

BEFORE THE OHIO POWER SITING BOARD

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

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PROCEEDINGS

Before Matthew Sandor, Administrative Law Judge,
held at the offices of the Public Utilities
Commission of Ohio, 180 East Broad Street,
Hearing Room 11-C, Columbus, Ohio, on Wednesday,
September 22, 2021, at 10:00 A.M.

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Armstrong & Okey, Inc.
222 East Town Street, 2nd Floor
Columbus, Ohio 43215
(614) 224-9481 - (800) 223-9481

- - -

APPEARANCES:

Bricker & Eckler, LLP
By Mr. Dylan F. Borchers
and
Ms. Kara Herrnstein
100 South Third Street
Columbus, Ohio 43215

On behalf of the Applicant.

Mr. Robert Eubanks
Assistant Attorney General
30 East Broad Street, 16th Floor
Columbus, Ohio 43215

On behalf of the Staff of the
Ohio Power Siting Board.

Ms. Amy M. Milam
280 North High Street
Columbus, Ohio 43215

On behalf of the Ohio Farm
Bureau Federation.

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Wednesday Morning,
September 22, 2021.

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ALJ SANDOR: The Ohio Power Siting Board has set for hearing at this time and place Case No. 20-1760-EL-BGN which is captioned In the Matter of the Application of Juliet Energy Project, LLC for a Certificate of Environmental Compatibility and Public Need.

Good morning, everyone. My name is Matt Sandor, I am the Administrative Law Judge assigned by the Board to hear this case. At this time we will take the appearances of the parties. First on behalf of the Company.

MS. HERRNSTEIN: Thank you, Your Honor. On behalf of the Applicant Kara Herrnstein and Dylan Borchers, with the law firm of Bricker & Eckler, 100 South Third Street, Columbus, Ohio 43215.

ALJ SANDOR: Thank you. Next counsel on behalf of the Ohio Farm Bureau Federation.

MS. MILAM: Good morning, Your Honor. Amy Milam on behalf of Ohio Farm Bureau Federation, 280 North High Street, 6th Floor,

1 Columbus, Ohio 43215.

2 ALJ SANDOR: Then next counsel on
3 behalf of Board Staff.

4 MR. EUBANKS: Robert Eubanks on
5 behalf of Staff, Attorney General's office, 30
6 East Broad Street, Columbus, Ohio 43215, 26th
7 Floor.

8 ALJ SANDOR: Thank you. And I will
9 note for the record that there are no members of
10 the public here that wish to provide testimony.
11 In fact, no members of the public present.

12 Any preliminary matters from
13 the parties before we get started?

14 Okay. I will turn it over to Mr.
15 Eubanks.

16 MR. EUBANKS: Yes. Thank you. I
17 would like to have Staff's Report marked as
18 Staff Exhibit No. 1.

19 ALJ SANDOR: So marked.

20 (EXHIBIT HEREBY MARKED FOR
21 IDENTIFICATION PURPOSES)

22 MR. EUBANKS: I would also move to
23 have it admitted into evidence

24 ALJ SANDOR: Any objections to the
25 Staff Report being admitted into evidence?

1 MS. HERRNSTEIN: No objections.

2 ALJ SANDOR: For Farm Bureau?

3 MS. MILAM: No objections.

4 ALJ SANDOR: Thank you.

5 (EXHIBIT HEREBY ADMITTED INTO
6 EVIDENCE)

7 ALJ SANDOR: Staff Exhibit 1 has
8 been admitted.

9 MR. EUBANKS: And I would like to
10 have marked as Staff's Exhibit 2 the prefiled
11 testimony of Grant Zeto.

12 ALJ SANDOR: So marked.

13 (EXHIBIT MARKED FOR THE PURPOSE OF
14 IDENTIFICATION)

15 MR. EUBANKS: I would like to call
16 Grant Zeto to the stand.

17 (WITNESS SWORN)

18 - - -

19 GRANT ZETO
20 called as a witness, being first duly sworn,
21 testified as follows:

22 DIRECT EXAMINATION

23 By Mr. Eubanks:

24 Q. Could you state and spell your name
25 for the record?

1 A. Grant Zeto. G-R-A-N-T Z-E-T-O.

2 Q. And with whom are you employed and
3 in what capacity?

4 A. The Public Utilities Commission of
5 Ohio, the Power Siting Board Staff. I am
6 Utility Specialist 2.

7 Q. Did you file prefiled testimony in
8 this matter?

9 A. Yes, I did.

10 MR. EUBANKS: May I approach
11 the witness?

12 ALJ SANDOR: You may.

13 MR. EUBANKS. I am simply handing
14 out the prefiled testimony. Does anybody need
15 to see a copy of that? Okay.

16 Q. Do you recognize what I have asked
17 to be marked Staff Exhibit 2?

18 A. Yes, I do.

19 Q. What is it?

20 A. My prefiled testimony.

21 Q. Is it a true and accurate copy of
22 your testimony?

23 A. Yes, it is.

24 Q. Would you like to change anything
25 about your testimony?

1 A. Not at this time.

2 Q. If I were to ask you the same
3 questions would you provide the same answers?

4 A. Yes, I would.

5 Q. I would like to have you look at
6 Question and Answer 7. In Question and Answer 7
7 you basically recommend that the Board approve
8 the Application subject to 30 conditions that
9 are presented in the Staff Report. Do you see
10 that?

11 A. Yes.

12 Q. Are those 30 conditions also part of
13 the Stipulation?

14 A. Yes, they are, with one change to
15 Condition 30.

16 Q. I am sorry.

17 A. Yes. These 30 conditions are also
18 in the Stipulation. There is one change between
19 the conditions. It's change to Condition 30 and
20 that change is acceptable to the Staff.

21 Q. All right. So, based off of that do
22 you support, does the Staff support
23 the Stipulation?

24 A. Yes.

25 MR. EUBANKS: I would like to have

1 the prefiled testimony of Grant Zeto moved into
2 evidence.

3 ALJ SANDOR: Any objections from
4 the Company?

5 MS. HERRNSTEIN: No objections.

6 ALJ SANDOR: Any objections from
7 the Farm Bureau?

8 MS. MILAM: No objections, Your
9 Honor.

10 ALJ SANDOR: Thank you. Staff
11 Exhibit No. 2 is admitted to the record.

12 (EXHIBIT ADMITTED INTO EVIDENCE)

13 MR. EUBANKS: I have no further
14 questions.

15 ALJ SANDOR: All right. You are
16 excused.

17 THE WITNESS: Thank you.

18 ALJ SANDOR: Anything else from
19 the Staff?

20 MR. EUBANKS: No, Your Honor.

21 ALJ SANDOR: Okay. The Company,
22 when you are ready.

23 MR. BORCHERS: Your Honor, may we go
24 off the record, please, for just a moment?

25 ALJ SANDOR: Yes.

1 (DISCUSSION OFF THE RECORD)

2 ALJ SANDOR: Company, when you are
3 ready to proceed.

4 MS. HERRNSTEIN: Thank you, Your
5 Honor. At this time we would request to mark
6 exhibits in advance of the witness. All of the
7 exhibits are already on the docket, and
8 the numbering corresponds with the exhibit list
9 in the Joint Stipulation. We request to mark
10 them as follows:

11 Applicant Exhibit 1 is the
12 Application filed on March 12, 2021 and
13 amendment to the Application filed on August 10,
14 2021 with all exhibits thereto.

15 Applicant Exhibit 2, the August 11,
16 2021 Proof of Service of the Application.

17 Applicant Exhibit 3, the Applicant's
18 response to First, Second, Third and Fourth data
19 requests issued as filed on May 5th, May 14th,
20 July 13, August 2nd and August 4th, 2021.

21 Applicant Exhibit 4 Proof of Service
22 of the Application on local public officials and
23 libraries as filed May 28, 2021.

24 Applicant Exhibit 5 is the letter
25 sent to property owners and tenants within

the plan site and contiguous to the plan site on January 6, 2021 announcing the public informational meeting would be held on January 20th, 2021.

Applicant Exhibit 6, Proofs of Publication filed on July 27th and August 31, 2021 in accordance with Ohio Revised Code Section 4906.06 C for the first and second publications of the descriptions in the Sentinel-Tribune of the Application and the hearing dates published on July 22nd, August August 26t, 2021.

Applicant Exhibit 7 is the SHPO letter filed on May 5th, 2021.

Applicant Exhibit 8, the direct testimony of Cliff Scher filed on September 13th, 2021.

And Applicant Exhibit 9 is the Supplemental Direct Testimony of Cliff Scher filed on September 20th, 2021.

As well as Joint Exhibit 1, which is the Joint Stipulation and Recommendation filed September 20th, 2021.

ALJ SANDOR: Those exhibits are so marked.

1 (EXHIBITS HEREBY MARKED FOR
2 IDENTIFICATION PURPOSES)

3 MS. HERRNSTEIN: Your Honor, we will
4 move for their admission at the conclusion of
5 the testimony.

6 At this time the Company would like
7 to call Cliff Scher to the stand.

8 (WITNESS SWORN)

9 - - -

10 CLIFF SCHER

11 called as a witness, being first duly sworn,
12 testified as follows:

13 DIRECT EXAMINATION

14 By Ms. HerrNSTEIN:

15 Q. Mr. Scher, would you please state
16 your name and spell it, please?

17 A. My name is Cliff Scher, C-L-I-F-F
18 S-C-H-E-R.

19 Q. Would you state your title and
20 company for the record please?

21 A. Senior Director Development at
22 Lightsource bp.

23 Q. Do you have before you what is
24 marked as Applicant's Exhibit 8?

25 A. Yes.

1 Q. Is that your prefiled testimony that
2 was filed on September 13th, 2021?

3 A. Yes, it is.

4 Q. If I were to ask you the same
5 questions today that are in Applicant's Exhibit
6 8 would your answers be the same?

7 A. Yes, they would.

8 Q. Do you have before you what is
9 marked as Applicant's Exhibit 9?

10 A. Yes, I do.

11 Q. Is that your prefiled supplemental
12 testimony that was filed on September 20th,
13 2021?

14 A. Yes, it is.

15 Q. If I were to ask you the same
16 questions today that are in Applicant's Exhibit
17 9 would your answers be the same?

18 A. Yes.

19 Q. Do you have before you what is
20 marked as Joint Exhibit 1?

21 A. Yes, I do.

22 Q. Is that the Joint Stipulation and
23 Recommendation that was entered into between the
24 Applicant, Ohio Farm Bureau Federation, and
25 the Ohio Power Siting Board Staff?

1 A. Yes, it is.

2 Q. Does that Joint Stipulation and
3 Recommendation recommend a change to Condition
4 26 as set forth in the Staff Report?

5 A. Yes, it does.

6 Q. Could you please describe the change
7 in that condition?

8 A. The change in the condition
9 indicates a noxious weed management activity
10 would occur during construction, operations and
11 decommissioning.

12 Q. Is the change to Condition 26 along
13 with the change to Condition 30 the only changes
14 recommended in the Joint Stipulation?

15 A. Yes, they are.

16 MS. HERRNSTEIN: This concludes my
17 questions for Mr. Scher. At this time I would
18 move to enter the exhibits into the record
19 subject to cross.

20 ALJ SANDOR: Any questions for Mr.
21 Scher from Staff?

22 MR. EUBANKS: No, Your Honor.

23 ALJ SANDOR: Any questions from the
24 Farm Bureau?

25 MS. MILAM: No, Your Honor.

1 ALJ SANDOR: Thank you. You are
2 discussed, Mr. Scher.

3 THE WITNESS: Thank you.

4 ALJ SANDOR: And I believe the
5 Company has already moved for the admission of
6 the exhibits. Applicant Exhibit 1 through 9,
7 Joint Exhibit No. 1. Any objections from
8 the Staff?

9 MR. EUBANKS: No, Your Honor.

10 ALJ SANDOR: Any objections from the
11 Farm Bureau?

12 MS. MILAM: No, Your Honor.

13 ALJ SANDOR: Applicant Exhibits 1
14 through 9 are admitted, and Joint Exhibit No. 1
15 are admitted into evidence.

16 (EXHIBITS HEREBY ADMITTED INTO
17 EVIDENCE)

18 ALJ SANDOR: Is there anything
19 further from the Company?

20 MS. HERRNSTEIN: No, Your Honor.
21 No further witnesses.

22 ALJ SANDOR: Thank you. Anything
23 today, Ms. Milam?

24 MS. MILAM: No, Your Honor.

25 ALJ SANDOR: Thank you. Finally,

1 anything else from the parties?

2 Hearing none, thank you all very
3 much. We are adjourned.

4 (At 10:15 A.M. the hearing was
5 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
September 22, 2021, and carefully compared with
my original stenographic notes.

Michael O. Spencer,
Registered Professional
Reporter.

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This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 20-1760-EL-BGN

Summary: Transcript September 22nd 2021

In the Matter of the Application of Juliet Energy Project, LLC for a Certificate of Environmental Compatibility and Public Need for a Solar Facility Located in Wood County. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr.