

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of **Juliet**)
Energy Project, LLC for a Certificate of)
Environmental Compatibility and Public Need) Case No. 20-1760-EL-BGN
for a Solar Facility Located in Wood County,)
Ohio.)

SUPPLEMENTAL TESTIMONY OF

CLIFF SCHER

on behalf of

Juliet Energy Project, LLC

September 21, 2021

Q-1. Please state your name.

A-1. My name is Cliff Scher.

Q-2. On whose behalf are you offering testimony?

A-2. I am testifying on behalf of the Applicant, Juliet Energy Project, LLC.

Q-3. Did you previously file testimony on behalf of the Applicant this case?

A-3. Yes, I filed testimony on September 13, 2021.

Q-4. What is the purpose of your supplemental testimony?

A-4. The purpose of my testimony is to address the circumstances surrounding the Joint Stipulation filed on September 21, 2021 (“Joint Stipulation”) and support its adoption by the Ohio Power Siting Board (“OPSB” or “Board”). This testimony is a supplement to my previously filed testimony.

Q-5. Have you reviewed the Joint Stipulation?

A-5. Yes.

Q-6. Why do you believe the Board should approve the Joint Stipulation?

A-6. The Stipulation meets the criteria for Board approval of stipulations. The Staff, the Applicant, and the Intervenor Ohio Farm Bureau Foundation (“Intervenor”) are the only parties in this case, and the Applicant and Intervenor have agreed to the Staff’s initial recommended conditions, with only two minor changes. Specifically, the parties have agreed to modifications of Condition 26 to address the prevention of noxious weed growth during construction, operations and decommissioning and Condition 30 to allow explicitly for the recycling of solar panels.

The Stipulation presented in this case represents the product of serious discussions between the parties. Because there was general agreement with the Staff Report, it was possible to reach the Stipulation via a series of emails among the Staff and its attorneys, the Applicant and its attorneys, and the Intervenor and its attorneys. Additionally, the Stipulation represents a reasonable compromise that balances competing positions; therefore, it does not necessarily reflect the position that either one of the parties would have taken if these issues had been fully litigated.

1 **Q-7. Does the Stipulation include additional conditions that were not contained in the Staff**
2 **Report?**

3 **A-7.** No.

4 **Q-8. In your opinion, does the Joint Stipulation benefit the public interest?**

5 **A-8.** Yes, it does. The Stipulation clarifies that Condition 26 in the Staff Report sets forth an
6 ongoing noxious weed management obligation. The Stipulation also clarifies that Condition
7 30 in the Staff Report allows for recycling of solar panels at the end of the Project's
8 productive life. Both of these clarifications are in keeping with the public interest in
9 environmental stewardship.

10 Avoidance of a more lengthy contested hearing also serves the public interest. Finally, the
11 parties believe that all of the provisions in the Stipulation are in harmony with regulatory
12 principles and practice, including consistency with the Board's conditions in previous solar
13 project development proceedings.

14 **Q-9. Do you have any further comments?**

15 **A-9.** It is my understanding that although a stipulation is not binding upon the Board, there is
16 court precedent that the terms of a stipulation such as is presented here, should be accorded
17 substantial weight especially when it is unopposed, signed by all the parties and resolves all
18 the issues in the proceeding. It is for all these reasons that I urge the Board to approve the
19 Stipulation.

20 **Q-10. Does this conclude your testimony?**

21 **A-10.** Yes, it does. I reserve the right to modify the testimony if the Joint Stipulation filed in this
22 case is subsequently modified.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Direct Testimony of Cliff Scher was served via electronic mail upon the parties of record listed below this 21st day of September 2021:



Dylan F. Borchers

Werner Margard
Robert Eubanks
Assistant Attorneys General
Public Utilities Section
30 East Broad St., 16th Floor
Columbus, OH 43215
robert.eubanks@ohioattorneygeneral.gov
werner.margard@ohioattorneygeneral.gov

Counsel for Ohio Power Siting Board Staff

Chad A. Endsley
Leah F. Curtis
Amy M. Milam
Ohio Farm Bureau Federation
280 North High Street
Columbus, OH 43218-2383
cendsley@ofbf.org
lcurtis@ofbf.org
amilam@ofbf.org

Counsel for Ohio Farm Bureau Federation

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Summary: Text Supplemental Testimony of Cliff Scher on behalf of Juliet Energy Project, LLC electronically filed by Ms. Megan Zemke on behalf of Borchers, Dylan F