest@prebco.org](mailto:kwest@prebco.org), Dylan Borchers at [dborchers@bricker.com](mailto:dborchers@bricker.com), Chad Endsley at [cendsley@ofbf.org](mailto:cendsley@ofbf.org), Thaddeus Boggs at [tboggs@fbtlaw.com](mailto:tboggs@fbtlaw.com), and Jodi Barr at [Jodi.barr@ohioattorneygeneral.gov](mailto:Jodi.barr@ohioattorneygeneral.gov).

/s/ Jack A. Van Kley  
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**Case No(s). 18-1579-EL-BGN**

Summary: Motion to Strike Portions of Applicant's Testimony and Application electronically filed by Mr. Jack A Van Kley on behalf of Concerned Citizens of Preble County, LLC and BRANDLY, MARJA and Black, Robert Mr. and Irwin, Michael Mr. and CAMPBELL BRANDLY FARMS LLC and Jackson, Kevin Mr. and Jackson, Tina Ms. and Vonderhaar Family ARC, LLC and Vonderhaar Farms Inc.