

**BEFORE  
THE OHIO POWER SITING BOARD**

In the Matter of the Application of	:	
Kingwood Solar I, LLC for a Certificate	:	Case No. 21-0117-EL-BGN
of Environmental Compatibility and	:	
Public Need for a Solar Facility Located	:	
in Greene County, Ohio.	:	

**PREFILED TESTIMONY  
OF**

**Grant Zeto**

**ON BEHALF OF THE STAFF OF THE  
PUBLIC UTILITIES COMMISSION OF OHIO,  
POWER SITING DEPARTMENT**

**STAFF EX. \_\_\_\_\_**

**February 28, 2022**

1 1. Q. Please state your name and business address.

2 A. My name is Grant Zeto, and my business address is 180 East Broad Street,  
3 Columbus OH 43215.  
4

5 2. Q. By whom are you employed and what is your position?

6 A. I am employed by the Public Utilities Commission of Ohio (PUCO) as a  
7 Public Utilities Administrator 2 within the Power Siting Department.  
8

9 3. Q. Please summarize your educational background and work experience.

10 A. I received a Bachelor of Science Degree in Environment and Natural  
11 Resources from The Ohio State University in Columbus, Ohio.  
12

13 I have been employed by the PUCO since August 2011. My responsibilities  
14 during this time have primarily involved review of Ohio Power Siting  
15 Board (Board) cases.  
16

17 4. Q. Have you testified in prior proceedings before the Board?

18 A. Yes. I have testified in numerous proceedings before the Board.  
19

20 5. Q. What is the purpose of your testimony in this proceeding?

21 A. I served as the overall Staff Project Lead for the investigation that resulted  
22 in the Staff Report of Investigation (Staff Report) that was filed October 29,

1 2021, in this docket. I managed the Staff investigation and preparation of  
2 the Staff Report in this case.  
3

4 6. Q. What kind of case is this?

5 A. The Applicant proposes to develop, construct, and operate a 175 MW solar-  
6 powered electric generation facility to be located in Greene County, Ohio.  
7

8 7. Q. Please summarize Staff's investigation that was conducted in this case.

9 A. Staff's investigation included reviewing the application, conducting site  
10 visits to the proposed facility location, acquiring additional information  
11 from the Applicant, the public, obtaining input from state agencies that  
12 compose the Board along with other relevant state and federal agencies, and  
13 preparing a Staff Report of Investigation that presents Staff's analysis,  
14 conclusions, and recommendations. As a result of Staff's investigation,  
15 Staff recommends that the Board deny the application. However, should the  
16 Board choose to issue a certificate for the proposed facility, Staff  
17 recommends that 36 conditions become part of such certificate, as detailed  
18 in the Staff Report of Investigation.<sup>1</sup>  
19  
20

---

<sup>1</sup> As explained in the Testimony of Staff Witness Mark, Bellamy, condition 36 is a duplicate of condition 15 and, therefore, condition 36 should be disregarded. Consequently, the Staff report contains 36 conditions, not 37.

1 8. Q. What impacts did Staff review for the project in arriving at this conclusion?

2 A. Staff reviewed the potential effect of the project on public interest,  
3 convenience, and necessity. Staff also reviewed various types of land use  
4 impacts including residential, recreational, institutional, ecological, cultural  
5 resources, agricultural, and overall geological suitability. Additionally,  
6 Staff reviewed the financial, noise, safety, and aesthetic impacts of the  
7 project.  
8

9 9. Q. What was the basis for Staff's recommendation that the Board deny the  
10 Applicant's request for a certificate of environmental compatibility and  
11 public need?

12 A. Staff arrived at the recommendation due to the Applicant's inability to  
13 establish one of the eight statutory criteria. It is Staff's finding that the  
14 Applicant has failed to establish whether the facility would serve the public  
15 interest, convenience, and necessity as required under R.C. 4906.10(A)(6).  
16 Several local governmental bodies have filed to intervene in this  
17 proceeding, including the Board of Trustees of Cedarville Township, the  
18 Board of Trustees of Xenia Township, the Board of Trustees of Miami  
19 Township, and the Greene County Board of Commissioners. Two of these  
20 local governmental bodies intervened based on anticipated adverse effects  
21 of the project on their respective localities. Additionally, on October 29,  
22 2021, the Greene County Board of Commissioners filed a resolution,

1 stating its opposition to the project, specifically that the application “is  
2 incompatible with the general health, safety, and welfare of the residents of  
3 Greene County.” Further, in a February 15, 2022 pleading in this case, the  
4 Board of Trustees for Xenia, Miami, and Cedarville Townships stated that  
5 their respective residents “have expressed significant opposition to the  
6 Kingwood project to their elected officials.”<sup>2</sup> Staff notes that these  
7 governmental bodies are local elected officials charged with representing  
8 and serving their respective communities. Many of these entities have  
9 responsibility for preserving the health, safety, and welfare within their  
10 respective communities. Therefore, their interest in and, in this case strong  
11 opposition to, the project is especially compelling. While some local  
12 opposition is common in many siting projects, considering the above  
13 opposition filed in the docket and expressed at local public meetings, Staff  
14 recognizes that in this proceeding it has been especially prominent, one-  
15 sided, and compelling. Staff believes that the public opposition will create  
16 negative impacts on the local community. Board Staff believes that any  
17 benefits to the local community are outweighed by this overwhelming  
18 public opposition and, therefore, the project would not serve the public  
19 interest, convenience, and necessity.

---

<sup>2</sup> *In the Matter of the Application of Kingwood Solar I LLC for a Certificate of Environmental Compatibility and Public Need*, Case No. 21-0117-EL-BGN, Xenia Township, Miami Township, Cedarville Township, and Citizens for Green Acres, Inc.’s Memorandum in Opposition to Joint Motion to Continue Deadlines at 1 (Feb. 15, 2022).

1

2 10. Q. Does this conclude your testimony?

3 A. Yes, it does. However, I reserve the right to submit supplemental testimony  
4 as new information subsequently becomes available or in response to  
5 positions taken by other parties.

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the **Direct Testimony of Grant Zeto** has been served upon the below-named counsel via electronic mail, this 28<sup>th</sup> day of February, 2022.

/s/ Jodi J. Bair

**Jodi J. Bair**

### Parties of Record:

**Michael J. Settineri** (0073369)  
**Anna Sanyal** (0089269)  
**Nathaniel B. Morse** (0099768)  
Vorys, Sater, Seymour and Pease LLP  
52 East Gay Street P.O. Box 1008  
Columbus, OH 43216-1008  
[mjsettineri@vorys.com](mailto:mjsettineri@vorys.com)  
[aasanyal@vorys.com](mailto:aasanyal@vorys.com)  
[nbmorse@vorys.com](mailto:nbmorse@vorys.com)

*Attorneys for Kingwood Solar I LLC*

**Daniel A. Brown** (0041132)  
Brown Law Office LLC  
204 South Ludlow Street, Suite 300  
Dayton, OH 45402  
[dbrown@brownlawdayton.com](mailto:dbrown@brownlawdayton.com)

*Attorney for Cedarville Township Trustees*

**Chad A. Endsley** (0080648)  
**Leah F. Curtis** (0086257)  
**Amy M. Milam** (0082375)  
Ohio Farm Bureau Federation  
280 North High Street  
P.O. Box 182383  
Columbus, OH 43218-2383  
[cendsley@ofbf.org](mailto:cendsley@ofbf.org)  
[lcurtis@ofbf.org](mailto:lcurtis@ofbf.org)  
[amilam@ofbf.org](mailto:amilam@ofbf.org)

*Attorneys for Ohio Farm Bureau Federation*

**David Watkins** (0059242)  
**Kevin Dunn** (0088333)  
Plank Law Firm, LPA  
411 E. Town Street, Flr. 2  
Columbus, OH 43215  
[dw@planklaw.com](mailto:dw@planklaw.com)  
[kdd@planklaw.com](mailto:kdd@planklaw.com)

*Attorneys for Xenia Township Trustees*

**Lee A. Slone** (0075539)  
Dinsmore & Shohl, LLP  
Fifth Third Center  
One South Main Street, Suite 1300  
Dayton, OH 45402  
[lee.slone@dinsmore.com](mailto:lee.slone@dinsmore.com)

*Attorney for Miami Township Board of Trustees*

**John E. Hart** (0037279)  
251 N. Main St.  
Cedarville, OH 45314  
[jehartlaw@gmail.com](mailto:jehartlaw@gmail.com)

*Attorney for In Progress LLC*

**Thaddeus M. Boggs** (0089231)  
Frost Brown Todd LLC  
10 West Broad Street, Suite 2300  
Columbus, Ohio 43215  
[tboggs@fbtlaw.com](mailto:tboggs@fbtlaw.com)

*Attorney for the Greene County Commissioners*

**Jack A. Van Kley** (0016961)  
Van Kley & Walker, LLC  
132 Northwoods Blvd., Suite C-1  
Columbus, OH 43235  
[jvankley@vankleywalker.com](mailto:jvankley@vankleywalker.com)

*Attorney for Citizens for Greene Acres, Inc. And Citizen Intervenors*

**Charles D. Swaney** (0018328)  
515 North Fountain Avenue  
Springfield, OH 45504  
[cswaney@woh.rr.com](mailto:cswaney@woh.rr.com)

*Attorney for Tecumseh Land Preservation Association*



**This foregoing document was electronically filed with the Public Utilities  
Commission of Ohio Docketing Information System on**

**2/28/2022 3:06:00 PM**

**in**

**Case No(s). 21-0117-EL-BGN**

Summary: Testimony Prefiled Testimony of Grant Zeto on Behalf of the Staff of the Public Utilities Commission of Ohio, Power Siting Department electronically filed by Mrs. Kimberly M. Naeder on behalf of OPSB