

BEFORE THE OHIO POWER SITING BOARD

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In the Matter of the :  
Application of Kingwood :  
Solar I LLC for a :  
Certificate of : Case No. 21-117-EL-BGN  
Environmental :  
Compatibility and Public :  
Need. :

- - -

PROCEEDINGS

before Mr. Michael Williams and Mr. David Hicks,  
Administrative Law Judges, at the Ohio Power Siting  
Board, via Webex, called at 10:08 a.m. on Monday,  
March 7, 2022.

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VOLUME I

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APPEARANCES:

Vorys, Sater, Seymour and Pease, LLP  
By Mr. Michael J. Settineri,  
Ms. Anna Sanyal,  
Mr. Jonathan K. Stock,  
and Mr. Nathaniel B. Morse  
52 East Gay Street  
Columbus, Ohio 43215

On behalf of the Applicant.

Van Kley & Walker, LLC  
By Mr. Jack A. Van Kley  
132 Northwoods Boulevard, Suite C-1  
Columbus, Ohio 43215

On behalf of the Citizens for Greene  
Acres and Individual Intervenors.

Cedarville University  
By Mr. John E. Hart  
251 North Main Street  
Cedarville, Ohio 45314

On behalf of In Progress LLC.

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

On behalf of the Ohio Farm Bureau  
Federation.

Dinsmore & Shohl LLP  
By Mr. Lee A. Slone  
One South Main Street, Suite 1300  
Dayton, Ohio 45402

On behalf of the Miami Township Board of  
Trustees, Greene County, Ohio.

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APPEARANCES: (Continued)

Brown Law Office LLC  
By Mr. Daniel A. Brown  
204 South Ludlow Street, Suite 300  
Dayton, Ohio 45402

On behalf of the Cedarville Township  
Trustees.

Plank Law Firm, LPA  
By Mr. David Watkins  
and Mr. Kevin Dunn  
411 East Town Street, Floor 2  
Columbus, Ohio 43215

On behalf of the Xenia Township Board of  
Trustees.

Frost Brown Todd LLC  
By Mr. Thaddeus M. Boggs  
and Mr. Jesse J. Shamp  
10 West Broad Street, Suite 2300  
Columbus, Ohio 43215

On behalf of the Greene County Board of  
Commissioners.

Mr. Charles D. Swaney  
515 North Fountain Avenue  
Springfield, Ohio 45504

On behalf of the Tecumseh Land  
Preservation Association.

Dave Yost, Ohio Attorney General  
Mr. John Jones, Section Chief  
By Mr. Werner L. Margard, III,  
Ms. Jodi Bair,  
and Mr. Shaun Lyons  
Assistant Attorneys General  
Public Utilities Section  
30 East Broad Street, 26th Floor  
Columbus, Ohio 43215

On behalf of the Staff of the OPSB.

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Monday Morning Session,  
March 7, 2022.

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

The Ohio Power Siting Board has set for  
hearing at this time and place Case No. 21-117-EL-BGN  
which is captioned in the Matter of the Application  
of Kingwood Solar I LLC for a Certificate of  
Environmental Compatibility and Public Need to  
Construct a Solar-Powered Electric Generation  
Facility in Greene County, Ohio.

Good morning to everyone. My name is  
David Hicks, and with me is Mike William. And we are  
the Administrative Law Judges in the Legal Department  
of the Ohio Power Siting Board and have been assigned  
by the Board to hear this case.

I will first note that this hearing is  
reconvened via Webex in accordance with the  
scheduling entry issued on December 22, 2021, and we  
are reconvening this morning after opening the  
hearing on December 13, 2021.

At this time we will go ahead and kick  
things off by taking appearances of counsel of the  
parties in this case, and I am just going to go down

1 like a roll call here calling out folks starting with  
2 the Applicant.

3 MR. SETTINERI: Yes, good morning, your  
4 Honors. On behalf of Kingwood Solar I LLC, Michael  
5 Settineri, Jonathan Stock, Anna Sanyal, and Nathaniel  
6 Morse with the law firm Vorys, Sater, Seymour and  
7 Pease, LLP, 52 East Gay Street, Columbus, Ohio 43215.  
8 Thank you.

9 ALJ HICKS: Thank you.

10 And on behalf of Board Staff.

11 ALJ WILLIAMS: Jodi, are you speaking?

12 MS. BAIR: Wow. I did my whole  
13 appearance on mute. Sorry. Okay. On behalf of the  
14 Board Staff, Jodi Bair, Werner Margard, Shaun Lyons,  
15 Assistant Attorneys General, 30 East Broad Street,  
16 26th Floor, Columbus, Ohio 43215.

17 ALJ HICKS: Thank you.

18 And on behalf of the Ohio Farm Bureau  
19 Federation.

20 MS. MILAM: Good morning, your Honors.  
21 Amy Milam on behalf of Ohio Farm Bureau Federation,  
22 280 North High Street, 6th Floor, Columbus, Ohio  
23 43215.

24 ALJ HICKS: Thank you. On behalf of the  
25 Board of Trustees of Cedarville Township.

1 MR. BROWN: Good morning, your Honors.  
2 This is Daniel Brown and I am at 204 South Ludlow  
3 Street, Dayton, Ohio, representing the Cedarville  
4 Township Board of Trustees.

5 ALJ HICKS: Thank you. And on behalf of  
6 the Board of Trustees of Xenia Township.

7 MR. WATKINS: Good morning, your Honor.  
8 This is David Watkins and Kevin Dunn with Plank Law  
9 Firm, 411 East Town Street, Columbus, Ohio 43215  
10 representing Xenia Township Board of Trustees.

11 ALJ HICKS: Thank you. On behalf of the  
12 Board of Trustees of Miami Township.

13 MR. SLONE: Good morning. Lee Slone with  
14 Dinsmore & Shohl, One South Main Street, Suite 1300,  
15 Dayton, Ohio 45402, appearing on behalf of Miami  
16 Township Board of Trustees. Thanks.

17 ALJ HICKS: Thank you. And on behalf of  
18 In Progress LLC.

19 MR. HART: Good morning. Good morning,  
20 your Honor. John Hart, attorney for In Progress LLC,  
21 251 North Main Street, Cedarville, Ohio 45314.

22 ALJ HICKS: Thank you. And on behalf of  
23 the Tecumseh Land Preservation Association.

24 MR. SWANEY: Good morning, your Honor.  
25 Charles Swaney on behalf of Tecumseh Land



1 Preservation Association, I'm at 515 North Foundation  
2 Avenue, Springfield, Ohio. And I apologize for  
3 calling in late.

4 ALJ WILLIAMS: Mr. Swaney, while we have  
5 you, because we understand you might be coming and  
6 going during the course of the hearing, to the extent  
7 you would intend to participate in cross-examination  
8 of any witness, we would expect you to be on camera.  
9 So I understand your intention off the record was  
10 that your participation would be rather passive, but  
11 I just wanted to remind you of that fact on the  
12 record while you were still connected telephonic this  
13 morning. So any questions regarding that, sir?

14 MR. SWANEY: No. Thank you very much.

15 ALJ WILLIAMS: Thank you, Mr. Swaney.

16 ALJ HICKS: Thank you. And on behalf of  
17 the Citizens for Greene Acres and the associated  
18 Intervenors.

19 MR. VAN KLEY: Good morning. This is  
20 Jack Van Kley, Van Kley & Walker, 132 Northwoods  
21 Boulevard, Suite C-1, Columbus, Ohio 43235.

22 ALJ HICKS: Thank you. And on behalf of  
23 the Greene County Board of Commissioners.

24 MR. BOGGS: Good morning. Thad Boggs and  
25 Jesse Shamp with Frost Brown Todd LLC, 10 West Broad

1 Street, 23rd Floor, Columbus, Ohio 43215, for the  
2 Greene County Board of Commissioners.

3 ALJ HICKS: Thank you. I believe that is  
4 all of our parties.

5 I just have a few preliminary remarks  
6 here before we officially dive into the hearing. Due  
7 to issues surrounding the COVID-19 pandemic, this  
8 hearing is being held via Webex which enables parties  
9 to participate by video conference while also  
10 affording the public access to the hearing by  
11 telephone or video over the internet.

12 Before we call our first witness, just to  
13 address a few preliminary matters, if counsel or  
14 witnesses experience any technical difficulties  
15 during the hearing, please do your best to  
16 immediately let Judge Williams or I know by phone or  
17 e-mail. You can also contact our event host, Micha  
18 is helping us on this, Micha Schmidt. The number for  
19 that is (614) 466-6843.

20 There's also a chat function in Webex  
21 that you may be able to get a message to either of us  
22 Judges or to Micha. Just be aware that those chats  
23 are recorded and should not be considered private but  
24 they are also not a part of the official record of  
25 the case.

1           For folks that are just listening or  
2 watching as an attendee, you can obviously observe  
3 and listen to the hearing, but your microphones and  
4 cameras will be muted and turned off while you are  
5 still an attendee.

6           In terms of how the hearing will be  
7 conducted, in many respects it will proceed much the  
8 same way as an in person hearing before the Board.  
9 However, due to the remote nature of the hearing,  
10 just a few general ground rules and reminders.  
11 First, to avoid any unnecessary background noise, we  
12 would -- we would ask that counsel keep their  
13 microphones on mute unless they are speaking or are  
14 prepared to speak quickly or need to respond to  
15 something quickly such as raising objections or  
16 things of that nature during cross-examination.

17           As I said earlier, microphones of  
18 witnesses will be kept on mute until it is their time  
19 to testify. With respect to video, counsel should  
20 have their cameras on at all times except during  
21 breaks. You may turn your video off if you need to  
22 step away from the hearing or when your co-counsel is  
23 taking the lead. Just remember to turn your camera  
24 back on when you return. And then obviously  
25 witnesses will need to turn on their cameras and

1 microphones once they begin to testify.

2 Please also be mindful of the court  
3 reporter. I mean, as always, speak clearly and at a  
4 reasonable pace so the court reporter can accurately  
5 transcribe the hearing. The remote nature makes  
6 talking over each other a little bit more of an  
7 issue, even more so than it is in person. So just  
8 allow for that. Perhaps take -- you know,  
9 intentionally taking a pause at the end of questions  
10 or slowing down in general just to allow for what  
11 could be a little bit of lag time over this virtual  
12 hearing.

13 During their testimony, witnesses will  
14 have access only to the filings in the case docket as  
15 well as other documents that have been identified as  
16 potential exhibits and previously exchanged among the  
17 parties and shared with the Bench. Witnesses should  
18 not access or seek other information in documents  
19 while testifying nor should they communicate through  
20 any means with anyone privately during their  
21 testimony.

22 Exhibits admitted into the record which  
23 have not previously been docketed in this case docket  
24 will need to be e-mailed by the next day to the court  
25 reporter. That e-mail address is KSpencer@aando.com.

I will assume that we will repeat that e-mail address numerous times throughout the day and the rest of the week, so if you didn't get it, just ask and we can repeat it for everyone. But again, to the extent any exhibits admitted are not already on the docket, they will need to be sent directly to the court reporter.

Before we begin with testimony, we've discussed there are some preliminary matters that will need to be addressed. And to handle those, I am going to turn it over to Judge Williams to lead those considerations.

ALJ WILLIAMS: Thank you, David. Let's go ahead and go off the record.

(Discussion off the record.)

ALJ WILLIAMS: Go back on the record.

We spoke for a few minutes regarding some preliminary matters, issues regarding the presentation of witnesses and how we would arrange for witness presentation on an ongoing basis throughout this hearing.

There was a request for a clarification regarding submitting an updated testimony document that was imaged in a manner that was a little unorthodox and there was some discussion regarding changes in testimony that derive as a result of the

1 Stipulations that's been filed in this case. All of  
2 those will be addressed in due course throughout this  
3 hearing.

4 Finally, there was a request for  
5 clarification regarding the process for considering  
6 and ruling on the motion for subpoenas of Staff  
7 witnesses that was filed by Applicant in this case.  
8 It's noted that Staff filed its response on Friday.  
9 Applicant has requested or indicated that it's going  
10 to file its reply by end of business tomorrow, March  
11 8. The Bench is aware and accepting of that. It's  
12 likely then the Bench will engage in some brief oral  
13 argument relative to that motion at the start of the  
14 hearing on Wednesday, March 9, and we will reserve  
15 any ruling until that time.

16 Anything else preliminarily on the record  
17 that I have missed?

18 Seeing nothing, Mr. Settineri, I will  
19 invite Applicant to call its first witness.

20 MR. SETTINERI: Thank you, your Honors.  
21 At this time Kingwood Solar I LLC will call Mr. Dylan  
22 Stickney to the stand.

23 MR. SCHMIDT: Mr. Stickney, you've been  
24 promoted. If you can enable your audio and video.

25 ALJ WILLIAMS: Good morning,

1 Mr. Stickney.

2 MR. STICKNEY: Good morning.

3 ALJ WILLIAMS: We can see you and hear  
4 you fine. I assume you have the same connection?

5 MR. STICKNEY: I do. Yeah. You guys can  
6 all hear me okay?

7 ALJ WILLIAMS: Yes, sir. Would you raise  
8 your right hand.

9 (Witness sworn.)

10 ALJ WILLIAMS: Thank you. Please  
11 proceed, Mr. Settineri.

12 MR. SETTINERI: Thank you, your Honor.  
13 And I have a number of exhibits to mark which will  
14 take a few minutes, if I may.

15 ALJ WILLIAMS: Please.

16 MR. SETTINERI: All right. I will start  
17 first with Kingwood Exhibit 1. That is the  
18 application that was filed in this proceeding.

19 ALJ WILLIAMS: So marked.

20 (EXHIBIT MARKED FOR IDENTIFICATION.)

21 MR. SETTINERI: Thank you. Next I will  
22 mark as Kingwood Exhibit 1C, this is a confidential  
23 portion of the application that was filed under seal.

24 ALJ WILLIAMS: So marked.

25 (EXHIBIT MARKED FOR IDENTIFICATION.)

MR. SETTINERI: Next I will mark as Kingwood Exhibit 2, this is a compilation of responses to Staff data requests by the Applicant that are also on the docket, but it is a compilation document, so Kingwood Exhibit 2 will be submitted separately to the court reporter. So I would like to mark that.

ALJ WILLIAMS: So marked.

(EXHIBIT MARKED FOR IDENTIFICATION.)

MR. SETTINERI: Next is Kingwood -- I would like to mark as Kingwood Exhibit 2, this is a phase I archaeological investigation report.

ALJ WILLIAMS: Mr. Settineri, I marked the compilation document as 2.

MR. SETTINERI: I'm sorry. I may have misspoken. This should be -- I would like as Kingwood Exhibit 2C.

ALJ WILLIAMS: Okay.

MR. SETTINERI: This is a archaeological survey report that was filed under seal and that was referenced in one of the Staff data responses. So again, Kingwood Exhibit 2C was filed under seal. It's an archaeological report.

ALJ WILLIAMS: So marked.

(EXHIBIT MARKED FOR IDENTIFICATION.)



1 MR. SETTINERI: Next as Kingwood Exhibit  
2 3, this is a proof of service of the application.

3 ALJ WILLIAMS: So marked.

4 (EXHIBIT MARKED FOR IDENTIFICATION.)

5 MR. SETTINERI: That was publicly filed  
6 on the docket. Next we would like to mark as  
7 Kingwood Exhibit 4, this is a compilation of various  
8 notices relating to landowner mailings.

9 ALJ WILLIAMS: So marked.

10 (EXHIBIT MARKED FOR IDENTIFICATION.)

11 MR. SETTINERI: Thank you. Next we would  
12 like to mark as Kingwood Exhibit 5, this is a  
13 compilation of various proofs of publication that are  
14 also filed on the docket.

15 ALJ WILLIAMS: So marked.

16 (EXHIBIT MARKED FOR IDENTIFICATION.)

17 MR. SETTINERI: Next I would like to mark  
18 as Kingwood Exhibit 6, this is the direct testimony  
19 of Dylan Stickney.

20 ALJ WILLIAMS: So marked.

21 (EXHIBIT MARKED FOR IDENTIFICATION.)

22 MR. SETTINERI: Okay. And I would note  
23 for the record at this time we mentioned earlier an  
24 exhibit that was -- that had a scanning issue. That  
25 would be Attachment C to Mr. Stickney's testimony and

1 what we will do is provide an updated -- we would  
2 like, with the Bench's permission, we would provide a  
3 corrected copy to the court reporter for filing on  
4 the docket and that simply would simply take the last  
5 page of a letter that was attached as Attachment C  
6 that was scanned as landscape when it should have  
7 been portrait. It's just a minor correction, but it  
8 ensures a precise record.

9 ALJ WILLIAMS: We talked about that off  
10 the record and there were no objections noted, but on  
11 the record I will offer the parties an opportunity.  
12 Seeing no one reach for their mute buttons or wave  
13 their hands so that is also indicated in -- that will  
14 be what the expectation is.

15 MR. SETTINERI: Okay. And next -- did  
16 you mark Kingwood Exhibit 6 just to make sure?

17 ALJ WILLIAMS: We did.

18 MR. SETTINERI: Thank you. Next is  
19 Kingwood Exhibit 7. We would like to mark as  
20 Kingwood Exhibit 7 the supplemental testimony of  
21 Mr. Dylan Stickney filed on March 4.

22 ALJ WILLIAMS: So marked.

23 (EXHIBIT MARKED FOR IDENTIFICATION.)

24 MR. SETTINERI: And last as Joint  
25 Exhibit 1 would be the Joint Stipulation and

1 Recommendation as to certificate conditions also  
2 filed on the docket as of March -- on March 4, 2022.

3 ALJ WILLIAMS: So marked.

4 (EXHIBIT MARKED FOR IDENTIFICATION.)

5 MR. SETTINERI: All right.

6 - - -

7 DYLAN STICKNEY

8 being first duly sworn, as prescribed by law, was  
9 examined and testified as follows:

10 DIRECT EXAMINATION

11 By Mr. Settineri:

12 Q. Good morning, Mr. Stickney.

13 A. Good morning.

14 Q. Can you please state your name and  
15 business address for the record, please.

16 A. My name is Dylan Stickney. Business  
17 address is 125 East John Carpenter Freeway, Suite 525  
18 in Irving, Texas.

19 Q. Okay. I want -- we've marked a number of  
20 exhibits, and now I would like to go through those  
21 exhibits and have you identify those for the record,  
22 please.

23 And starting first with Exhibit 1, can  
24 you identify that for the record, please.

25 A. The Kingwood application.

1           Q.    Okay.  And was that prepared by you or at  
2   your direction?

3           A.    Yes, it was.

4           Q.    Okay.  If you could turn to what's been  
5   marked as Kingwood Exhibit 1C and could you identify  
6   that for the record, please.

7           A.    That would be the confidential portion of  
8   the application submitted to the OPSB for Kingwood  
9   Solar.

10          Q.    Okay.  Next if you could turn to what's  
11   been marked as Kingwood Exhibit 2 and could you  
12   identify that for the record.

13          A.    Exhibit 2 would be our compilation of  
14   responses to Staff Data Requests for Kingwood Solar.

15          Q.    Okay.  And were those prepared by you or  
16   at your direction?

17          A.    Yes, they were.

18          Q.    And then if you could turn to Kingwood  
19   Exhibit 2C.  Could you identify that for the record,  
20   please.

21          A.    Exhibit 2C would be the confidential  
22   portions of the responses to Staff Data Requests.

23          Q.    And specifically what is Exhibit --  
24   Kingwood Exhibit 2C, please?

25          A.    I'm sorry?

1           Q.    Could you -- specifically what is  
2   Kingwood Exhibit 2C for the record?

3           A.    Sure.  So those are the confidential  
4   portions of our responses to Staff Data Requests.

5           Q.    Okay.  And would that be archaeological  
6   survey results?

7           A.    Oh, correct, cultural survey results,  
8   specifically archaeological.

9           Q.    Okay.  Then if you could turn to Kingwood  
10   Exhibit 3, please.  And if you have that in front of  
11   you, could you please identify that for the record,  
12   please.

13          A.    Yes, sir.  Proof of service, so this is  
14   proof of public notices or in person informational  
15   meetings and initial public notice for --

16          Q.    Mr. Stickney, I want to make sure, do you  
17   have Kingwood Exhibit 3 in front of you?

18          A.    I do.  Yep.

19          Q.    Okay.  And is that the proof of service  
20   of the application, sir?

21          A.    That's right.  I'm sorry, of the  
22   application.

23          Q.    Right.  Now turn to Kingwood Exhibit 4,  
24   please.

25          A.    There it is.

1 Q. Okay. And can you identify Kingwood  
2 Exhibit 4 for the record, please.

3 A. So that would be proof of public notice  
4 regarding the public information meetings.

5 Q. Okay. Did this exhibit include proof of  
6 landowner mailings?

7 A. It does, yes.

8 Q. Okay. If you could turn then to Kingwood  
9 Exhibit 5, please, and identify that for the record.

10 A. So this would be the proof of notice of  
11 the public information meeting.

12 Q. Okay. Would this consist -- include  
13 newspaper publications?

14 A. Yes, it does.

15 Q. Okay. And now could you identify  
16 Kingwood Exhibit 6 for the record, please.

17 A. Exhibit 6 would be my direct testimony,  
18 Dylan Stickney, filed on February 24.

19 Q. And that was prepared by you or at your  
20 direction?

21 A. Yes, it was.

22 Q. Okay. And could you identify Kingwood  
23 Exhibit 7 for the record, please.

24 A. That would be supplemental testimony of  
25 myself, Dylan Stickney, filed on March -- March 4.

1           Q.    Okay.  And was that supplemental  
2 testimony prepared by you or at your direction?

3           A.    Yes, it was.

4           Q.    Okay.  And then, lastly, do you have  
5 Joint Exhibit 1 before you?

6           A.    I do, yes.

7           Q.    And can you identify that for the record,  
8 please.

9           A.    That would be the Joint Stipulation and  
10 Recommendation as to certificate conditions.

11          Q.    Okay.  And were you involved in the  
12 negotiations of that Stipulation?

13          A.    Yes, I was.

14          Q.    All right.  Turning back to Kingwood  
15 Exhibit 6, which is your direct testimony, do you  
16 have that before you?

17          A.    I do.

18          Q.    Okay.  Now, again, that was prepared you  
19 or at your direction, correct?

20          A.    Yes, it was.

21          Q.    Okay.  Do you have any changes or  
22 revisions to that testimony today?

23          A.    I do.

24          Q.    Okay.  If you can carefully walk through  
25 those for the court reporter, please.

1           A.    I would be happy to.  Turning first to  
2 page 2 at line 13, I would like to replace the number  
3 "1,200" with the number "1,500," 1-5-0-0.

4                Next, turning to page 5 at line 20, I  
5 would like to strike starting with the comma in the  
6 middle of the line there and then following "US Army  
7 Corps of Engineers (USACE)."

8                Turning next to page 8, line No. 8, I  
9 would like to replace the No. "5" with "6."

10              And turning to page 12, line 17 and 18, I  
11 would like to strike inside those parentheses there,  
12 "(i.e., to the horizontal)."

13              Turning next to page 17, just a minor  
14 correction, line 19, the word "project" should have a  
15 capital P.

16              And next turning to page 22 and line 22,  
17 I would like to strike beginning with the word  
18 "generally," the phrase "generally agrees with  
19 Staff's recommended conditions -- recommended  
20 conditions but does."  So starting with the word  
21 "generally" and striking the rest of that line.

22              ALJ WILLIAMS:  I'm sorry.  So you would  
23 leave "Yes, the Applicant"?

24              THE WITNESS:  Correct.  And then -- I'm  
25 sorry.  Then a correction on line 23 should read



1 "recommends" instead of "recommend." So that full  
2 response should read "Yes, the Applicant recommends  
3 some revisions as explained below."

4 ALJ WILLIAMS: Please proceed.

5 A. On page 23, following page, just a minor  
6 typo at line 14, strike the word "to," one of the  
7 words "to."

8 And turning next to page 22, this is in  
9 line 7 through 13. This is just a typo. That should  
10 read "Condition No. 22" so striking everywhere where  
11 it says "23" and replacing with "22" starting at line  
12 7.

13 ALJ WILLIAMS: I have to interrupt. I'm  
14 sorry. You indicated at page 22. I assume that was  
15 incorrect.

16 THE WITNESS: I'm sorry, your Honor?

17 ALJ WILLIAMS: You indicated you went  
18 back to page 22. What page are you on?

19 THE WITNESS: I'm sorry. This is 26.

20 ALJ WILLIAMS: Go ahead and go through  
21 the amendment again.

22 THE WITNESS: Page 26, starting at line  
23 7, the Condition number should read "22" instead of  
24 "23." That was just a typo. So on line 7, line 8,  
25 line 11, and line 13, all of those number "23s"

1 should be replaced with "22."

2 ALJ WILLIAMS: Okay.

3 A. Next turning to page 28 at line 21, I  
4 would like to strike the words at the very beginning,  
5 "the same," replace that with the word "similar."

6 Next turning to page 31 at line 31, a  
7 format and correction here. The words "and that are  
8 marked" should also be underlined as a revision.

9 Just a few more here. Turning to page  
10 37, starting with the line 5 -- or only in line 5, I  
11 would like to strike the first part of that sentence  
12 "of the 1,200 acre," replace that with "the" and  
13 after the word "project" insert "will include."

14 And then further in that line, line 5,  
15 after the word "acres" insert the word "that." So  
16 the beginning of that sentence should read "That  
17 project will include approximately 1,027 acres that  
18 will be located."

19 And then to page 39 in line 5, after the  
20 word "agrees" I would like to insert the words "or  
21 disagrees." And that's all I have got.

22 Q. Okay. Thank you, Mr. Stickney. If I  
23 asked you the questions in your testimony as written  
24 today, would your answers be the same as you have  
25 revised today?

1           A.    Yes, sir.

2           Q.    Okay.  If you could now turn to what's  
3   been marked as Kingwood Exhibit 7, your supplemental  
4   testimony, please.

5           A.    Okay.

6           Q.    And again, was that prepared by you or at  
7   your direction?

8           A.    Yes, it was.

9           Q.    Do you have any revisions to that or  
10  changes to that testimony today?

11          A.    Just a few as well.

12          Q.    If you could again -- you did a good job  
13  the first time.  If you could slowly walk through for  
14  the court reporter, please.

15          A.    Sure.  So starting right on page 1 in  
16  line 16 inserting the word "Federation" after the  
17  word "Bureau."  It should read the "Ohio Farm Bureau  
18  Federation."

19          Q.    Okay.  Any other revisions, Mr. Stickney?

20          A.    There is a revision on page 11 at line  
21  28.  After -- after the name "Mr. Finley's" striking  
22  the word "testimony" and replacing it with "will  
23  testify."

24                   And next turning to page 15 in line 6  
25  just a typo here, striking the word "to" after the

word "Applicant."

And same page 15 in line No. 9 towards the end of that line, "I do not believe that is" inserting the word "an," A-N, that "that is an appropriate."

Next to page 17, this is in line 5, again similar to the direct testimony, just formatting error, the words "and that are" should be underlined as a revision.

Next to page 22 in line No. 8, before the acronym "OFBF" insert the word "the."

And then same, page 22, line No. 9, striking the word "it" after "Stipulation."

Next to page 23 in line 14, after the phrase "As I explained in my direct testimony," insert the words "the project as demonstrated by."

Same line strike the word "and" at the very end of that line and replacing it with the word "the."

And the next line on the same page, 23, line No. 15, after the phrase "responses to Staff's data requests inserting the "and the Applicant's testimony."

And then last change here on page 24, from lines 1 to 3, I would like to strike starting

1 with the word "Applicant's" and continuing,  
 2 "Applicant's commitment to provide annual training to  
 3 the local emergency response service -- services  
 4 shows the Applicant's commitment to safety. The,"  
 5 striking all of those. So it should read from 1 to 3  
 6 "Similarly, the Joint Stipulation also provides for."

7 And those are all my changes.

8 Q. Thank you, Mr. Stickney.

9 ALJ WILLIAMS: Mr. Stickney, can we go  
 10 back to the page on 23 and have him read what the  
 11 testimony is with his modifications.

12 MR. SETTINERI: Yeah. That would be page  
 13 23, your Honor, lines 14, 15, and 16, correct?

14 ALJ WILLIAMS: I believe so.

15 THE WITNESS: So in line 14 starting at  
 16 the beginning of that answer "In my opinion, yes. As  
 17 I explained in my direct testimony, the Project as  
 18 demonstrated by the Application, the Applicant's  
 19 responses to the Staff's data requests and the  
 20 Applicant's testimony satisfies the statutory  
 21 criteria for certificate of environmental  
 22 compatibility and public need."

23 ALJ WILLIAMS: Thank you for the  
 24 clarification.

25 Q. (By Mr. Settineri) Again, thank you,

1 Mr. Stickney. Regarding Kingwood Exhibit 7, your  
2 supplemental testimony, if I asked you the questions  
3 in that testimony today, would your answers be the  
4 same as written, subject to your revisions?

5 A. Yes, sir.

6 MR. SETTINERI: All right. Thank you,  
7 Mr. Stickney.

8 And, your Honor, the witness is available  
9 for cross-examination.

10 ALJ WILLIAMS: Thank you, Mr. Settineri.  
11 Let's go off the record.

12 (Discussion off the record.)

13 ALJ WILLIAMS: We were off the record for  
14 just a minute. We were discussing the priority of  
15 cross-examination. Obviously with the number of  
16 parties here, there would be quite a bit of  
17 cross-examination from multiple parties. We wanted  
18 to make sure the parties were comfortable with the  
19 order the Bench intended to proceed with, and then we  
20 also wanted to confirm, at least initially, what  
21 parties were expecting to cross-examination -- to  
22 cross-examine this witness.

23 With that we've determined that the Ohio  
24 Farm Bureau will be invited to cross-examination --  
25 cross-examine witnesses that are proffered by the

1 Applicant in regard to issues that would not be  
2 deemed friendly cross, so we will offer that first.

3 Ms. Milam, any cross on behalf of the Farm Bureau?

4 MS. MILAM: No cross, your Honor.

5 ALJ WILLIAMS: Thank you, Ms. Milam.

6 With that then our next cross-examining  
7 parties would be Citizens for Greene Acres. Yes,  
8 Mr. Van Kley.

9 MR. VAN KLEY: Yes, thank you, your  
10 Honor.

11 - - -

12 CROSS-EXAMINATION

13 By Mr. Van Kley:

14 Q. Good morning, Mr. Stickney.

15 A. Good morning.

16 Q. I am going to generally follow the  
17 outline you provided in your direct testimony, both  
18 your original direct testimony and your supplemental  
19 direct testimony. So why don't we start there and  
20 first with your original direct testimony which has  
21 been marked as Kingwood Exhibit No. 6. Do you have  
22 that in front of you?

23 A. I do.

24 Q. All right. And we are going to generally  
25 follow the order of the questions and answers in your

1 direct testimony, perhaps with a few changes here and  
2 there. So why don't we start then on page 1 of your  
3 direct testimony and I would like to direct you to  
4 your answer to question 3. My first question has to  
5 do with line 11 of your answer 3 where you state that  
6 you obtained a BS in business administration. Would  
7 you tell me generally what kind of studies you had to  
8 obtain that B.S. degree.

9 A. Sure. Be happy to. So Bachelor of  
10 Science in business administration from the  
11 University of New Hampshire, as it states, includes  
12 general business course work including finance,  
13 economics, management, marketing, et cetera. My  
14 particular focus was in international business and  
15 economics, included some extra course work in  
16 international course work and whatnot, international  
17 economics, finance, and whatnot, but pretty standard  
18 business administration course work.

19 Q. Okay. To obtain that degree, did you  
20 have any course work in designing solar facilities?

21 A. I did not.

22 Q. Then let's go to line 12 where you state  
23 that you have worked in the industry -- the energy  
24 industry since 2013, with more than five years of  
25 experience in renewable and sustainable energy



1 development and technologies. So there you had a  
2 period of time where you state that you had more than  
3 five years of experience in renewable and sustainable  
4 energy development and technologies. During which  
5 years did you have that more than five years of  
6 experience?

7 A. Those would be the more recent years so  
8 beginning in 2016 to current.

9 Q. Okay. So what did you do for your career  
10 between 2013 and 2016?

11 A. Starting in 2013, I worked as a technical  
12 recruiter and management consultant for a company  
13 called the Bradsby Group based out of Denver,  
14 Colorado. I was primarily tasked with recruiting and  
15 consulting with technical firms, technical companies  
16 in the energy -- energy industry including  
17 renewables, oil, gas, chemicals, various different  
18 heavy industrial industries. Primarily my focus was  
19 recruiting engineers in those disciplines.

20 Q. Okay. Did any of the experience during  
21 that time involve the design of solar facilities?

22 A. Me personally I was not involved in  
23 designing solar facilities. I did have quite a bit  
24 of interaction with candidates and job  
25 responsibilities for some of the clients that I

1 worked for in renewables and project management of  
2 similar -- similar responsibilities.

3 Q. Okay. What did those responsibilities  
4 entail concerning solar?

5 A. It was generally associated with  
6 assessing the candidates' qualifications in  
7 performing those types of responsibilities.

8 Q. Okay. Then starting in line 14, your  
9 testimony states that you worked as a senior manager  
10 of business development for a utility-scale solar  
11 development company. What did those duties entail?

12 A. So I was responsible for originating new  
13 utility-scale solar project sites, assessing those  
14 sites, negotiating land agreements with landowners of  
15 various different ownership structures, assessing  
16 properties specifically as to their suitability for  
17 potentially hosting a utility-scale solar facility.

18 You know, supporting various other  
19 aspects of the business like, you know, mergers and  
20 acquisitions of solar development projects, you know,  
21 for mid-stage as we call it or late-stage development  
22 task work like interconnection submissions, reviews,  
23 navigating the study process with various different  
24 transmission organizations, and quite a bit of -- of,  
25 like I said, landowner but also community engagement

1 talking with various different authorities that have  
2 jurisdiction in certain areas where those project  
3 sites were located, understanding zoning ordinances,  
4 planning guidelines, you know, how a community may  
5 already have restrictions or guidelines for  
6 utility-scale solar projects, or if not, how they may  
7 consider implementing or at the very least what  
8 questions they may have for a large-scale solar  
9 installation to come into their community.

10 Q. Now, let's go to the second page of your  
11 direct testimony.

12 A. Yes, sir.

13 Q. Lines 1 to 3 where you state that you  
14 joined Vesper in January 2021. What have your duties  
15 been for Vesper?

16 A. Yes. So since joining Vesper Energy in  
17 2021 in January, my responsibility has been primarily  
18 managing early, mid, and late stage, as we call it,  
19 of development work for large-scale solar projects,  
20 specifically almost entirely in the PJM market so  
21 that would include Ohio. Managing the Kingwood  
22 project and being involved with, you know, some other  
23 potential development pursuits of Vesper Energy  
24 within the State of Ohio but more broadly mostly in  
25 the PJM market.

1           Q.    Have you ever developed a solar project  
2   from beginning to end?

3           A.    I'm not sure what you mean beginning to  
4   end.

5           Q.    Have you ever -- have you ever managed  
6   the -- the entire development of a solar project  
7   starting at the beginning of the development and  
8   concluding at the end of the development?

9           A.    I personally have not managed the same  
10   project from conception to completion of construction  
11   and beginning of operation, if that's what you mean.

12          Q.    Yes.  Have you ever operated or been  
13   involved in the operation of a solar facility?

14          A.    I have not, no.

15          Q.    With respect to the Kingwood project,  
16   what was the status of the project when you started  
17   working on it?

18          A.    Could you -- could you elaborate on what  
19   you mean by status of the project?

20          Q.    Sure.  At what stage in the development  
21   was the Kingwood project when you started to work on  
22   it?  What had been finished and what remained to be  
23   done?

24          A.    Sure.  So Kingwood was -- was fairly  
25   advanced as far as the development work that had been

completed. We technically as Vesper would classify it was a mid-stage project. We had already secured a PJM Interconnection new services queue identification number, had already been through the system impact study phase. We had successfully received that report, and the facility study phase of the PJM Interconnection process had already been initiated.

There were at that time more than 1,500 acres under lease or similar land agreement for -- for potential use and consideration for the Kingwood project and the project site. There had already been several public meetings held with public invite to community members to learn more about the project, how the development worked, the design at that time of what the project could look like.

There had been, of course, a number of engagements with not just the landowners that had elected to participate and sign an agreement, be a part of the Kingwood Solar project, but a number of discussions with various other landowners in exploring and -- and considering other properties to include in the Kingwood Solar project.

There were a number of field surveys and studies that had already been conducted both from the desktop level all the way to, you know, on the ground

1 field activity, whether it be very technical  
2 geotechnical type of work, environmental type of  
3 work, ecological surveys and whatnot.

4 And in January of 2021 when I joined  
5 Vesper Energy, the intent was to compile and plan to  
6 submit an application to the Ohio Power Siting Board  
7 very soon after that, after January of 2021.

8 Q. So did Kingwood enter into any new leases  
9 for land to be included in the project after you came  
10 onboard?

11 A. I believe so to a minimal extent.

12 Q. Now, are you generally familiar with what  
13 had been done on the project prior to the time that  
14 you joined Vesper from looking at records or any  
15 other means?

16 A. I would say generally, yes.

17 Q. Okay. Do you know when Kingwood started  
18 to negotiate leases from landowners for the project?

19 A. If my memory serves me correctly, that  
20 would have started in 2017.

21 Q. And do you know when the last lease that  
22 you -- that Vesper entered into was concluded?

23 A. Well, none of the leases have concluded  
24 at this point. The last lease agreement that was  
25 executed and signed both by our company

1 representatives and the landowner himself would have  
2 been in the first quarter of 2021.

3 Q. What -- were those not leases or options  
4 to lease or something different?

5 A. They would have been either a lease and  
6 easement agreement, lease and/or easement agreement,  
7 or option to lease or option for easement.

8 Q. Okay. Did any of those leases or options  
9 signed by the participating landowners prohibit those  
10 landowners from discussing the leases or options with  
11 persons who are not party to the lease or option?

12 MR. SETTINERI: I will object at this  
13 time as seeking confidential information, your Honor.

14 MR. VAN KLEY: I don't think there is any  
15 trade secret involved in answering whether there's a  
16 confidentiality or -- yeah, confidentiality provision  
17 in the lease. Mr. Settineri's objection, in fact,  
18 appears to admit that there was so.

19 MR. SETTINERI: Your Honor, I will just  
20 say that every document -- every contract is  
21 different, and I think we can let Mr. Stickney answer  
22 whether those would be subject to confidentiality.  
23 But to inquire as to the terms of a lease, if it is  
24 subject to confidentiality, that would be a  
25 confidential disclosure that should be discussed and

1 at a minimum would be -- it would have to be  
2 discussed before we agree to put that in the record  
3 in any form. That's standard.

4 MR. VAN KLEY: There is nothing  
5 confidential -- there is nothing that constitutes a  
6 trade secret that can harm Vesper if there's a term  
7 in it that prevents a landowner from discussing the  
8 lease with the public. There's no trade secret  
9 status for that -- that information.

10 ALJ WILLIAMS: I agree. There is nothing  
11 trade secret about whether there's some leases out  
12 there that have confidentiality provisions so we will  
13 let him answer generally. As we proceed, if there is  
14 more detailed objections regarding some of the  
15 specific lease questions, we will further engage.

16 MR. SETTINERI: Your Honor, if I may.

17 ALJ WILLIAMS: Mr. Settineri.

18 MR. SETTINERI: Again, you know,  
19 violating a lease's terms as to confidentiality can  
20 be an issue.

21 ALJ WILLIAMS: The question posed is were  
22 any of the leases issued subject to confidentiality  
23 provisions. To the extent that question exists in a  
24 global basis, he is allowed to answer.

25 MR. SETTINERI: And, your Honor, the



1 question asked related to whether the leases provided  
2 specific questions about, you know, what -- what the  
3 lease -- lessor could do. So as to whether the --  
4 and I will let Mr. Stickney answer as to whether he  
5 has any concerns, but as to the question of whether  
6 leases contain confidentiality provisions, you know,  
7 that's a general statement, question.

8 ALJ WILLIAMS: Mr. Van Kley, do you want  
9 to reask the question?

10 MR. VAN KLEY: Yes.

11 Q. (By Mr. Van Kley) Mr. Stickney, do any of  
12 the leases signed with the landowners for the  
13 Kingwood project contain confidentiality provisions  
14 that would prohibit the landowner from revealing  
15 anything about the lease to --

16 MR. SETTINERI: Same objection, your  
17 Honor.

18 ALJ WILLIAMS: Overruled.

19 MR. SETTINERI: Your Honor, if I may, he  
20 is asking specific terms. He is not asking if they  
21 have confidentiality. He follows it up with his  
22 question that he's asking for specific terms as to  
23 whether they contain provisions that would prohibit  
24 them from opposing the project.

25 ALJ WILLIAMS: Again, he is not asking

1 specific leaseholders. He is asking about whether  
2 any of the leases have confidentiality provisions,  
3 and he is defining what confidentiality provisions  
4 are. The objection is overruled. The witness can  
5 answer.

6 MR. SETTINERI: Okay.

7 A. So what I will say is, as is very common  
8 with real estate agreements in specifically the solar  
9 development industry in my experience, there was a  
10 general confidentiality provision in -- in the  
11 agreements associated with Kingwood Solar specific to  
12 trying to keep confidential any proprietary or, you  
13 know, commercial perhaps or provisions of the lease  
14 with any of those agreements and agreement  
15 landowners.

16 However, in my experience, I have never  
17 seen that type of confidentiality provision enforced  
18 nor have we enforced that with any of the landowners  
19 with the Kingwood project. I know this has been a  
20 common topic of conversation, and I know that many of  
21 those landowners have shared with family members or  
22 friends or farm tenants just generally the lease may  
23 exist.

24 Q. Let's go to answer 4 of your direct  
25 testimony on page 2. And there you are asked to

1 describe Vesper Energy and I have a few questions  
2 about that answer.

3 A. Yes, sir.

4 Q. Yes. Look at line 7, please, of that  
5 answer where it's stated that "Since its founding,  
6 Vesper Energy has commercialized more than 680  
7 megawatts of solar projects in the United States."  
8 Do you see that?

9 A. I do.

10 Q. Has Vesper -- what do you mean by  
11 "commercialized"?

12 A. In my understanding, again, as I was not  
13 a part of Vesper Energy prior to January of 2021, my  
14 understanding commercialized would mean either  
15 successfully constructed and in operation,  
16 successfully financed and sold to then be as a fully  
17 approved and ready for construction asset. Many of  
18 those projects, many of that 680 megawatts of  
19 projects, I do know has been successfully constructed  
20 and in operation today.

21 Q. Okay. So were those projects sold to a  
22 different company then for operation?

23 A. Correct.

24 Q. Does Vesper operate any of the solar  
25 projects that it develops?

1           A.     That -- that is the intent of Vesper  
2     Energy, yes.  Those -- those projects that may have  
3     been sold since its -- since the founding of Vesper  
4     Energy in 2015, formerly known as Lendlease Energy  
5     Development.  The business model of Lendlease Energy  
6     Development was purely the development of solar  
7     project assets, not the operation of solar project  
8     assets.  Since Vesper Energy -- since the I will say  
9     creation but rebranding as Vesper Energy, the  
10    business model today is to develop, own, and operate  
11    solar projects that we work on.

12           Q.     How many similar projects does Vesper  
13    operate?

14           A.     There are a number of projects in the  
15    Vesper portfolio that are either in development, in  
16    pre-construction planning in that they received all  
17    necessary permits for construction to commence, or  
18    are in the early stages of construction.  There are  
19    no Vesper projects today that are fully operational  
20    that are owned by Vesper Energy.

21           Q.     Okay.  And it sounds like Vesper hasn't  
22    completed the construction of any projects yet; is  
23    that true?

24           A.     Not since January of 2021 when I joined  
25    the Company.

1 Q. Okay. Do you know -- do you know whether  
2 Vesper completed the construction of any solar  
3 projects prior to the time that you joined the  
4 Company?

5 A. I wouldn't be able to speak with  
6 certainty about what happened prior to when I joined  
7 the Company as to whether Vesper and Vesper  
8 representatives or Company members specifically  
9 completed construction or navigated into operations  
10 of certain projects.

11 Q. When you state in your testimony that  
12 Vesper has commercialized more than 680 megawatts of  
13 solar projects in the US, can you tell me the number  
14 of solar projects that that represents?

15 A. That's a good question. I don't recall  
16 the specific number of those projects. There were --  
17 if I had to estimate, about a handful.

18 Q. Somewhere around five?

19 A. Five or six, I would say, yes.

20 Q. Do you know how many acres of developed  
21 solar projects are included in that 680 megawatts?

22 A. I don't know specifically, no.

23 Q. For comparison purposes though, the  
24 Kingwood project is anticipated to produce  
25 175 megawatts?

1           A.     Correct.

2           Q.     When you say that this is the number of  
3           megawatts of solar projects commercialized by Vesper  
4           since its founding, are you treating its founding as  
5           the time that Lendlease was rebranded as Vesper?

6                   MR. SETTINERI: I would just object as to  
7           mischaracterizing the testimony as to the number of  
8           projects in his testimony. He lists the megawatts.

9                   MR. VAN KLEY: I think that's what I  
10          said, but I will ask the question again to make sure.

11          Q.     (By Mr. Van Kley) With regard to your  
12          sentence on -- starting on line 7 about where you say  
13          that "Since its founding, Vesper Energy has  
14          commercialized more than 680 megawatts of solar  
15          projects," are you treating its founding as the date  
16          when Lendlease was rebranded as Vesper?

17          A.     No, sir. That would be -- I would be  
18          treating the date as referenced in line 5 of that  
19          answer 4, founded in 2015.

20          Q.     Okay. Then starting at line 7 where you  
21          say that "Vesper Energy's current development  
22          pipeline represents 3 gigawatts of renewable energy  
23          and energy storage projects across the country," that  
24          represents the amount of renewable energy projects  
25          that are under development; is that correct?

1           A.    I'm sorry, Mr. Van Kley.  I don't see  
2   that in line 7.

3           Q.    Line 10.  Line 10.

4           A.    I'm sorry.  Could you repeat that?

5           Q.    Yeah, sure.  In lines 10 and 11 where you  
6   state that "Vesper Energy's current development  
7   pipeline represents 3 gigawatts of renewable energy  
8   and energy storage projects across the country," I  
9   take it that these are the projects that are  
10   currently being development -- being developed prior  
11   to construction; is that correct?

12          A.    That's generally correct, yes.  Vesper  
13   generally has approximately 3 megawatts of projects  
14   in various different stages of development, not yet  
15   in construction.

16          Q.    Are all of those projects solar  
17   facilities?

18          A.    As it states right there, would be either  
19   renewable energy or referring to solar facilities,  
20   predominantly solar facilities, and a portion of that  
21   would represent energy storage facilities as well.

22          Q.    How is Vesper Energy related to Kingwood  
23   Solar I LLC?

24          A.    Kingwood Solar I LLC is a wholly-owned  
25   subsidiary of Vesper Energy.

1           Q.    So Vesper Energy is a member of Kingwood  
2   Solar I LLC?

3           A.    Correct, yes.

4           Q.    Are there any other members of Kingwood  
5   Solar I LLC?

6           MR. SETTINERI:   Just object as to  
7   ambiguity as to member.

8           ALJ WILLIAMS:   To the extent the witness  
9   understands the question, we will let him answer.  If  
10  he needs clarification, he will let us know.

11          A.    Yeah.  I'm -- I don't believe so.  And I  
12  am not sure if I understand what you mean by "member"  
13  but.

14          Q.    Okay.  Well, perhaps I should explain it  
15  because it's kind of a legal term.  Are you -- do you  
16  know that the owners of a limited liability company  
17  are -- are referred to as members?

18          A.    I do, yeah.

19          MR. SETTINERI:   O -- okay.

20          Q.    So in light of that understanding then,  
21  are there any other members of Kingwood Solar LLC  
22  besides Vesper Energy?

23          A.    To my understanding Vesper Energy is the  
24  sole member of Kingwood Solar I LLC.

25          Q.    Okay.  And is Vesper Energy owned by --



1 let me see, what's the -- is Vesper Energy a  
2 corporation or a different kind of entity?

3 MR. SETTINERI: I am just going to object  
4 at this time as to lack of foundation as to whether  
5 this witness is familiar with the corporate structure  
6 of, you know, any entity here.

7 ALJ WILLIAMS: We will let the witness  
8 answer what he is aware of. Thank you,  
9 Mr. Settineri.

10 MR. SETTINERI: Thank you.

11 A. I'm sorry. Could you repeat your  
12 question, Mr. Van Kley?

13 Q. Yeah. Let me ask a different question.  
14 It's kind of a setup of what I am requesting here.  
15 Is -- is Vesper Energy owned by any other company?

16 A. My understanding Vesper Energy is owned  
17 by a firm called Magnetar Capital and that's really  
18 the extent to my knowledge of that ownership  
19 structure or agreement or what may be in place  
20 regarding that relationship.

21 Q. Okay. Is Magnetar Capital a company that  
22 was founded in the United States or in a different  
23 country?

24 MR. SETTINERI: Object, compound  
25 question.

1 MR. VAN KLEY: No. It's either/or.

2 ALJ WILLIAMS: Mr. Stickney, are you  
3 aware of that answer to that question?

4 A. I don't know as to the founding of that  
5 company.

6 Q. Yeah. Well, do you know whether --  
7 whether that company is a foreign company as opposed  
8 to a US company?

9 A. I believe that company is a US-based  
10 company.

11 Q. Okay. And what about Vesper, is it a  
12 US-based company or foreign company?

13 A. Yes, sir, US-based company.

14 Q. Okay. Let's go to your answer to  
15 question 5 on page 2 of your testimony. Starting on  
16 line 14, there is a statement that the project area  
17 is characterized by gently rolling topography with  
18 elevations ranging between 920 and 1,080 feet above  
19 mean sea level. Do you see that?

20 A. I do.

21 Q. Where did you obtain those elevations?

22 A. Well, one of the -- one of the activities  
23 that is always conducted by our team when considering  
24 a project is a topography survey. We conducted a  
25 topography survey, collected all that data and have

1 continuously used it to analyze and design this  
2 project, would include elevations above mean sea  
3 level.

4 Q. Okay. How were those elevations  
5 calculated for this project, Kingwood project?

6 A. You know, I don't know the specifics of  
7 exactly how they calculate the elevations. This is a  
8 fairly technical survey that takes place and we  
9 contracted that out.

10 Q. Do you know whether these elevations were  
11 calculated as a result of fieldwork done on behalf of  
12 Kingwood?

13 A. It was to my understanding a combination  
14 of fieldwork as well as aerial lidar imagery.

15 Q. What do you mean by that last term?  
16 Aerial what was it again?

17 A. Lidar imagery. That's a technology used  
18 to assess topography and ground elevations.

19 Q. Let's go to page 3 of your testimony  
20 starting with line 3 where you state that "the  
21 specific module has not yet been selected." Do you  
22 see that?

23 A. Yes, sir.

24 Q. I take it then that the application does  
25 not anywhere identify the specific module that will

1 be used?

2 A. That's correct. Our application does not  
3 specify exactly which module or manufacturer would be  
4 used for this project. However, we do provide  
5 representative module manufacturers and  
6 specifications of certain modules that are available  
7 on market today.

8 Q. All right. Let's go further down on page  
9 3 to line 18 where you state that "The Project is  
10 expected to operate with an annual capacity factor of  
11 up to 23 percent." Do you see that?

12 A. Yes, sir.

13 Q. Does that mean that for 77 percent of the  
14 time the project will not produce energy?

15 A. I don't believe that's what that means,  
16 no.

17 Q. What does it mean then?

18 A. My understanding of capacity factor is  
19 that a project can produce electricity for up to a  
20 certain percent of its nameplate capacity so up to  
21 23 percent of the total electricity production. For  
22 instance, if a solar panel were exposed to direct  
23 unobstructed sunlight generating maximum output of  
24 capacity for 24 hours a day, that would be a  
25 100 percent capacity factor.

1           Q.    Okay.  I am not sure I understood the  
2   answer.  I am sure it was correct, but I want to make  
3   sure I understand it.  So does that -- that mean that  
4   a solar project of 175 megawatts would produce  
5   23 percent of the 175 megawatts per day?

6           A.    To my understanding, capacity factor is  
7   in relation to the energy that is produced, not the  
8   maximum capacity of power able to be produced, able  
9   to be generated.  So it's -- a capacity factor is  
10   related to a measure of how much electricity over a  
11   period of time that you can produce based on solar  
12   irradiance, exposure to sunlight, and how a project  
13   is -- is engineered and designed.

14          Q.    All right.  So given that the Kingwood  
15   project is anticipated to produce 175 megawatts --  
16   first of all, is that daily?

17          A.    175 megawatts would be the design  
18   capacity of the Kingwood Solar project so that would  
19   be the maximum capacity, and power generation  
20   capacity in my understanding can be defined as an  
21   instantaneous maximum output of power.  So if you are  
22   referring to a day's worth of energy production, the  
23   more accurate terminology to use would be  
24   megawatt-hours of electricity.

25          Q.    Okay.  Based on your understanding of how

1 solar projects work, during what percentage of the  
2 year would you expect the solar project at Kingwood  
3 to produce electricity?

4 A. I wouldn't be able to give a specific  
5 number to that as far as percentage of the year in  
6 total.

7 Q. Okay. Do you know generally for the  
8 solar industry what percentage of the time solar  
9 power ordinarily produces electricity?

10 A. I guess that's a tough question to  
11 answer. It varies greatly depending on exposure to  
12 sunlight, weather conditions, and also specifically  
13 how each project is designed and constructed, what  
14 technologies are being used.

15 I do know that, you know, solar  
16 technology is -- is certainly rapidly improving and  
17 can produce electricity even without direct and  
18 unobstructed exposure to sunlight and -- and clear  
19 daytime conditions which is really what's -- what's  
20 helped to make these projects feasible in certain  
21 climates.

22 Q. Well, for Kingwood Solar, what percentage  
23 of the time do you expect that the project will  
24 produce electricity?

25 A. Again, I don't know a specific number as

1 to what percentage of the time throughout the year  
2 that a project would be producing any electricity.

3 Q. With respect to Kingwood Solar  
4 specifically, will that project be able to produce  
5 electricity only when the sun is shining?

6 A. I -- I suppose that's a subjective  
7 opinion on -- on if the sun is shining or not shining  
8 on any particular day, right? I do know that I would  
9 say that in daylight conditions and daylight hours,  
10 then solar technology is able to produce electricity  
11 regardless of a cloudless blue sky day. Daylight  
12 conditions solar technology today can produce  
13 electricity.

14 Q. Okay. Will Kingwood be able to produce  
15 electricity during darkness?

16 A. The -- the solar modules themselves in my  
17 understanding would not produce electricity during  
18 nighttime and dark hours of the day.

19 Q. Will Kingwood have inverters that will be  
20 able to conduct any activity at night?

21 A. They will have that ability, yes, as  
22 would any inverter.

23 Q. Okay. What's the purpose of those  
24 activities that are conducted at night by the  
25 inverters?

1           A.    There is a -- in my understanding there  
2   is a term used called reactive power and this is  
3   something that helps to, again in how I understand  
4   it, not having a technical background myself, that  
5   this helps to improve local grid reliability in  
6   nighttime hours where a project like Kingwood Solar  
7   could have the ability to, I guess, produce or at  
8   least participate in reactive power activities  
9   because of the way that inverters are connected to  
10  the transmission system and how they can operate.

11           Q.    Okay.  So at Kingwood, it is anticipated  
12  that the inverters will operate at night?

13           A.    They may.  I can't say for certain if  
14  they will every night of the year.

15           Q.    Do you anticipate that Kingwood's  
16  inverters will contain transformers?

17           A.    You know, I don't know.  That's a  
18  technical question above -- above my level of  
19  expertise.

20           Q.    Yeah.  If the inverters do operate at  
21  night as you and I have been discussing, will those  
22  inverters produce sound at night?

23           A.    If the inverters are dispatched to  
24  operate at night, I believe they would produce a  
25  limited level of sound.



1           Q.    Let's go to page 7 of your direct  
2 testimony, answer 10.

3           A.    Yes, sir.

4           Q.    Let's look at lines 15 through 17 where  
5 you talk -- you testify about meeting with the Little  
6 Miami Conservancy about the project.  How many times  
7 did you meet with the Little Miami Conservancy?

8           A.    Well, we met with them I guess as it's  
9 referenced in my direct testimony once in February of  
10 2022.  And to this point we have met with them  
11 several times both in person and telephonic or  
12 virtually.

13          Q.    Can you give me the names of the person  
14 or persons from the Little Miami Conservancy you've  
15 met with?

16          A.    Their Executive Director whose name is  
17 Jason Brownknight and the President of their Board  
18 whose name is Rhett Rohrer.

19          Q.    Do you have any written documentation  
20 from the Little Miami Conservancy stating that the  
21 Conservancy didn't have a concern about the project?

22          A.    I guess we don't have any written  
23 documentation.  It would be -- there may be some  
24 e-mail communication referring to that.

25          Q.    Did you turn over that written

1 documentation, that is, the e-mails to your counsel  
2 for production to the other parties in this case?

3 MR. SETTINERI: I will just object to the  
4 extent you are going into discovery, any kind of  
5 discovery dispute that may be subject to objections.

6 ALJ WILLIAMS: I will note the objection.  
7 I will let him answer to the extent he understands  
8 the question did you turn over any e-mail  
9 communications between the Little Miami Conservancy  
10 and the Applicant.

11 A. You know, I am not sure. I don't know if  
12 we turned it over for the purpose of producing to  
13 parties for this case.

14 Q. Let's go to page 9 of your direct  
15 testimony, answer 11. Directing you first to line 9,  
16 there is sentence starting there that says "Public  
17 meetings were held by the Applicant on October 26,  
18 2020." Do you see that?

19 A. Yes, sir.

20 Q. Was that the first outreach that Kingwood  
21 made to the public to educate the public about this  
22 project?

23 A. I can't say for certain that was the  
24 first or not as I was not a participant in that  
25 meeting itself or the planning or arranging for that

1 meeting.

2 Q. Are you aware of any communications that  
3 Kingwood made to the public prior to the time of  
4 October 26, 2020?

5 A. I believe there were several  
6 conversations held with members of the public and  
7 members of the local community that were not  
8 affiliated or engaged or a participant in the  
9 Kingwood Solar project.

10 Q. With whom did those discussions occur?

11 A. I can't recall exact names off the top of  
12 my head right now.

13 Q. Well, can you tell me whether or not  
14 Kingwood made any outreach to the general community  
15 to educate them about this project prior to  
16 October 26, 2020?

17 A. I can't say. Again, I was not employed  
18 or affiliated with Kingwood at that time.

19 Q. Does Kingwood Solar have a website?

20 A. Yes, sir.

21 Q. Do you know when that website started  
22 operation?

23 A. Generally I believe it was around that  
24 same time, October or fourth quarter of 2020.

25 Q. What is the status of Kingwood's leases

1 with the participating landowners as of October 26,  
2 2020? For example, do you know whether most of the  
3 acreage in today's project area was signed up by that  
4 time?

5 A. There were -- to my understanding at that  
6 time there were a number of lease easement or similar  
7 agreements executed at the time of that October 2020  
8 meeting.

9 Q. Do you know how much of the current  
10 acreage had been leased or was the subject of options  
11 to lease by that time?

12 A. I don't know exactly how many -- how many  
13 acres or how many agreements specifically were  
14 imposed at that time.

15 Q. Can you provide me with an estimate of  
16 how much had been signed up by that time?

17 MR. SETTINERI: Just object. Asked and  
18 answered.

19 ALJ WILLIAMS: He is asking a different  
20 question, whether he has an estimate or not.

21 A. I don't have an estimate would be -- with  
22 any level of certainty as to its accuracy.

23 Q. Yeah. I am not asking you for a certain  
24 number. I am asking you for an estimate.

25 A. At that time I would estimate more than a

1 thousand acres.

2 Q. Your testimony mentioned some good  
3 neighbor agreements. Let's see if we can find that.  
4 I think you indicated corrections you made today on  
5 page 8 of your testimony that the Applicant has  
6 entered into six good neighbor agreements; is that an  
7 accurate statement?

8 A. Yes, sir.

9 Q. Okay. When did Kingwood Solar first  
10 start to offer good neighbor agreements to members of  
11 the community?

12 A. That would be in August of 2021.

13 Q. Are you familiar with the design of the  
14 project area for the Kingwood project?

15 A. I am, yes.

16 Q. Why don't we turn to the application and  
17 I would like you to take a look at Figure 03-3. I  
18 believe that there is an update to that figure.

19 MR. SETTINERI: Mr. Van Kley, what number  
20 exhibit are you on now?

21 MR. VAN KLEY: Just give me a moment. I  
22 am trying to find the number.

23 MR. SETTINERI: Thank you.

24 MR. VAN KLEY: This would be Kingwood  
25 Exhibit No. 2.

1           A.    Okay.  I'm sorry.  Which figure are you  
2 referring to?

3           Q.    That's 03-3.

4           A.    Give me a moment to find it here.

5           Q.    Just give me a moment.  I will give  
6 everybody the PDF page number.

7                   MR. SETTINERI:  And, Mr. Van Kley,  
8 Mr. Stickney has a paper copy.

9                   MR. VAN KLEY:  Okay.

10          A.    Okay.

11          Q.    All right.  Did you find it?

12                   MR. VAN KLEY:  For everybody using an  
13 electronic copy from the Board's website you can find  
14 that on PDF page 26 of 198.  Actually that's the last  
15 page.  It looks like it is a three-page document that  
16 starts at page 24 of 198.

17          Q.    (By Mr. Van Kley) All right.  
18 Mr. Stickney, have you found it?

19          A.    Yes, sir.  Figure 03-3?

20          Q.    Yes.  And this is an updated version of  
21 that figure; is that right?

22          A.    I'm not sure what you mean by updated.  
23 This was up to date as of the filing of the  
24 application, yes.

25          Q.    Okay.  I am looking at the legend for the

1 figure in the lower right-hand corner where it says  
2 "Updated Figure 03-3 Project Layout." Do you see  
3 that?

4 A. I don't see the word "Updated."

5 MR. SETTINERI: Mr. Van Kley, can you  
6 ascertain that Mr. Stickney has the right exhibit? I  
7 think you are referring to Kingwood Exhibit 2, is  
8 that right, not the Kingwood Exhibit 1, the  
9 application?

10 MR. VAN KLEY: That's correct.

11 MR. SETTINERI: Okay. Thank you.

12 Q. (By Mr. Van Kley) Mr. Stickney, are you  
13 on Exhibit No. 2?

14 A. I'm sorry. I was in the wrong exhibit  
15 there.

16 MR. SETTINERI: Mr. Van Kley, for the  
17 record did you want to identify what -- the date of  
18 that response? Because that exhibit does have a  
19 compilation of responses.

20 A. Okay. My apologies. I have it up.

21 Q. Did you find it?

22 A. I did.

23 Q. Okay. Good. All right. So do you see  
24 in the lower right-hand corner where it states that  
25 the figure is "Updated Figure 03-3"?

1           A.    Yes, sir.

2           Q.    All right.  And is that a figure that was  
3 changed from the time that Figure 03-3 was originally  
4 included in the application?

5           A.    Mr. Van Kley, it appears to me that very  
6 minor either formatting or changes were made to  
7 identify certain features of the project in the  
8 project facilities.

9           Q.    Okay.  So the -- the outline of the  
10 project area did not change in the updated figure; is  
11 that correct?

12          A.    That is correct from what I can see.

13          Q.    Okay.  Now, if you would look at sheet 1  
14 of 3 on Updated Figure 03-3 in Kingwood Exhibit 2, I  
15 would like to ask you a question about the sheet's  
16 index at the bottom of the page.  If you could find  
17 that for me, please.

18          A.    I can see it, yes.

19          Q.    Okay.  The sheet index shows the entire  
20 outline of the Kingwood project; is that correct?

21          A.    It appears so.

22          Q.    Okay.  Now, when Kingwood started to  
23 negotiate for leases with participating landowners,  
24 did Kingwood have a specific area in mind that it  
25 wanted to develop the project on?



1           A.    I mean, you know, again, I wasn't an  
2 employee of Vesper or affiliated with Kingwood at the  
3 time it originally began negotiating lease agreements  
4 and pursuing development of the Kingwood project. I  
5 can't say for certain if it had a specific area or  
6 specific properties that it wanted to develop this  
7 project on.

8           Q.    But do you see the shape of the project  
9 area in that sheet index?

10          A.    Yes, sir.

11          Q.    Do you know whether Kingwood had that  
12 particular shape in mind for its project at the time  
13 it started to negotiate with landowners?

14               MR. SETTINERI: Object, asked and  
15 answered.

16               ALJ WILLIAMS: It's a different question.

17               MR. SETTINERI: He stated he wasn't aware  
18 of it.

19               ALJ WILLIAMS: It's a different question.  
20 I will let him answer.

21          A.    I don't think anybody had any particular  
22 shape in mind for this project at the beginning of  
23 its development.

24          Q.    Based on what you know, if anything, from  
25 people you talked to at Kingwood or records that you

1 reviewed or any other source of information, can you  
2 explain how the project came to have this shape that  
3 you see in this sheet index?

4 A. My understanding is -- is it was a  
5 combination of which of the landowners in this area  
6 were interested to participate, the subsequent field  
7 studies and surveys that were conducted to assess the  
8 suitability of those properties for potentially  
9 hosting the Kingwood Solar project, and, you know,  
10 likely a number of other considerations that helped  
11 to define the shape of the project area as you see it  
12 on that sheet index today.

13 Q. Can you tell me the number -- the  
14 approximate number of miles is between the southwest  
15 boundary of the project area and northeast boundary  
16 of the project area?

17 A. I believe it's about, you know, give or  
18 take a few miles, if my memory serves me. I don't  
19 know exactly what that number is.

20 Q. Are you aware of any disadvantages that a  
21 shape of this nature has for a solar project as  
22 opposed to a project that is -- is more closely  
23 compacted in its parcels?

24 A. I'm not aware of any specific  
25 disadvantages.

1           Q.   Well, can you tell me the number of miles  
2           that are in the boundaries of the project that  
3           interface with the properties of nonparticipating  
4           landowners?

5           A.   I -- excuse me. I don't know what that  
6           number is.

7           Q.   How many landowners have agreed to lease  
8           land for the project area?

9           A.   I believe there were 17 different  
10          landowner or landowner entities that agreed to enter  
11          into an agreement to participate in the Kingwood  
12          project.

13          Q.   Let's go to page 11 of your direct  
14          testimony. Starting at the top with the heading of  
15          "Property values," you had made some statements about  
16          property values in lines 1 to 8. Do you see that?

17          A.   Yes, sir.

18          Q.   Do you have any license to appraise the  
19          value of properties?

20          A.   I do not.

21          Q.   So you are not an expert in the  
22          evaluation of property values.

23          A.   I'm not an expert in evaluating property  
24          values. That's why we commission and rely on the  
25          experts to conduct that study for us. I have got

1 full confidence in their results and conclusions.

2 Q. So in lines 1 through 8 where you discuss  
3 the property values, you are just summarizing what  
4 your property valuation expert testified about,  
5 right?

6 MR. SETTINERI: I'll just object as  
7 mischaracterizing the testimony in lines 1 to 8.

8 ALJ WILLIAMS: Objection noted. He can  
9 answer the question.

10 A. In that section of my testimony, I am  
11 referencing these study -- the outside study that  
12 Kingwood Solar commissioned to assess impacts and  
13 potential impacts to property values.

14 Q. Okay. So you are just summarizing that  
15 study.

16 MR. SCHMIDT: This is Micah.

17 ALJ WILLIAMS: Yes, Micah.

18 MR. SCHMIDT: Yes, yes, I am.

19 ALJ WILLIAMS: Let's go off the record.

20 (Discussion off the record.)

21 ALJ WILLIAMS: Let's go back on the  
22 record.

23 Mr. Van Kley, do you need the question  
24 reread?

25 MR. VAN KLEY: No. I will just reask it.

1 ALJ WILLIAMS: Please.

2 Q. (By Mr. Van Kley) Mr. Stickney, on page  
3 11 from lines 1 through 8, you were just summarizing  
4 the information you received from your property  
5 valuation expert, correct?

6 MR. SETTINERI: Yeah, and just for the  
7 record, I will note an objection as to  
8 mischaracterizing the testimony in 1 through 8.  
9 Thank you.

10 ALJ WILLIAMS: So noted. Please answer.

11 A. So on page 11 in lines 1 through 8, it  
12 looks like I reference the study that we commissioned  
13 from an outside consultant in the first few lines  
14 referenced and summarized how the study was conducted  
15 and then summarized the conclusion of that study and  
16 then also referenced Mr. Andrew Lines from  
17 CohnReznick, who will also be providing testimony,  
18 can speak to that study in particular in a lot more  
19 detail.

20 Q. On lines 9 through 19 on page 11 entitled  
21 "Groundwater Contamination," that -- that is also  
22 information that you received from somebody else who  
23 is testifying?

24 A. No, sir, not -- not entirely. I do  
25 reference Dr. Brent Finley who will also be serving

1 testimony, providing testimony in this case. But  
2 there is a lot more information in that section than  
3 just what he will be providing or information that  
4 was given to me.

5 Q. Are you a hydrogeologist?

6 A. No, sir.

7 Q. Are you an expert in groundwater  
8 contamination?

9 A. No, sir.

10 Q. Okay. Is there anything in lines 9  
11 through 19 that you have the expertise to provide an  
12 expert opinion on?

13 MR. SETTINERI: I will just object.  
14 Calling for a legal conclusion.

15 ALJ WILLIAMS: Mr. Van Kley, can you ask  
16 it with a little bit more specificity, please?

17 MR. VAN KLEY: Yeah.

18 Q. (By Mr. Van Kley) Do you believe that you  
19 are qualified to provide any of the statements in  
20 lines 9 through 19?

21 A. I believe as the Development Project  
22 Manager for the Kingwood project, I am qualified to  
23 offer that we will implement best management  
24 practices in accordance with the Ohio EPA's  
25 construction general permit in relation to stormwater

1 and groundwater management procedures.

2 Also as the Development Manager, I think  
3 I am qualified to offer that we voluntarily, as a  
4 response to one of Staff's Data Requests, will offer  
5 to test all active drinking wells within 100 feet of  
6 the project area. Nowhere in that section do I claim  
7 to be an expert hydrogeologist or expert in  
8 groundwater contamination.

9 Q. Okay. Yeah, that's a very good answer.  
10 Thank you. So in the last sentence of those lines,  
11 which would be lines 18 and 19, you don't have any  
12 training or experience that would allow you to state  
13 that solar panels are not a threat to groundwater  
14 contamination.

15 MR. SETTINERI: Just object as to  
16 mischaracterizing the testimony in the last sentence  
17 as to what it says.

18 ALJ WILLIAMS: He didn't ask what the  
19 last sentence says. He asked for clarification  
20 regarding whether his -- he had expertise as to solar  
21 panel groundwater contamination. He can ask -- he  
22 can answer the question.

23 MR. SETTINERI: Your Honor, can I have  
24 that question reread, please?

25 ALJ WILLIAMS: Sure. Ms. Gibson.

1 (Record read.)

2 MR. SETTINERI: I will withdraw my  
3 objection, your Honor.

4 ALJ WILLIAMS: Thank you, Mr. Settineri.  
5 Mr. Stickney.

6 A. I personally do not have the expertise to  
7 claim whether or why solar panels are not a threat to  
8 groundwater contamination, simply referencing  
9 Dr. Brent Finley's testimony that's been provided.

10 Q. Then on the same page, page 11 of your  
11 testimony, starting on line 20 with the words  
12 "Wildlife impacts" and going through page 12, line  
13 14, do you have any training or expertise on wildlife  
14 impacts?

15 A. Yeah, to the extent they relate to  
16 development of solar projects?

17 Q. Yes.

18 A. A nominal level of wildlife impacts as it  
19 relates to solar development and solar projects. You  
20 know, again, I reference -- in this testimony I  
21 reference Ms. Gresock's testimony that can speak to  
22 how that survey was conducted, the coordination that  
23 happened in relation to assessing potential impacts  
24 to wildlife. But me personally I am not a wildlife  
25 expert, if that's what you are asking.



1           Q.    Yes, sir.  Thank you.  Go to page 13 of  
2   your testimony.  Starting on line 1 with the heading  
3   "Construction impacts," are you a transportation  
4   engineer?

5           A.    I am not a transportation engineer, no.

6           Q.    Let's go to page 14 starting with line 4  
7   entitled "Drain tile impacts and surface runoff."  
8   You are not a drainage expert, are you?

9           A.    I would not consider myself a drainage  
10   expert.  I have learned a tremendous amount about  
11   agricultural drain tile in my past five or six years  
12   of working in the solar development industry and  
13   field.

14          Q.    Let's go to page 15.  There is a heading  
15   on line 1 for "Project lighting."  Are you an expert  
16   in project lighting?

17          A.    I am not sure if that field of expertise  
18   actually exists.

19          Q.    Uh-huh.  Are you an electrician?

20          A.    No, sir.

21          Q.    Okay.  Is there a final design showing  
22   locations of lights in the project area anywhere to  
23   be found in your application?

24          A.    There is not.  As typically happens in a  
25   development of these projects, that's something that

occurs closer to the start of construction of the project.

Q. Is there anything in Kingwood's responses to Staff's Data Requests providing the locations of the lights for the project?

A. There is not in the Staff's Data Requests and our responses to those requests. Again, lighting locations is something that typically happens much closer to the start of construction.

Q. Go to line 19 of page 15 where you see the heading "Hazardous chemicals from solar panels." You are not an environmental scientist, correct?

A. I am not.

Q. You don't have any expertise in determining whether panels exhibit characteristics of toxicity?

A. I personally do not which is why I reference the United States EPA's procedure for testing for any toxicity in solar panels.

Q. Let's go to page 16 of your testimony, line 5, and there you state that there will be an additional 20 feet minimum distance between the fence line and any panels. Do you see that?

A. I do.

Q. Okay. Would you turn to the narrative of

1 the application for this case.

2 A. Do you have a specific page number?

3 Q. Yes, there is. That would be page 118.  
4 And tell me when you have found that page.

5 A. I have, yep.

6 Q. All right. Go to the last paragraph on  
7 that page under the heading "Proposed Mitigation  
8 Measures."

9 A. Yes, sir.

10 Q. This is a paragraph that provides some  
11 setbacks for the project, correct?

12 A. As a part of proposed mitigation  
13 measures, yes.

14 Q. All right. And it's stated in the first  
15 part of that paragraph that "The Project has been  
16 designed with at least a 25-foot setback from  
17 adjacent roads and non-participating properties." Do  
18 you see that?

19 A. I do see that.

20 Q. And then if you work your way down to the  
21 fifth line of that paragraph, there is a sentence  
22 that says "An additional setback distance of  
23 approximately 20 feet is anticipated between the  
24 fence line and the arrays." Do you see that?

25 A. I do see that.

1           Q.    All right.  So here in the application  
2   it's stated that the additional setback distance will  
3   be approximately 20 feet, but in your testimony on  
4   page 16, line 5, you state that there will be an  
5   additional 20 feet minimum distance between the fence  
6   line and any solar panels.  So my question to you is  
7   which is -- which is accurate?  Your testimony or  
8   what's stated in the application?

9           A.    In my mind those read almost identical or  
10  very, very similar referencing the same number of  
11  20 feet between the fence and the solar panels.  I  
12  think, you know, I would recommend that at a minimum  
13  there would be 20 feet between the fence, the project  
14  fence, and the panels.

15                   And you mentioned in that section on page  
16  118 of the application narrative, and I will note  
17  that that first line of that paragraph where it says  
18  the Project has been designed with at least a 25-foot  
19  setback from adjacent roads and non-participating  
20  residences -- or properties.  That's been  
21  significantly increased as you will see in my  
22  supplemental testimony in Exhibit 7.

23           Q.    So are you saying then that by the word  
24  approximately on page 118 of the application, the --  
25  Kingwood meant at least 20 feet?

1           A.     Sure.  I think that's fair to say.

2           Q.     Going back to your testimony page 16,  
3 line 9, "Tourism impacts."

4           A.     Yes, sir.

5           Q.     You are not an expert in tourism, are  
6 you?

7           A.     I am an avid tourist.

8           Q.     Answering the question are you an expert  
9 in tourism?

10          A.     I am not sure how you would define that  
11 term.

12          Q.     Are you in the business of selling  
13 tourism opportunities to people, for example?

14                 MR. SETTINERI:  I would just object.

15          A.     No, I am not.

16                 MR. SETTINERI:  Object just in terms of  
17 tourism and activities.

18                 ALJ WILLIAMS:  He asked him if he was an  
19 expert.  There was some confusion or need for  
20 clarification regarding what an expert on tourism is,  
21 and Attorney Van Kley was pressing forward to provide  
22 that level of detail in his questions.

23                 So, Mr. Van Kley, I am going to let you  
24 repeat the question.

25          Q.     (By Mr. Van Kley) Yeah.  Are you in the

1 business of selling tourism opportunities to  
2 customers?

3 A. No, sir.

4 Q. Are you an expert with regard to offering  
5 recreational activities at parks?

6 MR. SETTINERI: I'll just object to form  
7 of question.

8 ALJ WILLIAMS: I will let him answer it  
9 to the extent he understands the question.

10 A. I'm sorry. Could you repeat that,  
11 please?

12 Q. Yeah. Are you in the business of  
13 offering recreational opportunities to customers?

14 A. No, I am not.

15 Q. All right. So your only expertise in  
16 tourism is that -- is that sometimes you are a  
17 tourist.

18 A. If -- I suppose you could -- you could  
19 characterize it that way.

20 Q. Are you an expert on visual impact  
21 assessments?

22 A. I am not, no.

23 Q. Go to page 17, line 2. And the sentence  
24 that starts here reads as follows: "The only views  
25 of the Project would be from drivers from the road as

1 they travel to enter the preserve from the south."

2 And the preserve that you are referring to is  
3 identified in the prior sentence, right, which would  
4 be the Clifton Gorge Nature Preserve?

5 A. Yes, sir. That's where it's referencing.

6 Q. Okay. And in the sentence on lines 2 and  
7 3 on page 17 of your testimony, what is the entrance  
8 to the preserve from the south? Can you identify the  
9 road where that entrance occurs?

10 A. I believe that the entrance to what they  
11 call 4-H Camp Clifton is either inside or directly  
12 adjacent to the boundaries of the Clifton Gorge  
13 Nature Preserve. That entrance is off of Clifton  
14 Road.

15 Q. Okay. So the entrance you are talking  
16 about is -- is where there is a connection between  
17 Camp Clifton and the Preserve.

18 A. That would be the only defined entrance  
19 that I am referring to.

20 Q. And that entrance is a walking entrance;  
21 is that correct?

22 A. I don't know for sure.

23 Q. Do you know how many persons patronize  
24 Camp Clifton per year?

25 A. I do not, not specifically.

1           Q.    Did Kingwood Solar investigate to find  
2 out how many people patronage Camp Clifton?

3           A.    Not to my knowledge, no.

4           Q.    Going back to page 17 of your written  
5 testimony, line 22 starts a paragraph labeled  
6 "Permanent impacts to farmland." Are you an expert  
7 on farmland preservation?

8           A.    I am not an expert, no. I've learned a  
9 lot from the landowners that we're working with on  
10 the Kingwood project who I would say certainly  
11 categorize themselves as experts in farmland and the  
12 longevity -- in usefulness of their farmland  
13 specifically.

14          Q.    Is that because they are farmers?

15          A.    Yes, sir.

16          Q.    Okay. You are not a farmer.

17          A.    I am not a farmer.

18          Q.    You have never been a farmer.

19          A.    I have never been a farmer, correct.

20          Q.    Go to page 18 of your testimony. And on  
21 line 5 you would see a paragraph that starts with the  
22 words "Operational Noise Impacts."

23          A.    Yes, sir.

24          Q.    All right. You are not an acoustical  
25 engineer?



1           A.    I am not.

2           Q.    You don't have any expertise in  
3   acoustics?

4           A.    I personally do not have any expertise in  
5   acoustics.  We did commission a -- an outside company  
6   who specialized and does have expertise in acoustics,  
7   testimony that will be provided for this case at the  
8   Department's hearing.

9           Q.    All right.  We are going to go on to page  
10  19 of your testimony.

11           MR. VAN KLEY:  And, your Honors, if you  
12   are thinking about taking a break now, this would be  
13   a good time for that because we are going to start a  
14   topic where we are going to have quite a bit of  
15   discussion.

16           ALJ WILLIAMS:  Let's go off the record.

17           (Discussion off the record.)

18           (Thereupon, at 12:22 p.m., a lunch recess  
19   was taken.)

20                               - - -

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25

Monday Afternoon Session,  
March 7, 2022.

- - -

ALJ WILLIAMS: We are back on the record.

Mr. Van Kley, I will invite you to return  
to your cross.

MR. VAN KLEY: Very good.

- - -

DYLAN STICKNEY

being previously duly sworn, as prescribed by law,  
was examined and testified further as follows:

CROSS-EXAMINATION (Continued)

By Mr. Van Kley:

Q. Mr. Stickney, can you turn to Appendix P  
of the application.

A. That's P as in Paul, Mr. Van Kley?

Q. That's correct.

A. Yes, sir.

Q. All right. Can you tell me what this is?

A. This is a list of structures within  
proximity to the project area.

Q. Looking at this document, this is part of  
the application, correct?

A. Appendix P, yes, sir.

Q. Okay. Now, this -- this Appendix P shows

1 the differences between -- or shows the distances  
2 between structures outside of the project area and  
3 the project area, correct?

4 A. Yes, sir. It shows the distance, the  
5 structure type, and the parcel status and whether  
6 those structures are owned by a participating or  
7 non-participating parcel landowner.

8 Q. Does the application or any of its  
9 appendices provide the distances between the project  
10 area and neighboring property lines?

11 A. In the application the project area is  
12 referenced as a minimum of 25 feet setback from  
13 adjacent property lines and public roadways as well.  
14 And in addition to that, in our Joint Stipulation and  
15 my supplemental testimony today, that setback has  
16 been increased to 50 feet from public roadways and  
17 then also references an increase in setbacks from the  
18 residential structures themselves, non-participating  
19 residential structures an increase to 250 feet of a  
20 minimum setback from the project fence line and  
21 project components.

22 Q. Now, if you look at Appendix P and  
23 specifically look at the first page of Table 1.

24 A. Yes, sir.

25 Q. What's the closest -- what's the smallest

1 distance between the project area and the nearest  
2 house owned by a non-participating landowner?

3 A. There is a -- in Table 1 there is a house  
4 owned by a non-participating landowner listed at  
5 32 feet from the project area.

6 Q. Do you know who owns that house?

7 A. I do not know who owns that specific  
8 house, no.

9 Q. And you can't tell from Appendix C who  
10 owns that house, can you?

11 A. I have to turn to Appendix C.

12 Q. Well, is there -- is there any  
13 information in --

14 MR. SETTINERI: Your Honor, I'm sorry,  
15 but can the witness finish his answer?

16 MR. VAN KLEY: I thought he had.

17 ALJ WILLIAMS: Sure. Attorney Van Kley,  
18 did you mean Appendix C?

19 MR. VAN KLEY: B -- I mean Appendix P.  
20 We are talking about Appendix P.

21 ALJ WILLIAMS: All right. The record is  
22 kind of a little bit cluttered here. You actually  
23 referenced Appendix C. Can you reask the question so  
24 we have a clean record?

25 MR. VAN KLEY: Yes, absolutely.

1           Q.     (By Mr. Van Kley) Mr. Stickney, is there  
2 anything in Appendix P that identifies the persons  
3 who own the structures referred to in Appendix P?

4           A.     I don't believe there is anything in the  
5 application that specifically assigns which  
6 structures are owned by which landowners. My  
7 personal opinion I don't think that would be, you  
8 know, an appropriate thing for us to do, to list  
9 non-participating landowners and folks by name as to  
10 what properties they own.

11          Q.     Why don't you think that's appropriate?

12          A.     They're not a participant in the project,  
13 you know, have no engagement or agreement with  
14 Kingwood Solar.

15          Q.     Well, is there any information in the  
16 application that informs adjacent non-participating  
17 landowners what the distance is between the  
18 structures they own and the project area?

19          A.     I do believe there is a map with a scale  
20 showing the boundaries of the project area and  
21 identifying participating and non-participating  
22 structures, or at the very least residences around  
23 and within a certain proximity to that project area.  
24 So it would be reasonable to say that somebody could  
25 approximate the distance of any particular structure

1 from the project area boundary.

2 Q. All right. Do you still have Updated  
3 Figure 03-3 in front of you from Kingwood Exhibit 2?

4 A. I don't still have it in front of me, no.

5 Q. Can you access it?

6 A. I can. Okay.

7 Q. All right.

8 A. Figure --

9 Q. Go ahead.

10 A. Updated Figure 03-3 of Exhibit 2,  
11 Kingwood Exhibit 2.

12 Q. Yes. Now, this map has a scale on it in  
13 the legend, right?

14 A. Yes, sir.

15 Q. It's a scale from 0 to 2,000 feet?

16 A. Yes, sir.

17 Q. Given that scale how precise of a  
18 measurement do you think that a neighboring landowner  
19 can make about the distance between that landowner's  
20 structure and the project area?

21 A. Well, this scale specifically is broken  
22 down to increments of 500 feet, and more so than  
23 that, I look at maps all day every day, so I feel as  
24 though I could approximate distances using this  
25 scale, this scale in particular, fairly reasonably

1 and at the very least, you know -- yeah, I mean, like  
2 I said, this scale in particular is broken down into  
3 increments of 500 feet.

4 Q. Well, what about -- what about a distance  
5 of 32 feet? Do you think somebody could tell that  
6 their property, structure was 32 feet from the  
7 project area using this scale?

8 A. I think the map showing non-participating  
9 structures and residences would probably be the  
10 appropriate figure to reference. And I can't recall  
11 exactly what that scale shows or what the scale of  
12 that map is.

13 Q. And tell me again what that map is.

14 A. I'll have to find it to accurately  
15 reference that figure number.

16 ALJ WILLIAMS: We will go off the record  
17 while the witness looks for the exhibit.

18 (Discussion off the record.)

19 ALJ WILLIAMS: We are back on.

20 Attorney Van Kley.

21 Q. (By Mr. Van Kley) Yeah. Mr. Stickney,  
22 which information in the application do you believe  
23 best shows the public how far their structures are  
24 from the project area?

25 A. So in the Kingwood Exhibit 2,

1 supplemental data responses to Staff requests, there  
2 is a map titled "Figure 08-11" titled "Land Use  
3 within One Mile."

4 Q. Okay.

5 A. And it identifies all residences.

6 ALJ WILLIAMS: You can't talk over each  
7 other.

8 Q. Yeah, I'm sorry. Could you give us a  
9 moment to find that, and then you can continue your  
10 answer. How far into the document Exhibit 2 is it?

11 A. Maybe a third.

12 MR. SETTINERI: For the record,  
13 Mr. Van Kley, and I will let the witness confirm,  
14 just to help you identify the location, it's, I  
15 believe, June 8, 2021, responses. There is a series  
16 of maps, Mr. Van Kley. I believe that is what  
17 Mr. Stickney is referencing, I believe.

18 MR. VAN KLEY: Can you give me a PDF  
19 page?

20 MR. SETTINERI: I cannot unfortunately.  
21 It is probably 20 pages in.

22 Mr. Stickney, if you can help  
23 Mr. Van Kley, that would be good.

24 A. This is -- this is the tile map,  
25 Mr. Van Kley, with various different color codings.



1 There is quite a bit of yellow coloring on there  
2 showing agricultural areas, if that helps. It's a  
3 figure within the June 8, 2021, responses to Staff's  
4 June 1 and June 3 Data Requests.

5 MR. SLONE: This is Lee Slone. Which  
6 figure number is it, please?

7 THE WITNESS: Figure 08-11.

8 MR. SLONE: Jack, I think that starts on  
9 about page 36 of the PDF, Exhibit 2.

10 MR. VAN KLEY: Okay.

11 Q. (By Mr. Van Kley) So -- all right.  
12 Figure 08-11. And are you looking at sheet 1,  
13 Mr. Stickney?

14 A. Sure, yeah. I mean, I guess generally  
15 referencing that entire figure. Starting with sheet  
16 1 through sheet 29, this identifies all -- including  
17 all residences and residential structures within 1  
18 mile of the project area boundary as a scale from 0  
19 to 1,000 feet broken down into increments of  
20 250 feet. I think that would be a good resource for  
21 non-participating homeowners and residential  
22 structure owners to identify where in proximity to  
23 the project boundary those structures are located.

24 I'll note in addition, I believe it was  
25 June of 2021, we held an in person public information

1 meeting local to the area at the Greene County  
2 Fairgrounds. We had a 24 by 36 -- several 24 by 36  
3 project layout maps on display for folks. And a  
4 number of folks, more than I can count, came up to  
5 the maps and found their residences. I can't  
6 remember exactly what the scale was on those maps.

7 Q. So -- I'm sorry. I thought you were  
8 done. Using the scale on Figure 08-11, do you think  
9 that that scale is adequate to tell people that their  
10 properties, for example, are 25 feet away from the  
11 project area versus, let's say, 50 feet away from the  
12 project area?

13 A. I personally do, yes.

14 Q. Going back to Appendix P, I would like to  
15 direct your attention back to Table 1 and the fourth  
16 page of Table 1, which would be the fifth page of the  
17 PDF.

18 A. Yes, sir.

19 Q. All right. Now, looking towards about --  
20 about three-quarters of the way down on the page, do  
21 you see a reference to 4-H Camp Clifton?

22 A. I do.

23 Q. And the distance to project area from  
24 that camp is stated to be 231 feet; is that correct?

25 A. That's correct.

1           Q.    Do you know what kind of structure in  
2   Camp Clifton is referenced here?

3           A.    I do not know exactly what type of  
4   structure that is. I believe we classified it as,  
5   you know, a camp or, you know, I don't know that we  
6   did classify it, per se, but any of the structures on  
7   that. The nearest structure on that 4-H Camp Clifton  
8   was measured at 238 feet.

9                   I will note in the Joint Stipulation and  
10   my supplemental testimony, our -- our fence line  
11   setback from Clifton Road closest to the entrance to  
12   4-H Camp Clifton has been increased by 300 feet, so I  
13   would say that number has materially changed since  
14   this application was filed.

15          Q.    Well, has the number in Appendix P  
16   changed or just the road -- the difference between  
17   Camp Clifton and -- and the project area?

18          A.    The anticipated distance between Camp  
19   Clifton and the project -- project facilities.

20          Q.    Well, there's -- there's part -- part of  
21   the project area located near Camp Clifton is not  
22   across the road. It's not across Clifton Road, isn't  
23   it -- is it? Isn't it on the same side as Clifton  
24   Road?

25          A.    There are -- there are no parts of the

1 project area on the same side of Clifton Road as 4-H  
2 Camp Clifton. They are all on the south side of  
3 Clifton Road. 4-H Camp Clifton is on the north side  
4 of Clifton Road.

5 Q. Okay. Would you keep going back into  
6 Appendix P and find the page that starts with an  
7 entry for 4-H camp 544.

8 A. Okay.

9 Q. All right. And you will see a number of  
10 structures for the 4-H camp listed on this page,  
11 right?

12 A. That's right.

13 Q. And in -- can you tell me what any of the  
14 structures are that are listed on this page?

15 A. If you will give me a moment just to  
16 reference other parts of this application, I can  
17 direct you when I get there.

18 Q. Sure.

19 ALJ WILLIAMS: Karen, let's go off.  
20 Thank you.

21 (Discussion off the record.)

22 ALJ WILLIAMS: Let's go back on the  
23 record.

24 While we were off the record, the witness  
25 located the exhibit that he believed responded to the

1 question. He's provided us guidance as to where that  
2 exhibit is. And, Attorney Van Kley, I will let you  
3 proceed with your cross.

4 MR. VAN KLEY: Thank you.

5 Q. (By Mr. Van Kley) Mr. Stickney, we are  
6 now looking at Figure 08-12 of the application,  
7 correct?

8 A. Yes, sir.

9 Q. And I believe you were going to use that  
10 figure to provide us with more information about the  
11 structures in Camp Clifton, correct?

12 A. Yes, sir.

13 Q. Okay. Would you first tell us where to  
14 look in Figure 8-12, and then you can proceed with  
15 your answer as to what kind of structures are in the  
16 camp.

17 A. So if you direct your eyes to the  
18 northern -- northern part of this page, probably a  
19 third of the way from the very right boundary of this  
20 map, that's a good set of directions but. For those  
21 familiar with the area, north of Clifton Road right  
22 at the -- just north of the entrance of 4-H Camp  
23 Clifton. You'll see a cluster of, as the legend  
24 identifies them, 4-H camp just the same as they are  
25 identified in Appendix P in that table of structures.

1 And, Mr. Van Kley, I believe those are -- those kind  
2 of light purple circles with the star inside of them  
3 are identifying the structures identified as 4-H Camp  
4 in the table in Appendix P., again, all on the  
5 opposite side of Clifton Road.

6 And again, me personally I have never  
7 been on the 4-H camp property specifically. I have  
8 had a chance to visit, you know, the surrounding  
9 area, Clifton Gorge Nature Preserve, but I haven't  
10 identified exactly what types of structures those  
11 are. I would imagine they're, you know, some sort  
12 of, you know, structure improvements that are used in  
13 the day camp facility there, but I don't believe that  
14 they're inhabited full-time residences.

15 Q. Do you know whether the camp contains  
16 structures that are used for social events?

17 A. Could you clarify what you mean by  
18 "social events"?

19 Q. Any kind of social event, whether it's a  
20 wedding or a meeting or -- or crafts or any --  
21 anything social.

22 A. Yeah. I understand the 4-H Camp Clifton  
23 is a -- you know, a nice -- a nice place for folks to  
24 visit, or they have regular camp programs or  
25 otherwise. I am not too familiar with exactly --

1 exactly the activities that are held there, and it's  
2 pretty well -- driving -- driving down Clifton Road  
3 as I have done, you know, more times than I can  
4 count, you can't really see into the Camp Clifton  
5 property because of the wooded vegetation along the  
6 road; but, yeah, I understand it's a recreational  
7 establishment of some sort.

8 Q. Do you know whether Camp Clifton  
9 entertains people who come in from out of the county?

10 A. You know, out of the county specifically,  
11 I'm not sure.

12 Q. To your knowledge did anybody from  
13 Kingwood or its contractors interview the owners or  
14 operators of Camp Clifton to find out how the project  
15 might affect them?

16 A. I personally, and I do know that other  
17 representatives from my company and representatives  
18 of Kingwood Solar, have, you know, discussed Camp  
19 Clifton with, for instance, the Greene County Board  
20 of Commissioners, with Greene County Planning and  
21 Development representatives in that it is a  
22 recreational resource of the local area within  
23 proximity to our project area.

24 Q. But did you or anybody else from Kingwood  
25 or its contractors talk to the owners or operators of

1 Camp Clifton itself to find out how the project may  
2 affect them?

3 MR. SETTINERI: I'll just object, your  
4 Honor. There has been no foundation laid that he  
5 knows who the owners and operators of Camp Clifton  
6 are.

7 ALJ WILLIAMS: We will let him answer to  
8 the extent he is aware of the nature of the question.

9 A. Yeah. Mr. Van Kley, I -- I don't -- to  
10 my knowledge at this point I don't know who the  
11 owners of that camp property are.

12 Q. Okay. And if that's the case, then you  
13 don't know whether anybody from Kingwood or its  
14 contractors talked to anybody from Camp Clifton about  
15 the project.

16 MR. SETTINERI: Just object. Calls for  
17 speculation as to the contractors. He can speak as  
18 to Kingwood but not the contractors.

19 MR. VAN KLEY: I was asking him whether  
20 he knows.

21 ALJ WILLIAMS: All right. The objection  
22 is overruled. He's going to tell us what he knows.

23 A. I do not know if anyone has met with the  
24 owners, whoever that may be, of Camp Clifton.

25 Q. To your knowledge, has anybody performed



1 an economics study to figure out what, if any, impact  
2 the project is going to have on Camp Clifton?

3 A. On Camp Clifton specifically?

4 Q. Yes.

5 A. Not to my knowledge.

6 Q. Let's go back to your direct testimony,  
7 page 19, answer 14.

8 A. Yes, sir.

9 Q. All right. And we are talking about  
10 economic impact in this answer, correct?

11 A. Yes, sir.

12 Q. All right. Let's start with the sentence  
13 that starts on page -- line 12 of that answer on line  
14 19. And you state there that there will be an  
15 estimated 180 Ohio construction workers working on  
16 the construction of the project, right?

17 A. That's right.

18 Q. Can you tell me the approximate number of  
19 construction workers that will be hired from Greene  
20 County?

21 A. I would hope it's as close to that 180  
22 number as possible, if not the 225 total construction  
23 jobs that we've estimated that would be needed for  
24 Kingwood Solar in a project of this size. I've had a  
25 great opportunity to meet with a lot of Greene County

1 residents that are seemingly qualified and have  
2 experience constructing solar projects, for instance,  
3 the folks from Local 82 that local International  
4 Brotherhood of Electrical Workers expressed great  
5 interest in helping construct Kingwood Solar if and  
6 when it's approved. So again, I hope it's as many as  
7 possible.

8 I guess to answer your question directly,  
9 I don't know how many workers are -- that may be  
10 qualified or available to help with the constructing  
11 of Kingwood Solar reside in Greene County at this  
12 time or on our anticipated construction schedule.

13 Q. When you refer to the union, you are  
14 talking about the union with the acronym IBEW?

15 A. That's right, International Brotherhood  
16 of Electrical Workers.

17 Q. Do you know how many members of the IBEW  
18 currently reside in Greene County?

19 A. I don't know that number off the top of  
20 my head. Like I said, I have had a chance to meet  
21 with a number of those folks. I don't know exactly  
22 what that total is right now.

23 Q. How did you come up with the estimate of  
24 180 Ohio construction workers as you've stated it in  
25 your testimony on line 13 on page 19 of your

1 testimony?

2 A. That number is a result of approximately  
3 80 percent of the estimated total 225 construction  
4 jobs and workers that we anticipate for this project.

5 Q. And where did you get the 80 percent  
6 figure?

7 A. That is -- that's a figure that's  
8 referenced in the PILOT statute in Ohio, PILOT  
9 meaning Payment in Lieu of Taxes, and that program  
10 from -- in Ohio specific to large-scale solar  
11 projects.

12 Q. So you haven't identified 180 people at  
13 this time who you would hire if the project was being  
14 constructed.

15 A. No. Not by name, no.

16 Q. Now moving on to the next paragraph of  
17 answer 14 on page 19 of your testimony, we talk about  
18 four permanent full-time equivalent jobs for Ohio  
19 workers to maintain and operate the project.

20 A. I do.

21 Q. Where will these employees live while  
22 they are operating the project? Will it be in Greene  
23 County, or will it be elsewhere?

24 A. I can't say for certain. I don't know  
25 that there would be a requirement of exactly where an

1 employee could or would live. I would expect that a  
2 full-time employee for the Kingwood Solar project  
3 for, you know, project operations and maintenance  
4 would be -- you know, at least a portion of those  
5 four employees would be within commuting distance to  
6 the project area. So that -- I would assume that  
7 that would be -- it could certainly be in Greene  
8 County.

9 Q. Are any of the duties of these operators  
10 conducted from a remote access point?

11 A. From my understanding, yes, there is some  
12 remote monitoring work and responsibility that's  
13 included for projects like Kingwood Solar.

14 Q. Uh-huh. And where are those remote  
15 operational facilities located?

16 MR. SETTINERI: Just object as  
17 mischaracterizing the testimony as to the operating  
18 facilities. I don't believe the witness testified  
19 there were operating facilities.

20 ALJ WILLIAMS: Attorney Van Kley, would  
21 you rephrase?

22 MR. VAN KLEY: I will rephrase.

23 ALJ WILLIAMS: Thank you.

24 MR. VAN KLEY: Yeah.

25 Q. (By Mr. Van Kley) If this project is

1 built and starts operating, where will the remote  
2 facilities be located that will be used to operate  
3 this facility?

4 MR. SETTINERI: And again, I have to  
5 object. There has been no foundation laid that  
6 the -- a project like this would have a remote  
7 facility.

8 ALJ WILLIAMS: I'll sustain the  
9 objection.

10 Attorney Van Kley, you need to lay a  
11 foundation as to what remote work you are  
12 contemplating.

13 MR. VAN KLEY: Yeah.

14 Q. (By Mr. Van Kley) Mr. Stickney, going  
15 back to your statement you believe that there will be  
16 some remote activities performed for this project,  
17 can you describe those activities that may be  
18 performed remotely.

19 A. Sure. So with any -- with any  
20 large-scale solar project of this type, there would  
21 be monitoring of project performance operations and  
22 performance using a SCADA system that's housed at the  
23 point of interconnection typically in the  
24 interconnection facilities monitoring a number of  
25 different things including power generation, energy

1 produced throughout certain interval periods of time,  
2 daily, monthly, and annually, monitoring signals of  
3 weather events, and any potential repair or ongoing  
4 maintenance that may be needed.

5           These are typically conducted from a --  
6 what's referred to as an operations and maintenance  
7 contractor, companies that are in operation today  
8 solely for the purpose of contracting to operate and,  
9 you know, having responsibility of maintaining these  
10 types of facilities so, you know, that type of -- of  
11 work of monitoring some of the automated signals that  
12 are coming from the facility based on some of the  
13 equipment and sensors and whatnot, you know, would be  
14 an example of a remotely conducted or remote  
15 employee, I suppose you could say.

16           Q. Did you say that these facilities are  
17 typically located at the point of connection or  
18 something along those lines? I didn't quite catch  
19 that.

20           A. That's right. So a SCADA system which  
21 I -- the -- what that acronym is escapes me right now  
22 but a SCADA system is typically housed at the project  
23 substation and housed at a substation or nearby the  
24 interconnection facility, so in this instance where  
25 it connects to the FirstEnergy transmission line,

1 monitoring, you know, the energy production profile  
2 throughout certain periods of time.

3 Q. Let's move on to line 23 at the bottom of  
4 page 19 of your testimony. I am looking at the  
5 sentence that starts at the bottom of that page and  
6 goes to the next page where it states that "The  
7 project will also generate an estimated \$1.90 million  
8 in state and local taxes for the life of the  
9 Project." Do you see that sentence?

10 A. I do.

11 Q. Is that \$1.90 million a figure that will  
12 occur every year, or is that the total of the taxes  
13 paid over the life of the project?

14 A. That's an estimate of the annual taxes  
15 created for the life of the project which is expected  
16 to be approximately 35 years.

17 Q. Do you know at this point whether the  
18 solar panels used in this project, if it's built,  
19 will be manufactured in part or in whole in Ohio?

20 A. I cannot say. Like mentioned earlier,  
21 the specific module and manufacturer for this project  
22 has not been finally selected yet. I do know that  
23 Ohio has a strong solar manufacturing industry in the  
24 state and which I think is fantastic, and I think  
25 that the -- you know, the solar development activity

1 as of late has certainly helped to encourage that.

2 Q. Can you name any facilities in Ohio that  
3 manufacture solar panels?

4 A. If I am not mistaken, I believe First  
5 Solar is an Ohio company that manufacturers in Ohio.

6 Q. That manufactures -- that plant is  
7 located in northwest Ohio; is that right?

8 A. Where in Ohio specifically I don't  
9 recall.

10 Q. Do you know what percentage of the  
11 components used by that facility are actually  
12 manufactured outside of the United States?

13 A. I don't know specifically. I know that  
14 it's a highly technical electronic product oftentimes  
15 made up of components that are manufactured all over  
16 the world.

17 Q. So as you sit here today, you can't tell  
18 us what percentage of the components or even the  
19 value of the solar panels sold by that facility are  
20 actually made in the United States?

21 MR. SETTINERI: I would object to the  
22 form of the question regarding the reference to  
23 value.

24 ALJ WILLIAMS: I'll sustain the  
25 objection.



1 Can you rephrase, Attorney Van Kley?

2 MR. VAN KLEY: Yeah.

3 Q. (By Mr. Van Kley) Well, let's just break  
4 it down. Can you tell me what percentage of the cost  
5 of manufacturing the solar panels is actually spent  
6 outside of the United States for panels coming from  
7 the facility in Ohio that you've just mentioned?

8 A. I could not even pose an estimation as to  
9 what percentage of those components or the cost of  
10 those components are -- are or are not manufactured  
11 in the United States or in the state of Ohio. I can  
12 only imagine it's no different than the computers  
13 that we are all using today or any other electronic  
14 product that's available on the market.

15 Q. Does Vesper have a policy that guarantees  
16 that it will purchase solar panels from a facility in  
17 the United States?

18 A. Vesper has a policy that we will purchase  
19 panels that are on the Tier 1 list that are proven to  
20 be the highest rated and tested panels available for  
21 projects like this. You know, we -- I suppose said  
22 another way we don't discriminate who the  
23 manufacturers of those proven and tested panels are.  
24 It comes down to a number of different things  
25 including economics and, you know, probably some

1 other policies as far as, you know, procurement and  
2 selection of equipment for our projects as well.

3 Q. So Vesper does purchase panels made  
4 outside of the country for its projects?

5 A. You know, I don't -- myself I don't  
6 oversee the procurement of equipment for Vesper's  
7 projects. I would lend an assumption that's true.  
8 We do not exclusively purchase American made panels  
9 or equipment, and as you mentioned, oftentimes even  
10 American made panels are made up of components that  
11 are sourced from outside the US.

12 Q. Would you go to the narrative of the  
13 application page 106. If you were using a PDF copy,  
14 it would be PDF page 118. Let me know when you found  
15 that page.

16 A. 106?

17 Q. Yes, sir. I would like to direct your  
18 attention to the second paragraph on that page  
19 starting with the words "Workers will commute."

20 A. Yes, sir.

21 Q. It states workers will commute to the  
22 project area daily during construction with only  
23 limited visits to the project area by operational  
24 workers throughout the year. Do you see that  
25 sentence?

1           A.     I do.

2           Q.     What would be the purpose of the limited  
3 visits made by the operational workers for the  
4 project?

5           A.     So -- oh, to clarify, that would be  
6 workers during operation of the project  
7 post-construction. Purposes could include landscape  
8 or vegetation maintenance or project facility  
9 standard maintenance or repair as needed.

10          Q.     Can you give me an estimate of the number  
11 of days on which operational employees would visit  
12 the project during the year?

13          A.     I mean, I couldn't give an exact estimate  
14 at this point until project construction has  
15 completed and until we've got to a point of, you  
16 know, what the -- what the regulatory or otherwise  
17 requirements are of -- of this project in particular.  
18 Typically for utility-scale solar projects similar to  
19 Kingwood Solar, I would say fairly limited, probably  
20 less than -- less than 10 visits per year for all  
21 things operations and maintenance related.

22          Q.     So going back to the statements that we  
23 were looking at earlier that four operational  
24 employees would be hired, what do those employees do,  
25 if anything, other than the monitoring that you

1 already testified about that they would be doing, or  
2 are all of them just involved in monitoring?

3 A. Well, I mean, project monitoring  
4 certainly, again, that would be through our  
5 operations and maintenance contractor. You know,  
6 a -- from a Vesper standpoint, an asset management  
7 type of employee, you know, could be an example of a  
8 full-time employee hired specifically and dedicated  
9 to the Kingwood Solar project. You know, not -- not  
10 exactly my -- again, my responsibility when it comes  
11 to these projects or outline full-time employees  
12 post-construction or what their responsibilities  
13 might be.

14 Q. Would you go to Appendix D of the  
15 application, please.

16 A. Appendix D?

17 Q. Yes.

18 A. Is that D as in Dylan?

19 Q. Yes.

20 A. Yes, sir, I'm there.

21 Q. Go to page 4.

22 A. Okay.

23 Q. And I would like to direct your attention  
24 to the second to the last paragraph.

25 A. Yes, sir.

1           Q.    You see where it says there -- it is  
2    estimated that there will be 23 permanent direct,  
3    indirect, and induced jobs supported by ongoing  
4    operations?

5           A.    I do.

6           Q.    Now, is that based on the fact that there  
7    would be four workers employed directly by the  
8    project?

9           A.    That would be included in the 23.

10          Q.    Okay.  Maybe I should ask the question  
11   more clearly, let's start with a little bit of  
12   background.  How did you -- or how was this figure of  
13   23 permanent direct, indirect, and induced jobs  
14   estimated?

15          A.    Well, as -- you know, again, we  
16   commissioned this economic impact study from an  
17   Ohio-based company, in fact.  I understand they used  
18   a model called the IMPLAN model for modeling economic  
19   impact of these types of scenarios.  I understand  
20   that's a very commonly used model for these types of  
21   studies.  You know, these were the results from that  
22   study.  And based on the economic activity and output  
23   resulting in the, you know, \$196 million that we are  
24   proposing to spend on developing and constructing  
25   Kingwood Solar.

1                   So that's how I understand -- I think  
2                   that's what your question was, how was the study  
3                   conducted. So again, this is their field of  
4                   specialty and we asked them to conduct these studies  
5                   specifically for Kingwood.

6                   Q. Uh-huh. The 23 jobs that you are talking  
7                   about in this paragraph are not based on the money  
8                   spent on construction, correct?

9                   A. Correct. That would be supported -- as  
10                  it says in that -- in that study in that paragraph  
11                  you are referring to as supported by ongoing  
12                  operations.

13                  Q. Uh-huh. And what -- what kind of  
14                  spending are included in -- what kind of jobs are  
15                  being supported in the 23 jobs described here other  
16                  than the four direct employees?

17                  A. Yeah. That's a great question. You  
18                  know, it's -- a good example would be landscaping  
19                  companies in the area that may be contracted for a  
20                  project like this. Vegetating -- vegetation  
21                  companies. I talked to a number of seed companies  
22                  that we've, you know, discussed, and as you will read  
23                  in our application proposed for seeding and  
24                  vegetating this entire site with native and  
25                  pollinator-friendly grasses and whatnot. You know,

1 had a chance to meet a number of folks at a community  
2 open house that we held just a few weeks ago,  
3 actually February 9. It was at the Greene County  
4 Career Center. Met a CEO of a seed company actually  
5 local to Ohio and has interest in coming in and  
6 working with Kingwood Solar, a number of folks that  
7 are either independent or work for local landscaping  
8 companies that could help with mowing and whatnot.

9 You know, we recently retained a  
10 landscape architect out of the Columbus area that's  
11 going to help with the added landscaping around the  
12 parameters of the project and ongoing maintenance of  
13 that landscaping. You know, again, a lot of it has  
14 to do with, you know, the site itself, the land  
15 itself, maintaining the land and the vegetation that  
16 we have proposed to either preserve or add to the  
17 site.

18 And surely there's more than I am  
19 speaking to right now or that I can reference off the  
20 top of my head at this point but I do trust this --  
21 you know, this study that was conducted for the  
22 project and the model and methodology that was used  
23 to do so.

24 Q. Uh-huh. You didn't conduct a study  
25 yourself?

1           A.    We did not, no. Silverlode Consulting  
2 out of Cleveland, I believe it is.

3           Q.    Did you personally oversee the  
4 performance of this study?

5           A.    I'm not sure -- I'm not sure what you  
6 mean by performance.

7           Q.    Well, did you supervise the performance  
8 of the study?

9           A.    I was directly involved in -- directly  
10 involved in commissioning this study and discussing  
11 the scope and framework of the study to be conducted.

12          Q.    Okay. So the people that were conducting  
13 the study reported to you?

14          A.    This was through our principal consultant  
15 Haley & Aldrich, in collaboration with them. They  
16 were -- they were directly -- let's say the main  
17 point of contact for the folks at Silverlode  
18 Consulting.

19          Q.    Uh-huh. Do you know whether anybody has  
20 checked with the participating landowners to find out  
21 whether they plan to move out of Greene County as a  
22 result of leasing their property to Kingwood?

23          A.    I personally have had numerous  
24 conversations with each participating landowner in  
25 the Kingwood Solar project. None of those folks have



1 expressed to me their intent of moving out of Greene  
2 County period, let alone as a result or in relation  
3 to their activity or their involvement with Kingwood.

4 Q. Do you know how many of the participating  
5 landowners currently live outside of Greene County?

6 A. I can think of one.

7 Q. Who is that?

8 A. I guess, you know, hesitant to reference  
9 folks by name quite frankly. You know, it's been a  
10 pretty contentious issue, but I can think of one  
11 property owner, still a taxpaying property owner of  
12 one piece of land in Greene County. She does --  
13 full-time lives in Florida.

14 Q. She does what again?

15 A. Full-time her residence is in Florida.  
16 She's retired as many folks do.

17 Q. Did the economic impact study determine  
18 how much income from crop production would be lost as  
19 the result of the project construction?

20 A. That's a good question. I would have to  
21 go back and look at the study. I'm not sure if it  
22 specifically accounts for the losses or reduction in  
23 crop production revenue on the 1,500-acre  
24 approximately project area. I do know that every one  
25 of those landowners that owns parts of that

1 1,500-acre property and the approximately, you know,  
2 10 or 11 hundred acres that are in agricultural  
3 production today would be earning significantly more  
4 than what they are today in crop production.

5 Q. Uh-huh. Well, when you say you are not  
6 sure whether the application contains the ratio I  
7 just requested, would it be in Appendix D, the  
8 economic impact study, if it -- if it has been  
9 included in the application?

10 A. I suppose that's one area of the  
11 application that may be included.

12 Q. Well, where else might it be included in  
13 the application?

14 A. Yeah. I can't say if it were referenced  
15 anywhere else. To my knowledge, the reduction in  
16 revenues associated by crop production was not  
17 something that was included in this application or  
18 any of the appendices.

19 Q. Now, you are aware even though you are  
20 not a farmer that farmers have to buy seed and  
21 fertilizer and other products to grow their crops; is  
22 that right?

23 A. I believe so.

24 Q. Okay. Did Kingwood's economic impact  
25 study evaluate the amount of revenues that would be

1 lost for businesses that supply seed and fertilizer  
2 to the farmers in the project area?

3 MR. SETTINERI: I will just object that  
4 there has been no foundation laid that seed companies  
5 will lose revenue as to the farmers in the project  
6 area. You can't assume facts not in evidence.

7 ALJ WILLIAMS: The question goes toward  
8 the impact to the economics of the project associated  
9 with the change in farming, from farming operations  
10 to solar operations. If the witness needs the  
11 question to be restated, please let us know.

12 THE WITNESS: That would be great. Yeah.  
13 Could you repeat that for me?

14 ALJ WILLIAMS: Attorney Van Kley.

15 MR. VAN KLEY: Yeah, sure.

16 Q. (By Mr. Van Kley) All right. So if -- if  
17 the farmers in the project area are buying seed and  
18 fertilizer, somebody's going to lose that income if  
19 the farm fields in the project area are turned into  
20 solar panels, correct?

21 A. I can't say for certain, but I suppose  
22 that -- that would be a reasonable assumption.

23 Q. All right. So did Kingwood's economic  
24 impact study evaluate the potential loss of income to  
25 the persons who are currently selling seed, corn or

1 soy -- any kind of seed or fertilizer for use on the  
2 fields in the project area?

3 A. Yeah. I would direct you to in this  
4 Appendix D at the third page -- first page after the  
5 table of contents in the overview -- let me see here,  
6 it's the third paragraph where it outlines about  
7 this -- this study and why it was conducted or how it  
8 was conducted saying that the economic impacts of  
9 alternative uses of the project site including its  
10 current agricultural use were outside the scope of  
11 this report.

12 So I think that somewhat answers your  
13 question. I mean, I will say, you know, again  
14 referencing those numerous conversations I had with  
15 every single one of the landowners, many of them who  
16 are currently, they or their families are operating  
17 and farming these properties specifically.

18 Specific to your question about seed and  
19 fertilizer, I understand that that's becoming more  
20 and more expensive, especially lately and, you know,  
21 unfortunately has been harder and harder to maintain  
22 the economics of their farming operations. So we are  
23 certainly excited that, you know, we can provide an  
24 alternative use to the current agricultural  
25 production that can, like I mentioned earlier,

1 significantly increase the revenues that these  
2 landowners and these farmers are earning from this  
3 project site and the land within that project area.

4 Q. Are you aware of whether there are  
5 businesses that provide custom application services  
6 to -- for the fields in the project area such as the  
7 application of fertilizer or herbicides?

8 A. I personally am not aware of companies  
9 that provide custom application services of  
10 fertilizer or herbicides. I know of several of our  
11 landowners that handle that type of application  
12 themselves.

13 Q. You don't know of any farm fields in the  
14 project area that utilize custom application  
15 services?

16 MR. SETTINERI: Just object. Asked and  
17 answered, same question.

18 ALJ WILLIAMS: I will let him respond.

19 A. Is that a company name you are referring  
20 to, Mr. Van Kley?

21 Q. No, I am talking about the custom  
22 applicators in the general sense, not a specific name  
23 of a custom applicator.

24 A. I am not aware to that level of detail of  
25 the operations on each of these properties and the

1 farmers that are overseeing it.

2 Q. Are you aware that some of the fields in  
3 the project area are leased out to farmers who don't  
4 own that land?

5 A. Yes, I am.

6 Q. Do you know how many farmers rent land in  
7 the project area?

8 A. Off the top of my head, I can think of  
9 four or five landowners that are Kingwood  
10 participants.

11 Q. That are Kingwood participants?

12 A. That are Kingwood project area  
13 landowners, I can think of four or five of those  
14 landowners that currently lease their land to be  
15 farmed by other people.

16 Q. Okay. Has any effort to your knowledge  
17 been made to figure out how much income those farmers  
18 who are being rented the land will loss as a result  
19 of building the project?

20 MR. SETTINERI: I just want for the  
21 record to be clear and object for that form of  
22 question in terms of income versus revenue. You  
23 don't know whether the income is positive or negative  
24 for the farmer, but revenue is probably a better way  
25 to form it, your Honor.

1           ALJ WILLIAMS: Attorney Van Kley, would  
2 you acquiesce in that framing?

3           MR. VAN KLEY: Sure. Let me reask the  
4 question.

5           Q. (By Mr. Van Kley) Has Kingwood Solar made  
6 any effort to figure out how much revenue will be  
7 lost by the people who are farming rented land as a  
8 result of the project being built?

9           A. In a related capacity, yes. So, for  
10 instance, one of our project landowners, leased  
11 landowners, has a family member, a next generation  
12 family member, if you will, son that actually leases  
13 some of the properties from other folks throughout  
14 the Kingwood project area. Spoken to this gentleman  
15 several times. He does stand to lose, if you will,  
16 revenues from -- if the Kingwood Solar project is  
17 built and certain acreage he is currently leasing  
18 would be taken out of production.

19           As a result of those conversations, we  
20 were happy to hire that young gentleman and have him  
21 conduct some fieldwork and have him help us with some  
22 of the studies and whatnot that were conducted on the  
23 project site. That's brand new revenue for him in  
24 the year of 2021. He was supremely grateful. It's  
25 been, you know, certainly my privilege to orchestrate

1 that, figure out how we could keep it in the local  
2 area at the very least as opposed to bringing  
3 somebody in from out of state, or out of Greene  
4 County at least, to do some of those activities. But  
5 to eliminate capacity, I have had conversations and I  
6 have come to understand certain people in this  
7 community that may be farming through a lease some of  
8 the up to 1,500-acre project area and who may stand  
9 to lose revenues if and when this project is built.

10 Q. Uh-huh. With regard to the one person  
11 that you just mentioned, was that -- was that a job  
12 given to that person by Kingwood, or was it a  
13 contract arrangement?

14 A. It was a contract arrangement.

15 Q. And did that contract arrangement entail  
16 40 hours of work per week?

17 A. For a period of time, yes.

18 Q. For how long of a period of time?

19 A. Probably about two to three weeks.

20 Q. Oh, okay. So that person hasn't been  
21 hired full-time by Kingwood.

22 A. That's right. Contract like I said.

23 Q. Okay. And what about the rest of the  
24 farmers who currently lease land in the project area?  
25 Did you offer them any employment or contracts to



1 work for Kingwood?

2 A. Not as of yet to my knowledge. Like I  
3 said, I can think of probably four or five of the  
4 landowners that we have signed agreements with that  
5 are currently leasing their properties. Again, some  
6 of those are to this gentleman that we engaged with  
7 and we are happy to contract with for some work that  
8 was to be done on the project site.

9 I do understand there are other folks  
10 that lease other farm fields within the project area.  
11 We have not at this point, you know, signed any  
12 agreements or employment arrangements with any of the  
13 other folks. As I mentioned before, we did -- we did  
14 advertise in the newspaper and advertise for a  
15 contractor and supplier open house that was on  
16 February 9 at the Greene County Career Center. I had  
17 a chance to meet with, you know, a number of folks  
18 that I imagine are either farmers or, you know,  
19 service providers in the area. So we have certainly  
20 taken -- taken initiative and taken steps to invite  
21 local folks that may have interest in employment  
22 opportunities with Kingwood and to come out and  
23 engage in conversation about that.

24 Q. Do you know how many farmers rent land in  
25 the project area currently?

1           A.    I don't know specifically, no.

2           Q.    Do you know how many acres those farmers  
3 rent in the project area?

4           A.    Not specifically.

5           Q.    Did Kingwood or any of its consultants  
6 interview anybody associated with the ownership or  
7 operations of any recreational facilities in Greene  
8 County to find out whether the project would harm  
9 them economically?

10          A.    Could you tell me what you mean by  
11 recreational facilities?

12          Q.    Well, any facility that offers recreation  
13 such as a park or wedding venue or a social venue of  
14 some sort.

15          A.    Sure, yeah. Like I mentioned before, we  
16 did -- had a meeting, an arranged meeting and one or  
17 two follow-up conversations with Greene County  
18 Planning and Development, which I understand oversees  
19 or has -- has involvement in planning and managing  
20 the recreational resources in the county.

21                I personally initiated and proposed and  
22 had a meeting with the folks at the Glen Helen Nature  
23 Preserve which is nearby the project area. I had a  
24 great opportunity to learn about that organization,  
25 the land that they occupy, the educational and

1 recreational facilities that they employ or offer, if  
2 you will. I understand that they are, you know,  
3 recently under new ownership, I believe it is, and  
4 looking for creative ways of helping to get them --  
5 their operations back on their feet and their funding  
6 increased.

7 And also had a chance to meet -- I don't  
8 know if you classify this as a recreational facility  
9 but had a chance to meet with a gentleman who sits on  
10 the Clifton Village Council, also owns the historical  
11 Clifton Mill, met him virtually and in person a  
12 couple times. Great way for us to learn about the  
13 historic and recreational resource of the Clifton  
14 Mill and what they do around Christmastime which was  
15 pretty fascinating. But we were certainly happy to  
16 answer a lot of his questions and share a lot more  
17 information about the project being as close as it is  
18 to that facility, to that structure.

19 I am trying to think. Off the top of my  
20 head, that's all that I can recall as far as  
21 recreational facilities in the project area at this  
22 point.

23 Q. Is there anything in your economic impact  
24 study included in the application that discusses the  
25 results of the interactions you've just described?

1           A.    I don't believe our economic impact study  
2           references recreational facilities or resources in or  
3           near the project area to the best of my knowledge. I  
4           will say that I personally feel that a project like  
5           Kingwood has a substantial amount to offer to an  
6           educational and potentially recreational standpoint,  
7           especially for -- in the school programs or  
8           otherwise.

9                       Specifically I have mentioned the career  
10          center a couple of times. I have had a chance to  
11          meet myself a number of students from that career  
12          center and students in either the construction trades  
13          or the electrical trades, students that are certainly  
14          interested in renewables and renewable energy. And  
15          as I think you could expect, any of those students  
16          from the career center would be interested in job  
17          opportunities like those that we are referencing in  
18          this economic study.

19                    But I -- to answer your question again  
20          directly, I don't believe our economic study  
21          specifically references economic impact to nearby  
22          recreational facilities or services.

23           Q.    Does your study analyze the potential  
24          economic impact to businesses other than recreational  
25          facilities located in Greene County?

1           A.    I believe it does, yes, through the  
2 indirect and induced impacts from Kingwood Solar  
3 defined and referenced in that study, Appendix D,  
4 specifically to lodging, meals, and services for  
5 construction workers in particular.

6           Q.    But there is nothing in your economic  
7 impact study that -- that discusses whether or not  
8 the project will harm any of the businesses in Greene  
9 County, correct?

10          A.    I -- our -- the economic study does not  
11 reference if or how this project would harm  
12 businesses in Greene County. And, in fact, I  
13 personally believe and fundamentally believe there  
14 would certainly be a net benefit, if not an outright  
15 benefit to the businesses in Greene County as a  
16 result of Kingwood.

17          Q.    Uh-huh. But that topic is not addressed  
18 by your study, is it? Your study doesn't -- your  
19 study doesn't quantify the benefits versus the  
20 detriments economically to the county.

21          A.    Our study addresses and I think it  
22 implies to the benefits that local businesses could  
23 realize. I suppose you're right it doesn't address  
24 the detriments because, again, in my mind I don't see  
25 very many detriments to local businesses as a result

1 of Kingwood Solar's construction and operations.

2 Q. Uh-huh. Go back to the narrative of the  
3 application page 9, PDF page 21. Tell me when you  
4 have arrived at that location.

5 MR. SETTINERI: And, Mr. Van Kley, what  
6 was that, please?

7 MR. VAN KLEY: Page 9.

8 MR. SETTINERI: Thank you.

9 MR. VAN KLEY: PDF 21.

10 A. Yes, sir. Page 9.

11 Q. Yeah. I would like to direct your  
12 attention to the last sentence on that page, and you  
13 tell me whether I have read this correctly. It says  
14 "The exact placement of Project components is subject  
15 to change prior to construction." And then the next  
16 sentence says "Final engineering efforts will  
17 determine exact location of all equipment, based on  
18 the final equipment model selection and additional  
19 geotechnical studies." Did I read those sentences  
20 correctly?

21 A. You did.

22 Q. Okay. So the design of the project as  
23 contained in the application is a preliminary design,  
24 correct?

25 A. As it's labeled, yes, it is.

1           Q.    And so the design can be changed after  
2           and if the certificate is issued, correct?

3           A.    My understanding of the Ohio Power Siting  
4           Board process is that within the confines of the  
5           property area boundary, a project design as long as  
6           it complies with certificate conditions to certain  
7           extents could be slightly revised.

8           Q.    Was there anything in the application  
9           that says that it would only be slightly revised?

10          A.    I suppose that depends on your definition  
11          of revised, slightly revised, or significantly  
12          revised.

13          Q.    So where, if anywhere, does it say that  
14          you only make slight revisions to the design after  
15          the certificate is issued?

16          A.    I think you just read it on page 9.  I  
17          suppose it doesn't contain the word "slightly."  But  
18          in my definition of slight revisions would be the  
19          exact location of equipment and equipment types that  
20          have been proposed for the project, specific  
21          equipment -- representative equipment specifications  
22          that have been provided.  I want to say that was  
23          Appendix J perhaps.  And numerous references to the  
24          types of equipment and facilities and types of  
25          structures, if you will, that would be installed on

1 the Kingwood site.

2 Q. Was there anything in this language we've  
3 been reading at the bottom of page 9 of the narrative  
4 of the application that provides any limitations on  
5 how far you can move the solar panels, for example,  
6 from locations that are currently found in the  
7 application?

8 A. Well, at the beginning of that paragraph,  
9 "the Project Area," capital P, capital A, I think  
10 that has a definition, and when it comes to this  
11 application, the second sentence begins with the  
12 exact placement of project components. In my eyes  
13 that represents, you know, small or slight  
14 relocations of certain pieces of the project  
15 components and project facilities, for example,  
16 fencing, racking, inverters, access roads, et cetera.

17 I'll mention that this is, in my  
18 experience, very common for any of these projects to,  
19 you know, to select final equipment based on a final  
20 engineering and design schematic which I will note is  
21 one of our revised conditions to provide those  
22 engineering drawings to the Board as well as I  
23 believe many of the parties to this case.

24 But it's very common for that final  
25 engineering not to occur until a construction



1 timeline has been definitively determined or as close  
2 to it as possible. And there is a number of reasons  
3 for doing that. One of them and maybe most of which  
4 is to ensure that the most current and efficient and  
5 safe equipment is procured and utilized for a project  
6 in particular.

7 Q. So is it your position that you can move  
8 the solar panels to any location as long as it stays  
9 within the boundaries of the project area that's been  
10 designated by your application?

11 A. No, it's not.

12 Q. Okay. And what, if anything, in the  
13 application would prevent you from moving the solar  
14 panels anywhere you want within the project area?

15 A. I would specifically reference -- well,  
16 starting in the application, throughout the  
17 application we referenced setbacks from property  
18 lines and public roads. In the application we  
19 designate certain areas of different types of project  
20 facilities and components, for instance, solar arrays  
21 and inverter stations and substations and access  
22 roads.

23 More so than that, I would reference my  
24 supplemental testimony, the Joint Stipulation that  
25 was filed on Friday, and specific reference to the

1 significantly increased setbacks across the site.  
 2 We've committed ourselves to reducing a number of  
 3 acres from aboveground project components, setbacks  
 4 from, again, as we were talking about Clifton Road  
 5 across the street from Camp Clifton increased to  
 6 300 feet. All along Ohio Route 72 increased to  
 7 300 feet. I think those are both restrictions as to  
 8 where solar panels or other pieces of project  
 9 equipment may be revised to be located in the final  
 10 engineering design.

11 Again, these were all changes that we  
 12 made in the stipulation process based on very direct  
 13 feedback that we gained by the before and after the  
 14 application was submitted back in April. Many of  
 15 that -- much of that feedback was from local  
 16 government officials, in fact. And even in reference  
 17 to recreational resources and facilities in the area  
 18 or tourism, traffic, and whatnot, tourism and  
 19 attractions in the area.

20 So I think that there is throughout the  
 21 application, my testimony, the Stipulation, I think  
 22 that there is a number of -- of areas that restrict  
 23 how and where the project components may be revised  
 24 to be located prior to project construction.

25 Q. Okay. So other than restrictions from

1 setbacks contained in the application over any  
2 stipulation that is adopted, can you point me to  
3 the -- can you point me to any language in the  
4 application that would prevent you from moving the  
5 locations of the solar panels to wherever you want to  
6 put them inside of the project area?

7 A. It's a lengthy application. Give me a  
8 minute to think about whether there are any of those  
9 references made, but I suppose I -- yeah, I suppose I  
10 don't believe so. I do know that there are some  
11 areas within the project area that may suggest  
12 adverse impacts based on environmental factors or  
13 ecological factors, perennial wetlands, if you will,  
14 or 100-year floodplain designated areas by FEMA.

15 I would say those areas are maybe not  
16 restrictions but those are -- you know, those are  
17 areas we have voluntarily chosen to avoid inside of  
18 the project area.

19 But I suppose as far as language  
20 regarding exactly where panels may be placed in a  
21 final engineering drawing and design, I can't think  
22 of anywhere in the application where it does  
23 specifically say that.

24 Q. Okay. Would you go back to Exhibit 2.  
25 That's Kingwood Exhibit 2.

1           A.    Yes, sir.

2           Q.    And go back to Updated Figure 03-3.

3                   MR. VAN KLEY:  For those of you who have  
4 a PDF copy that would be PDF page 24 where it starts  
5 that figure.

6           A.    Yep.  I am looking at it.

7           Q.    All right.  Looking at the legend on the  
8 left side at the bottom of the page, it states that  
9 the line shown there is for the potential solar  
10 array, correct?

11          A.    Yes, sir.

12          Q.    So that means that the actual locations  
13 of the solar arrays after final design could change  
14 from what's shown in this figure, correct?

15          A.    As is very common in this type of project  
16 and its development, yes, that may change in a final  
17 design.

18          Q.    Okay.  And continuing down that legend,  
19 you will see a statement for potential transformer --  
20 I can't read the next word.

21          A.    Pad I believe it is.

22          Q.    Okay.  So again, that's a potential  
23 location.

24          A.    As -- as it's drawn and displayed in this  
25 Figure 03-3, those are potential locations for

1 transformer pads, also known as inverters. I will  
2 mention that in supplemental testimony and the  
3 Stipulation that was filed on Friday, we have  
4 committed to and increased the minimum setback of  
5 those inverters, central inverters, to no less than  
6 500 feet from any non-participating residential  
7 structure which is -- may not be demonstrated in this  
8 Figure 03-3 that we are looking at right here.

9 That was a commitment we made in an  
10 effort to further mitigate any noise impacts and I  
11 suppose further mitigate any virtual impacts based on  
12 proximity of inverters to residents in the  
13 surrounding project area.

14 Q. And then we have the next part of that  
15 legend referring to potential collection line. Do  
16 you see that?

17 A. I do.

18 Q. And then we have potential gravel roads.  
19 Do you see that?

20 A. I do.

21 Q. Same thing apply to those references,  
22 that those are not set in -- in their firm locations  
23 at this point in time, right?

24 A. That's correct. Again, as is very common  
25 in these projects, a preliminary design or

1 preliminary project layout, as it was labeled and  
2 included in the application, is oftentimes revised  
3 numerous times in efforts to improve a variety of  
4 different things including efficiency, reduced  
5 impacts to nearby landowners or adjacent properties.  
6 And again, you know, referencing the Stipulation  
7 we've made considerable improvement to the project  
8 area and project layout.

9 Q. The locations of these components could  
10 be moved to a location that's more harmful to the  
11 adjacent landowners, right?

12 MR. SETTINERI: Just object. No  
13 foundation in terms of more harmful, form of  
14 question.

15 ALJ WILLIAMS: I will sustain the  
16 objection.

17 MR. VAN KLEY: I will reask.

18 Q. (By Mr. Van Kley) So you mean -- you've  
19 made a point of saying that the component locations  
20 could change in order to reduce the impact to offsite  
21 properties, and I am paraphrasing there. Isn't it  
22 true also there is nothing in the application that  
23 would prevent you from moving a component in an area  
24 that -- where it might have more impact on a  
25 neighbor?

1           A.    Could you give me an example of a worse  
2           or -- I didn't quite hear what you said there but a  
3           negative impact on a neighbor.

4           Q.    Well, for example, the location of the  
5           solar panels where you've shown them on the -- on the  
6           Figure 03-3, as long as you are observing the  
7           setbacks required by the certificate in the  
8           application, you can move those closer to somebody  
9           else's property, couldn't you?

10          A.    As long as it's outside of the minimum  
11          setbacks we have committed to and signed in the  
12          Stipulation, I suppose you're right, could  
13          potentially, as it's compared to this map, move  
14          closer to a specific residence. I think that the  
15          Stipulation conditions, not just the setbacks but,  
16          you know, multiple of those other Stipulation and  
17          Recommendation conditions would significantly help to  
18          prevent adverse impacts on neighboring landowners  
19          over and above, you know, a potential relocation of a  
20          solar panel and subjectively worse visual impact from  
21          a specific neighboring landowner.

22          Q.    Thank you. Let's go to page 20 of your  
23          direct testimony, answer 15.

24          A.    Yes, sir.

25          Q.    Now, in the first sentence you refer to a

1 solar facility owned by Cedarville University,  
2 correct?

3 A. That's right.

4 Q. And you refer to that solar facility as a  
5 large array of solar panels. Do you see that?

6 A. I do.

7 Q. And then in the next sentence you state  
8 that the facility has 8,792 modules, correct?

9 A. Correct.

10 Q. How does that compare to the number of  
11 modules that your project is projected to contain?

12 A. That number is less than the anticipated  
13 number of modules for Kingwood Solar.

14 Q. Kingwood Solar, in fact, is projecting  
15 410,000 modules?

16 A. As written in the application, that's  
17 right.

18 Q. So doing the math, the Cedarville  
19 University modules are about 2 percent of what the  
20 Kingwood project is anticipated to contain?

21 A. If you say so.

22 Q. And then if you look down in the answer,  
23 you'll see that the Village of Yellow Springs has an  
24 array of about 3,024 solar panels? Do you see that?

25 A. I do.



1           Q.    Is that the same thing?  Is solar panels  
2   the same thing as a solar module?

3           A.    That's right, interchangeable.

4           Q.    And then you'll see further in your  
5   answer Antioch College has about 3,300 solar panels,  
6   right?

7           A.    That's right.

8           Q.    And that again would be contrasted to the  
9   410,000 in your project.

10          A.    They are -- they are different than our  
11   estimated anticipated number of solar panels for  
12   Kingwood Solar.  I would say purely reason being  
13   different apples and oranges when it comes to project  
14   type and their purpose in energy generation and in  
15   the energy markets.

16                Personally I have visited all three of  
17   those pro -- or those solar arrays and solar  
18   facilities that are referenced in that response in my  
19   testimony.  Some of them, in fact, built on what  
20   looked like previously agricultural land, some of  
21   them certainly in very close proximity to residential  
22   homes that in -- in any information that I could find  
23   had no affiliation with those projects or their  
24   project owners.

25                But, yes, the number of panels are very

1 different. I think that certain communities in this  
2 Greene County area have done a great job in  
3 harnessing and encouraging renewable energy around  
4 solar specifically. We certainly saw that as an  
5 attractor for this community and a potential  
6 community for one of Vesper's project sites in  
7 Kingwood Solar.

8 Q. Do you know which of these projects that  
9 you mention in your answer 15 were built on farmland?

10 A. This was an assumption that I made but  
11 would be the Village of Yellow Springs solar array on  
12 the 6-1/2 acres at the end of Ridgecrest Drive.

13 Q. Would it surprise you to find out that --  
14 that solar array was not built on farmland?

15 A. That would be information that I didn't  
16 have previously.

17 Q. Okay. At the end of this answer 15, you  
18 noted that the Cedarville University array has  
19 fencing and an inverter next to a residential house  
20 on a residential street. Do you see that?

21 A. I do. There was a photo attached as an  
22 exhibit as well.

23 Q. Do you know whether that house is  
24 occupied by a person employed by the University who  
25 may be charged with being --

1           ALJ WILLIAMS: We are getting some bleed  
2 through on the audio.

3           MR. SETTINERI: Mr. Hart, do you want to  
4 mute yourself unless you are objecting?

5           MR. HART: No. Thank you.

6           Q. (By Mr. Van Kley) Okay. Let me start  
7 over, Mr. Stickney. Do you know whether the -- any  
8 of the people in that house operate that facility?

9           A. I've come to learn that Cedarville  
10 University owns and has arrangements with, I believe,  
11 if my memory serves me correctly, local companies  
12 that help to operate that facility.

13          Q. Uh-huh. But you don't know whether an  
14 employee of one of those companies occupies that  
15 house you mentioned in the last sentence of answer  
16 15?

17          A. I don't in particular. I do know that in  
18 visiting that solar project and that solar facility  
19 there are a number of houses on that street within  
20 viewshed and earshot and proximity to that solar  
21 facility. I do not know if any of them are involved  
22 with the operations and maintenance and management of  
23 the facility itself.

24          Q. All right. Do you have access to  
25 Citizens Exhibit 13?

1           A.    I believe so.

2           Q.    All right.  Do you recognize Citizens  
3 Exhibit 13 as a copy of Kingwood Solar's responses to  
4 interrogatories and requests for documents from  
5 Citizens for Greene Acres?

6           A.    That appears to be how it's labeled, yes.

7           Q.    All right.  And would you go to the  
8 fourth page of that document.

9           MR. SETTINERI:  Yeah, Mr. Van Kley.  If I  
10 could just object, your Honor.  There is no question  
11 pending but I don't believe we've laid a foundation  
12 that the witness is familiar with this document.  We  
13 just identified what it says.  And also for the  
14 record in terms of being interrogatories, I do not  
15 see a verification attached to these as well that was  
16 provided with them.

17          MR. VAN KLEY:  It was not provided, Mike.  
18 I searched last night.  You never provided it and  
19 that's why I need to ask him whether he recognizes  
20 these as something he worked on.

21          ALJ WILLIAMS:  Continue, Mr. Van Kley.

22          MR. VAN KLEY:  Okay.

23          Q.    (By Mr. Van Kley) Mr. Stickney, were you  
24 involved in preparing answers to the interrogatories  
25 in Citizens Exhibit 13?

1           A.    I was involved in preparing responses to  
2   the interrogatories of the first request for  
3   production of documents from CGA, Inc., yes.

4           Q.    Okay.  So, for example, on page 4 of  
5   Citizens Exhibit 13, did you work on the responses  
6   to -- or to -- or the responses to Interrogatory 1?

7           A.    Yes, I did.

8           Q.    Okay.  Did you provide the information in  
9   the answer to Interrogatory 1?

10          A.    Yes, I did.

11          Q.    Okay.  So with regard to that answer, it  
12   states that "the fee paid to PJM Interconnection LLC  
13   for the PJM facility study for this project was  
14   \$100,000."  Do you see that?

15               MR. SETTINERI:  And I will just object.  
16   That was not a true reading of the answer.  There  
17   were objections there.  If we are going to read the  
18   whole response, we should read the whole response.

19               MR. VAN KLEY:  I don't need to read the  
20   objections.  I can read the response without reading  
21   the objections.

22               MR. SETTINERI:  When you start with the  
23   word without.

24               ALJ WILLIAMS:  Okay.  Let's ask him the  
25   salient points of the question, namely, the PJM fee.

1                   Mr. Van Kley.

2                   MR. VAN KLEY: Yeah. I thought that's  
3 what I just did.

4                   Q. (By Mr. Van Kley) Mr. Stickney, let me  
5 ask you my -- my question here. Is it true that the  
6 fee paid to PJM Interconnection LLC for the PJM  
7 facility study for this project was \$100,000?

8                   A. To my knowledge, that's correct.

9                   Q. Okay. Now moving to the second  
10 interrogatory on that page, did you provide the  
11 information in that answer to Interrogatory 2?

12                  A. Yes, I did.

13                  Q. Okay. And is it true that the fee for  
14 the PJM facility study for this project was paid  
15 prior to October 12, 2021?

16                  A. Yes, sir.

17                  Q. Okay.

18                  A. Well --

19                  Q. Go ahead.

20                  A. Sorry. Just well before October 12,  
21 2021.

22                  Q. Okay. Was the entirety of the \$100,000  
23 you referred to in the answer to Interrogatory 1 paid  
24 before October 12, 2021?

25                  A. Yes, sir.

1           Q.    In addition to that \$100,000, did PJM  
2 charge any other fees for the facility study?

3           A.    Not to my knowledge, no, not in addition  
4 to the \$100,000 that was paid.

5           Q.    Did you do any -- did you review any  
6 records to determine whether that's the case?

7           A.    I believe we provided them as  
8 attachments.

9           Q.    Going to the answer to Interrogatory 3,  
10 looking at the end of it, is it true that no new PJM  
11 service requests for the project have been submitted  
12 to PJM Interconnection LLC after October 12, '21;  
13 2021?

14          A.    Well, I -- I suppose I will note that the  
15 question was a little bit confusing when we received  
16 this interrogatory. I think we deduced in what you  
17 meant by asking the question that Kingwood Solar or  
18 our facility or our company did not submit any new  
19 service requests to PJM in which we answered, no, we  
20 have not.

21          Q.    Okay. I am not understanding how that's  
22 different -- how what you just said is different from  
23 the question. Can you explain that to me?

24          A.    Sure. If I can -- if I can read this  
25 question, Interrogatory No. 3, "State whether or not

1 PJM submitted any new service requests to PJM for the  
2 project."

3 Q. Okay. Yeah, I see what you are saying.  
4 That's obviously a typo. So did Kingwood Solar as of  
5 today submit any new service requests to PJM for the  
6 project after October 12, 2021?

7 A. No, sir.

8 Q. Let's go to page 36 of your direct  
9 testimony. Let me know when you are there.

10 A. Page 36?

11 Q. Yes, sir.

12 A. Okay.

13 Q. All right. Let's go down to lines 8, 9,  
14 and 10 where you state "I agree with the Chamber's  
15 position in the letter that failing to provide  
16 renewable energy will hinder similar economic  
17 development opportunities in Ohio." Do you see that?

18 A. I do.

19 Q. Are you an economist?

20 A. I studied economics in college.

21 Q. Yeah? How many courses did you have in  
22 economics?

23 A. I'm sorry?

24 Q. How many courses did you have in  
25 economics?



1           A.     Several.  If I had to guess, probably six  
2     or seven.

3           Q.     Does that make you an economist?

4           A.     I don't consider myself a practicing  
5     economist, no.

6           Q.     Okay.

7           A.     I think -- if I might add, I think what  
8     that's referencing is very relevant to what's  
9     included above on that same page of 36.

10           MR. VAN KLEY:  Yeah.  I move to strike  
11     that last addition.  There was no question pending  
12     that called for that answer.

13           ALJ WILLIAMS:  I'll strike that.  I will  
14     instruct the witness if you could respond directly to  
15     the questions as they are presented and try to avoid  
16     any surplus, that will make this a little faster and  
17     also keep the transcript more clean.

18           THE WITNESS:  Understood.

19           Q.     (By Mr. Van Kley) Let's go to page 37.  
20     Let's start at line 11.  And here you make the  
21     statement that "the land supporting the solar arrays  
22     will be fallow for the Project duration, which will  
23     allow the restoration of nutrients in the soil, which  
24     would not occur during active agricultural usage."  
25     Do you see that?

1           A.    I do.

2           Q.    You are not a soil scientist, are you?

3           A.    I am not.  However, we've consulted and  
4 incorporated a number of public information and  
5 consultants that have reviewed our proposed  
6 activities and vegetative practices for the Kingwood  
7 Solar site which is where that information came from.

8           Q.    Okay.  So you base this on something you  
9 read.

10          A.    I'm sorry?

11          Q.    I said you based the statement I just  
12 read to you on something you read.

13          A.    I couldn't hear the last part of what you  
14 said.

15          Q.    Yeah.  You based the sentence I read from  
16 your testimony on something that you read that was  
17 written by somebody else, correct?

18          A.    It was based on information that I read  
19 that was written and/or published in and/or told to  
20 me by other folks including people that are either  
21 soil scientists themselves or affiliated with.

22          Q.    Can you identify any solar projects that  
23 have been decommissioned and placed back into  
24 farming?

25          A.    Off the top of my head, I cannot.  Solar

1 at this scale, and specifically in the midwest,  
2 meaning on agricultural land, commonly on  
3 agricultural land, is a fairly new growth industry,  
4 if you will. And as you know, we propose Kingwood to  
5 have a lifespan of 35 years. I think it could even  
6 have a -- you know, a project like this could have a  
7 lifespan of even more than that.

8 So we are starting to get to the point  
9 where projects and facilities like this are being  
10 decommissioned that may have been built on  
11 agricultural land. I will say that as I just  
12 mentioned in response to your last question, some of  
13 the information that we gathered was from studies  
14 and/or pilot projects, pilot not related to the tax  
15 exemption but pilot projects conducted by the Federal  
16 Government studying the impact of fallow land, native  
17 grass, pollinary habitat under these solar projects.

18 MR. VAN KLEY: Okay. Your Honor, could I  
19 have that answer struck other than his answer that  
20 he's not aware of any such solar facilities?

21 ALJ WILLIAMS: Mr. Van Kley, he was  
22 explaining the context of his answer. I am going to  
23 leave it in the record.

24 Q. (By Mr. Van Kley) Let's go to page 38 of  
25 your testimony.

1           A.    Yes, sir.

2           Q.    All right.  At the top of that page line  
3 1 and 2.

4           A.    Sorry.

5           Q.    Going back to page 38 of your direct  
6 testimony, lines 1 and 2 and 3, you state that "As  
7 noted in the Application, construction and operation  
8 of the Project is only expected to utilize a minimal  
9 amount of water for occasional cleaning of panels if  
10 necessary and watering of vegetative screening as it  
11 becomes established."  Do you see that sentence?

12          A.    I do.

13          Q.    With respect to the cleaning of panels,  
14 how often is occasional as anticipated for the  
15 Kingwood Solar project?

16          A.    Well, it states there only if necessary.  
17 It's been my understanding that in a state and  
18 climate like Ohio, oftentimes manual cleaning of  
19 solar panels is oftentimes not necessary based on  
20 precipitation and the occurrence of rain and whatnot.  
21 I suppose occasional in this context would be defined  
22 as really only as needed and in an instance of  
23 limited precipitation or natural washing or cleaning  
24 of those panels, if you will.

25          Q.    Can you give me an estimate of how many

1 times per year you would anticipate Kingwood would be  
2 cleaning its panels?

3 A. I would estimate 0 to 1.

4 Q. Would you go back to Kingwood Exhibit 2.  
5 And I would like you to go back to the 11th page of  
6 that document.

7 A. Sorry. I don't have page numbers on this  
8 exhibit, Mr. Van Kley.

9 Q. Well, I was hoping you would count in  
10 from the top but that's fine. I will see if I can --  
11 it's question 36 if you can find that and probably in  
12 the first document of the compilation that's in  
13 Kingwood Exhibit 2.

14 A. Okay.

15 Q. All right. It says here Kingwood is  
16 expected to require panel cleaning between 1 and 2  
17 times per year. The frequency would be assessed in  
18 better precision throughout the first year of  
19 operations, in accordance with local weather  
20 conditions, dust control, and facility production.  
21 Do you see that?

22 A. I do.

23 Q. Okay. And then in the answer to question  
24 37 it states "Kingwood Solar is expected to use an  
25 annual average of approximately 775 gallons per day

1 for routine cleaning." Do you see that?

2 A. I do.

3 MR. SETTINERI: Your Honor, for the  
4 record, if we can, as we go through this, it would  
5 be -- reading responses to Staff Data Requests, I  
6 think for the record it would be helpful to have the  
7 Data Request read in as well from Staff.

8 ALJ WILLIAMS: Okay.

9 MR. VAN KLEY: Yeah. I mean, that's very  
10 difficult to do how this exhibit is organized.

11 ALJ WILLIAMS: Mr. Van Kley, you might  
12 just begin with the answer you are seeking instead of  
13 the context of how the response was provided.

14 MR. VAN KLEY: I'm sorry, your Honor. I  
15 am not sure I understood what you were suggesting  
16 there.

17 ALJ WILLIAMS: You are asking -- let's go  
18 off the record.

19 (Discussion off the record.)

20 ALJ WILLIAMS: Let's go back on the  
21 record.

22 Mr. Van Kley.

23 MR. VAN KLEY: Yeah. So I think he's  
24 already answered the question that I posed to him on  
25 the -- on question 36 and 37. So let me move on to

1 the next question.

2 Q. (By Mr. Van Kley) Let's move next -- in  
3 the same Exhibit 2 to PDF page 167. Let me see if I  
4 can figure out which document that belongs to. It  
5 appears that this page is part of the Notice of  
6 Responses to Data Requests from the Staff of the Ohio  
7 Power Siting Board. And that document starts with  
8 the sentence "On April 16, 2021, Kenwood Solar I LLC  
9 filed an application for a certificate," et cetera.

10 A. Okay. I think I am following it.

11 Q. Okay. Now actually there's another one  
12 right after that. All right. So the next one is  
13 Kingwood Solar's October 12, 2021, Responses to  
14 Staff's September 29, 2021, Data Requests. I think  
15 that's probably the document we are in.

16 All right. So I'm looking at the  
17 questions and answers 16 and 17 where it's stated  
18 that the maximum total volume of water anticipated  
19 for Kingwood Solar is 282,875 gallons per year. And  
20 my question to you is how much of that gallonage does  
21 it take for one panel -- one cleaning of all the  
22 panels in the project?

23 A. How much water gallonage does it take to  
24 clean one panel in the project was your question?

25 Q. No. How much water does it take to clean

1 all of the panels in the project once?

2 A. Got it. That's a good question. So I  
3 guess it -- if we were to require manual cleaning  
4 using water of the Kingwood Solar project, again as  
5 necessary, as was stated in testimony in the  
6 application, if necessary outside of normal climate  
7 and precipitation, we would expect a maximum total  
8 volume of water of approximately 282,000 gallons  
9 during the year. If that were between, you know,  
10 let's say once or twice per year, that would put that  
11 number at about 100 to 140 thousand gallons of water.

12 However, again, as stated in our  
13 application originally, and to my understanding, you  
14 know, Ohio manual cleaning of solar panels is  
15 oftentimes unnecessary, and I do believe that for  
16 whatever further context it may be worth, the Staff  
17 Report that was issued for Kingwood Solar was, you  
18 know, found to be in compliance of the requirement of  
19 water conservation regarding this question and part  
20 of the application itself.

21 Q. So let me make sure I am understanding  
22 your answer. Is it your answer that you believe it  
23 will take a hundred thousand to 140,000 gallons for  
24 one cleaning of all the panels in the project?

25 A. Just purely based on doing the math of



1 the numbers that are in front of me, that seems to be  
 2 the conclusion that we can arrive at. Again,  
 3 operations and maintenance of our projects for solar  
 4 facilities in general is not something that I'm  
 5 intimately familiar with. And again, what  
 6 Kingwood -- we would expect and anticipate that it  
 7 may not be required to manually clean these panels at  
 8 all. In fact, that would be our goal is to in an  
 9 effort to conserve water use to not need to go out  
 10 and manually clean the panels, if at all possible.

11 Q. Let's go to the narrative of the  
 12 application page 10.

13 MR. SETTINERI: Yeah. And briefly I know  
 14 we've been going over a couple hours now.  
 15 Mr. Van Kley -- can we go off the record, your Honor,  
 16 please?

17 ALJ WILLIAMS: Off the record.

18 (Discussion off the record.)

19 ALJ WILLIAMS: Back on the record.

20 Q. (By Mr. Van Kley) All right.  
 21 Mr. Stickney, we're back in the narrative of the  
 22 application page 10 which is at PDF page 22. All  
 23 right. Directing your attention to D on page 10  
 24 which is entitled "Water Supply and Discharge" where  
 25 it states in that first sentence that "the Project

1 will use only a limited amount of water, likely from  
2 an existing source within the project area." And my  
3 question is have you identified a source within the  
4 project area that will be utilized for water to clean  
5 the panels?

6 A. We have not identified a specific source  
7 that will be used to clean the panels. Again, as  
8 mentioned, our goal is that added water usage for  
9 manual cleaning would not be necessary for this  
10 project.

11 Q. Okay. And are there any sources of  
12 groundwater inside the project area other than  
13 groundwater?

14 A. I'm not sure I understand your question.

15 Q. My question is are there any sources of  
16 water inside the project area other than wells that  
17 utilize groundwater?

18 A. I don't know.

19 Q. So potentially Kingwood would be using  
20 groundwater from a well inside the project area to  
21 supply its water for cleaning panels; isn't that  
22 correct?

23 A. I suppose that's a fair assumption.

24 Q. Has Kingwood commissioned any  
25 hydrogeology study to determine whether the use of

1 100,000 to 140,000 gallons of water from the wells  
2 or -- a well or wells in the project area would draw  
3 down the water in wells owned by adjacent landowners?

4 A. Kingwood has commissioned a preliminary  
5 hydrogeology study for us to better understand the  
6 flow of water, whether it be stormwater drainage or  
7 otherwise, on the project site and surrounding areas.  
8 I believe that study was provided recently. That was  
9 a recently conducted study. That's a standard step  
10 in Vesper's development procedures leading into the  
11 construction time frame, again, to better understand  
12 stormwater flow patterns, flooding, potential for  
13 flooding and whatnot.

14 I didn't personally oversee that study,  
15 and I cannot say whether it spoke to the potential  
16 for -- for -- or the potential for groundwater  
17 sources to be decreased as -- for any reason  
18 affiliated with Kingwood.

19 Q. Okay. So going back to my question, I  
20 want to make sure I actually got an answer to it, and  
21 that question was very simply, has Kingwood Solar  
22 done any hydrogeology studies to determine whether  
23 the water used for cleaning panels will draw down the  
24 water level in the wells owned by adjacent  
25 landowners?

1           A.    I don't know. I don't know if that's  
2 included in the hydrogeology study that was  
3 commissioned for Kingwood Solar.

4           Q.    You mention in one of your prior answers  
5 water conservation measures. Can you tell me what  
6 water conservation measures have been identified in  
7 the application?

8           A.    Well, I suppose the sections you had  
9 pointed to, maybe not this one we were just looking  
10 at, but where it mentions "Kingwood Solar anticipates  
11 using minimal water or requiring minimal water usage  
12 for panel cleaning." Again, that's our goal and my  
13 understanding is a very feasible goal in this part of  
14 the country. In addition, I will reference what came  
15 up earlier this morning in my conversations with the  
16 Little Miami Conservancy in conserving the aquifers  
17 that are connected to the Little Miami River close to  
18 this project area.

19                   Those are -- have been some very  
20 educational conversations for me in particular and  
21 personally but certainly helpful conversations for us  
22 to have regarding Kingwood Solar and any potential  
23 impact to groundwater and groundwater sources.

24           Q.    How are your conversations with the  
25 Conservancy related to conserving water?

1           A.    The Little Miami Conservancy's primary  
2 mission is water conservation and preservation of the  
3 Little Miami River which is connected to an aquifer  
4 that is within proximity to the Kingwood Solar  
5 project area.

6           Q.    Well, what, if any, measures are  
7 contained in Kingwood Solar's application that would  
8 conserve the water of the Little Miami?

9           A.    Nothing specifically to the Little Miami  
10 River.

11           MR. VAN KLEY:   Okay.   All right.   Your  
12 Honor, I think this is a good time to take a break.

13           ALJ WILLIAMS:   Okay.   We are off the  
14 record.

15           (Recess taken.)

16           ALJ WILLIAMS:   We are back on the record  
17 after a break.

18           Mr. Van Kley.

19           MR. VAN KLEY:   Yes.

20           Q.    (By Mr. Van Kley) Mr. Stickney, we are on  
21 page 38 of your direct testimony, answer 26 now.

22           A.    Yes, sir.

23           Q.    Let's go down to line 18 where you refer  
24 to "local public hearings."   Now, keep your finger  
25 there and go to answer 11 in your direct testimony.

1 That's on page 9 of your testimony. Answer 11 talks  
2 about public meetings held on October 26, 2020;  
3 November 19, 2020; March 30, 2021; and June 29, '21.  
4 Do you see that?

5 A. I do. Those are -- just to clarify,  
6 those are in reference to the public meetings that  
7 were held by the Applicant as stated there?

8 Q. Well, whatever your -- whatever your  
9 answer says, that's what it appears to be or it looks  
10 like -- yeah, I think it probably looks like your  
11 meetings. And then we go to the second paragraph of  
12 answer 11 talking about an April 6, 2021, town hall  
13 meeting organized by the Board of Greene County  
14 Commissioners. Do you see that?

15 A. I do.

16 Q. And you also see the reference to the  
17 Board of Greene County Commissioners work session on  
18 May 2021 -- May 20, 2021. Do you see that?

19 A. I do. I remember it fondly.

20 Q. Now, the Staff Report came out according  
21 to answer 26 on October 29, 2020 -- I'm sorry,  
22 October 29, 2021, correct?

23 A. October 29, 2021. I believe that's  
24 correct.

25 Q. Okay. And that would be after the town

1 hall meeting of the Board of County Commissioners on  
2 April 6, 2021, correct?

3 A. The town hall meeting organized by the  
4 Board of the Greene County Commissioners was held on  
5 April 6, which I attended, of 2021. That was -- that  
6 was prior to when the Staff Report was issued on  
7 October 29, however, prior to the Power Siting Board  
8 local public hearing that took place on November 15.

9 Q. And the Board of Greene County  
10 Commissioners work session on May 20, 2021, preceded  
11 the issuance of the Staff Report as well, correct?

12 A. That is correct. And if my memory serves  
13 me, that Board of County Commissioners work session  
14 was not a public hearing or did not invite public  
15 participation.

16 Q. Well, what in your view makes a -- a  
17 session a public hearing versus something else?

18 A. Generally in my view a public hearing is  
19 where any members of a community or attendees of a  
20 hearing are invited to speak for any limited or  
21 otherwise capacity period of time. In this context I  
22 reference public hearing with the OPSB statutory  
23 requirement of having a local public hearing with  
24 ALJs and whatnot present.

25 Q. But your quote about a local public --

1 about local public hearings on line 18 of answer 26  
2 on page 38 is not your language, but it's the  
3 language of the Staff of the Power Siting Board in  
4 its Staff Report, correct?

5 A. Yes, sir.

6 Q. So the question here is how did the Staff  
7 intend to use its statement about local public  
8 hearings, not how you intend to use that term,  
9 correct?

10 A. Are you asking me if that's the question  
11 you are asking?

12 Q. Yeah. That's the question I asked you.

13 MR. SETTINERI: Just object as to form of  
14 question.

15 ALJ WILLIAMS: I will sustain the  
16 objection.

17 Attorney Van Kley, I got a little twisted  
18 on that. Could you start over?

19 MR. VAN KLEY: Sure. No problem.

20 Q. (By Mr. Van Kley) In answer 26 on page  
21 38, you quoted the term "local public hearings" from  
22 the Staff Report, correct?

23 A. Yes, sir.

24 Q. So the question here is how did the Staff  
25 use that term in its Staff Report, correct?



1 MR. SETTINERI: I'll object as to -- I  
2 don't think -- I guess I will just object to the  
3 question as it calls for speculation. He is not a  
4 member of the Staff.

5 MR. VAN KLEY: Well, of course not, and I  
6 think that's exactly the point.

7 Q. (By Mr. Van Kley) Mr. -- Mr. Stickney,  
8 aren't you attributing your interpretation of the  
9 term public hearing to the Board's usage of that term  
10 when you say that the Board's statement was  
11 incorrect?

12 MR. SETTINERI: I will just object again.  
13 He's mischaracterizing his testimony. He didn't say  
14 the Board's statement was incorrect. He is just  
15 citing -- quoting to the Staff Report, so I don't  
16 know where in his testimony he said the Board's  
17 statement was not correct.

18 ALJ WILLIAMS: I'll sustain the  
19 objection.

20 Attorney Van Kley.

21 Q. (By Mr. Van Kley) Let's just read from  
22 that answer. Mr. Stickney, starting on line 28, do  
23 you see the language where it says in your answer  
24 "But the public hearing for the Project had not  
25 occurred when the Report was issued." Do you see

1 that?

2 A. That's line 18; is that right?

3 Q. Yeah.

4 A. I do.

5 Q. Okay. So aren't you saying there that  
6 the Staff's statement that "opposition expressed at  
7 the 'local public hearings'" was incorrect because no  
8 local public hearings had been held?

9 MR. SETTINERI: I would just object  
10 again. Mischaracterizes the testimony. If we are  
11 going to look at the Staff Report, we can, but the  
12 record here is going to read as if he is reading from  
13 the Staff Report. That's just mischaracterizing the  
14 testimony.

15 MR. VAN KLEY: I am reading from his  
16 testimony.

17 ALJ WILLIAMS: I will overrule the  
18 objection. He's actually now asking the witness to  
19 explain the context of his testimony there at page 38  
20 regarding the interface with local public hearings  
21 and the interpretation of Board Staff. So the  
22 question can stand.

23 Do you need it reread?

24 THE WITNESS: I think I got it.

25 A. So the context behind this response to

1 the question in my testimony is that my understanding  
2 of this process and this procedure of having an  
3 application under review with the Ohio Power Siting  
4 Board, during the period of the Staff investigation,  
5 a big part of that is the OPSB organized public  
6 hearing event, in this case which was held on  
7 November 15, 2021, after that Staff Report had been  
8 issued.

9 In the Staff Report, I particularly found  
10 it interesting where, as I quoted there, Staff  
11 characterized the local opposition and that it  
12 considered the opposition expressed at the local  
13 public hearings. When I first read that Staff  
14 Report, that term to me means the Power Siting  
15 Board-organized public hearing event that is a major  
16 piece and scheduled event of this process. However,  
17 that had not happened yet.

18 Prior to that, to be a little more detail  
19 oriented, there was only one public hearing organized  
20 specifically for the Kingwood Solar project that had  
21 occurred which was organized by the Greene County  
22 Board of Commissioners. And I'm not sure -- I am not  
23 aware if -- I am not saying that there were not, but  
24 I am not aware of whether or not there was Staff  
25 members in attendance of that one public hearing that

1 I am aware of.

2 Q. Well, going back to your definition of a  
3 public hearing, and the way I understand it is that  
4 you regard a public hearing as a hearing in which the  
5 public has the opportunity to participate; is that  
6 your definition?

7 A. My -- yes. My understanding is that a  
8 public hearing offers the public and attendees an  
9 opportunity to speak and express their opinion.

10 Q. Uh-huh. Did the public have the  
11 opportunity to speak at all in the Board of Greene  
12 County Commissioners' work session on May 20, 2021?

13 A. The Board of County Commissioners -- no,  
14 they didn't. They were not offered the opportunity  
15 to express their opinion and speak during that work  
16 session. However, it did happen out of turn, and I  
17 believe several members of the audience that day were  
18 reprimanded by the -- certain members of that Board  
19 of County Commissioners for doing so.

20 Q. The April 6, 2021, town hall meeting  
21 organized by the Commissioners did provide for public  
22 participation, correct?

23 A. Each attendee was offered 3 minutes to  
24 speak aloud to the Board of Commissioners and the  
25 County Administrator that were present.

1           Q.    Okay.  So the answer to my question is  
2   yes, right?

3           A.    Yes.

4           Q.    Okay.  And what about the public meeting  
5   held by the Applicant on October 26, 2020?  Would --  
6   was the public allowed to speak during that meeting?

7           A.    That was a virtual meeting held during  
8   the time of the pandemic via Zoom.  The Kingwood  
9   Solar team, John Soininen, who was my predecessor  
10   that I worked for for a number of months, managed and  
11   ran that meeting so that public attendees were able  
12   to submit questions through a chat function.

13          Q.    Okay.  So again, the answer to my  
14   question is yes, correct?

15               MR. SETTINERI:  Objection, asked and  
16   answered.

17               MR. VAN KLEY:  Well, I think I deserve a  
18   yes or no answer at least.  If he wants to go on  
19   after that and explain it, that's fine but I at least  
20   need a yes or no answer.

21               ALJ WILLIAMS:  To the extent there was  
22   some unorthodox nature of that meeting given that it  
23   was virtual and the responses were to chat or  
24   otherwise type messages, that you are entitled to a  
25   more concrete answer.  So I will let the witness

1 answer the question in a yes or no fashion.

2 MR. SETTINERI: And, your Honor, to be  
3 fair to the witness, can we have that question reread  
4 then, please?

5 ALJ WILLIAMS: Sure. Ms. Gibson.

6 (Record read.)

7 ALJ WILLIAMS: Can you provide a yes or  
8 no answer to that, Mr. Stickney?

9 A. No, the public was not allowed to speak  
10 during that meeting.

11 Q. But they were allowed to participate  
12 virtually by submitting comments or questions in  
13 writing, correct?

14 A. That's correct.

15 Q. All right. So with regard to the dial in  
16 phone conference on November 19, 2020, was the public  
17 allowed to make statements or ask questions virtually  
18 or verbally?

19 A. Yes.

20 Q. Same question about the conference on  
21 March 30, 2021.

22 A. There were two sessions on March 30,  
23 2021. The first was a Zoom presentation similar to  
24 the October public information meeting. Attendees  
25 were not able to speak. They were able to submit

1 questions via a chat function. Later that evening  
2 there was a telephonic presentation and attendees  
3 were able to ask questions verbally after that  
4 session concluded.

5 Q. And with respect to the in person session  
6 on June 29, 2021, was the public allowed to ask  
7 questions or submit comments virtually or verbally?

8 A. There was no -- during that meeting,  
9 there was no -- how do I frame it? There was no  
10 audience speaking arrangement or presentation type of  
11 format. It was an open house format. So it was all  
12 individual conversations with the presenters and the  
13 attendees, so I suppose attendees were able to ask  
14 questions and make comments verbally to individual  
15 members, myself included or other folks on our team.  
16 I do believe there were members of Power Siting Board  
17 Staff in attendance at that meeting.

18 Q. So in summary then in all of the meetings  
19 held on October 26, 2020; November 19, 2020;  
20 March 30, 2021; and June 29, 2021, the public was  
21 able to either virtually or verbally submit comments  
22 indicating whether they were opposed to the project,  
23 correct?

24 A. That's correct.

25 Q. All right. Let's go to your supplemental

1 testimony. And this has been marked as Kingwood  
2 Exhibit 7. Let's go to answer 8 which starts at the  
3 bottom of page 3 and I would like to ask you about  
4 the second sentence of that answer which reads "this  
5 250-foot setback is a substantial increase over the  
6 25-foot setback commitment in the application."

7 Now, isn't it true that the 25-foot  
8 setback in the application consists of a distance of  
9 25 feet between the solar fence and the neighboring  
10 property line?

11 A. That's right. That's how it's  
12 characterized in the application.

13 Q. And the 250-foot setback you were  
14 referencing earlier in answer 8 is a setback between  
15 the project fence and a neighboring house, correct?

16 A. That's right.

17 Q. So when you say the 250-foot setback is a  
18 substantial increase over the 25-foot setback in the  
19 application, you're comparing a setback from the  
20 house to a setback from the property line, correct?

21 A. That's right.

22 Q. So in order for there to be any  
23 improvement in a 200 -- in a setback that is 250 feet  
24 away from a neighboring house, the yard of that house  
25 would have to be less than 225 feet away from the



1 property line, correct?

2 A. Could you repeat that, please?

3 Q. Yeah. In order for the 250-foot setback  
4 for -- from the house to provide a longer distance  
5 from that house than the 25-foot setback from the  
6 property line, the distance between the house and the  
7 property line would have to be less than 225 feet,  
8 correct?

9 A. So that is correct. However, I do  
10 believe one of Staff's recommended conditions was  
11 that our property line setback be increased to at  
12 least 30 feet, and I would like to take a look and  
13 see if we voluntarily increased that property line  
14 setback as well, in which case your calculation there  
15 wouldn't exactly be accurate.

16 So, Mr. Van Kley, to answer your  
17 question, in the instances where a property line  
18 between two properties does not include a public  
19 road, your calculation would be right. It would need  
20 to be 225 feet from the property line to the  
21 residence from the neighboring property line of the  
22 project area for that setback to increase. Our  
23 increased setback from public roads is now 50 feet,  
24 so in those instances, it would be -- a setback would  
25 be greater, I suppose.

1           Q.    Do you have any idea how many of the  
2   adjoining property owners' land is separated from the  
3   project area by a road instead of directly adjoining  
4   the project area?

5           A.    There are quite a few.

6           Q.    Quite a few going the other way too,  
7   right, where there's properties adjoining the project  
8   area without a road in between them?

9           A.    There are properties without a road in  
10   between their property and the project area.

11          Q.    Okay.  Let's go to page 6 of your  
12   testimony.

13          A.    Yep.

14          Q.    I would like to take a look at Condition  
15   16 as you have suggested it be modified on page 6 of  
16   your supplemental testimony.  And directing your  
17   attention to the new sentence that you have proposed,  
18   that condition which is underlined.  And the  
19   beginning of that sentence states "Subject to any  
20   project area reductions."  Do you see that?

21          A.    I do.

22          Q.    What did you mean by that?

23          A.    Well, in my experience there are a number  
24   of different things that can reduce a project area or  
25   a project size or design capacity as you move through

1 different stages of development. Although it does  
2 get more and more certain at the later you get and  
3 closer to construction as to the project size and  
4 layout. If we were to, for instance, eliminate a  
5 certain field or property from consideration to  
6 include in the Kingwood project, I would hope that  
7 our minimum landscaping would also adjust  
8 accordingly.

9 Q. In that same sentence you referred to the  
10 attached screening plan and that's a reference to  
11 Figure 1 of the Stipulation; is that right?

12 A. Yes, sir.

13 Q. And then you refer to identified levels  
14 of screening from the landscaping plan attached to  
15 the Applicant's application. Does that refer to  
16 Appendix Q, Part 2, Attachment C?

17 A. That I believe so. Appendix Q sounds  
18 right. There were a lot of appendices. I think you  
19 got it right there.

20 And just to clarify, yes, you're right.  
21 Appendix Q, the visual impact analysis, our  
22 landscaping plan was a portion, a part of that visual  
23 impact analysis and entire appendix. Just to clarify  
24 regarding the revision to Condition 16 on page 6 of  
25 supplemental testimony, this is referencing

1 identified levels of screening from the landscape  
2 plan in Appendix Q.

3 Q. Uh-huh. Does that refer to the modules,  
4 the module 1, 2, and 3, that are in the landscaping  
5 plan?

6 A. I believe we refer to them as light,  
7 medium, and tall.

8 Q. And the landscaping plan identifies which  
9 of those levels will apply to specific areas around  
10 the project area?

11 A. As is color coded in the landscaping maps  
12 that are provided, yes.

13 Q. And those landscaping maps that identify  
14 the areas in which each type of screening will be  
15 provided are all in the landscaping plan in Appendix  
16 Q?

17 A. And Figure 1 of the supplemental  
18 testimony.

19 Q. So, for example, if the -- if Figure 1  
20 and the maps and landscaping plan designate light  
21 screening to be placed along a neighbor's property,  
22 then your proposed change to Condition 16 would  
23 provide for that level of screening for that  
24 neighbor's property, right?

25 A. Just to clarify, we are not proposing any

1 landscaping on any neighbor's properties. These are  
2 all on project leased parcels. But you are correct,  
3 we are -- where it indicates light screening along  
4 the boundary of the project area, that's what we are  
5 proposing in this condition, that at a minimum that's  
6 what would be installed in those locations.

7 Q. Okay. Let's go to page 7 of your  
8 supplemental testimony. And looking at your proposed  
9 language for Condition 17, as proposed -- well, let  
10 me ask a preliminary question. Are you aware of a  
11 list of species put together by the Department of  
12 Natural Resources for what are called the RTE  
13 species, rare, threatened, and endangered?

14 A. I'm aware of a list, I believe, with that  
15 classification.

16 Q. Uh-huh. And are you aware of a  
17 classification of wildlife species that ODNR has that  
18 are referred to as species of concern?

19 A. I'm not, no.

20 Q. Go to page 8, please, of your  
21 supplemental testimony. And I would like to direct  
22 your attention to Condition 19 as you propose to  
23 revise it.

24 MR. SETTINERI: Just for the record, if  
25 we could be clear that the conditions in the

1 supplemental testimony are from the Joint  
2 Stipulation.

3 MR. VAN KLEY: That's fine.

4 MR. SETTINERI: Thank you.

5 MR. VAN KLEY: Make that clear.

6 Q. (By Mr. Van Kley) Mr. Stickney, is that  
7 correct?

8 A. That the conditions in the supplemental  
9 testimony are from the Joint Stipulation?

10 Q. Yes.

11 A. Yes.

12 Q. Okay. And then the proposed language for  
13 Condition 19 on page 8 of your supplemental  
14 testimony, I would like to direct your attention to  
15 the 6th line where we start with the sentence, the  
16 first of which is "following." And there is a  
17 reference in that sentence to "pre- and  
18 post-construction stormwater calculations." Do you  
19 see that?

20 A. Is this line 17 of the page, Mr. Van  
21 Kley?

22 Q. It starts -- yeah, it's on line 17.

23 A. I do, yep.

24 Q. Would you describe what those  
25 calculations are.

1           A.    You know, this was input from our  
2   engineering procurement and construction team as to  
3   how this condition could be revised.  So I couldn't  
4   give a good explanation of what those calculations  
5   are or how they are arrived at.

6           Q.    All right.  Let's go to page 10 of your  
7   supplemental testimony, answer 18 on the top of that  
8   page.

9           A.    Yes, sir.

10          Q.    With respect to proposed Condition 23,  
11   are you aware that there's a classification of weeds  
12   in ODNR's regulations that are referred to as  
13   invasive species?

14               MR. SETTINERI:  I'll just object to the  
15   form of the question.  Asking and assuming facts not  
16   in the record or evidence.

17               ALJ WILLIAMS:  He is just laying a  
18   foundation.  I will let the question stand.

19               MR. SETTINERI:  Okay.

20          A.    I'm aware of the term "invasive species."  
21   I am not aware of a specific ODNR classification of  
22   such species.

23          Q.    Are you aware of any regulation issued by  
24   ODNR for invasive species?

25          A.    I am not personally.

1           Q.    Let's go to page 15 of your supplemental  
2 testimony, answer 24.  Is there anything in proposed  
3 Condition 34 that you would interpret to protect  
4 surface waterways on adjoining fields?

5           A.    My -- my limited understanding of field  
6 drainage and tiling is that it is connected to  
7 surface waterways, but I really don't have any more  
8 detailed understanding of surface waterways  
9 specifically than that.

10           MR. VAN KLEY:  Give me just a moment,  
11 your Honor, if you wouldn't mind.  I think I am  
12 finished.

13           ALJ WILLIAMS:  We will go off the record  
14 while Mr. Van Kley reviews his notes.

15           (Discussion off the record.)

16           ALJ WILLIAMS:  Back on the record.

17           Mr. Van Kley.

18           MR. VAN KLEY:  Yes.

19           Q.    (By Mr. Van Kley) Mr. Stickney, go back  
20 to your first testimony, Exhibit 6, page 12, lines 17  
21 and 18 where you struck the language "(i.e., to the  
22 horizontal)," if I am reading this accurately.  Tell  
23 me why you struck that language.

24           MR. SETTINERI:  I would just object.

25           ALJ WILLIAMS:  Mr. Settineri, go ahead.



1 MR. SETTINERI: Go ahead, Mr. Stickney.

2 A. Yes. So my -- my nontechnical  
3 understanding of racking systems that are currently  
4 offered for solar facilities like Kingwood Solar on  
5 the market today was that stow mode as it's referred  
6 to. It stows the panels in a horizontal fashion.  
7 However, come to learn recently, as you will find in  
8 Mr. Roedel's testimony later this week, it's -- it's  
9 much more technical and much more detailed than that,  
10 than my understanding of it. So I didn't want to  
11 mis -- misrepresent that it would be horizontal or of  
12 a certain degree and thought that I would leave that  
13 up to his expertise.

14 MR. VAN KLEY: Okay. I have no more  
15 questions, your Honor.

16 ALJ WILLIAMS: Thank you, Mr. Van Kley.  
17 Next we have Miami Township. Attorney  
18 Slone.

19 MR. SLONE: Thank you, your Honor. Miami  
20 Township doesn't have any questions at this time for  
21 this witness.

22 ALJ WILLIAMS: Thank you.

23 Next we have the Greene County Board  
24 County Commissioners.

25 MR. BOGGS: Thank you, your Honor. At

1 this time the Greene County Board of Commissioners  
2 does not have any questions for this witness.

3 ALJ WILLIAMS: Thank you.

4 Next we have Xenia Township.

5 MR. WATKINS: Thank you, your Honor.  
6 Xenia Township has no questions for this witness.

7 ALJ WILLIAMS: Thank you.

8 Cedarville Township.

9 MR. BROWN: Thank you, your Honor. I had  
10 to get off of mute. I do have a few questions that I  
11 would like to go through.

12 ALJ WILLIAMS: Okay. Please proceed.

13 - - -

14 CROSS-EXAMINATION

15 By Mr. Brown:

16 Q. Good afternoon, Mr. Stickney.

17 A. Mr. Brown.

18 Q. I would like to focus on your direct  
19 testimony, Exhibit 6, and direct your attention to  
20 page 7 to start with.

21 A. Yes, sir.

22 Q. On page 7 there is question No. 10. It  
23 says "Did the Applicant engage in any community  
24 outreach about the Project," and your answer was  
25 "Yes"; is that correct?

1           A.    Yes, sir.

2           Q.    All right.  You list a bunch of entities  
3   in which you had direct contact; is that correct?

4           A.    Yes, sir.

5           Q.    All right.  So I just want to go through  
6   a couple of these.  It says that you had meetings  
7   with Cedarville Township Board of Trustees; is that  
8   correct?

9           A.    I personally did not.  A Kingwood Solar  
10   representative did, in fact.

11          Q.    Okay.  When did that meeting with the  
12   Cedarville Township Board of Trustees occur?

13          A.    Sure.  And sorry.  Maybe I should correct  
14   that.  The -- as it's referenced in this response, I  
15   personally did not have the initial engagement and  
16   outreach and meeting that was conducted.

17                To answer your question, I believe that  
18   was in the late fall or winter of 2020 into 2021.  
19   And so it could have been December or January.  I  
20   since then, you know, have spoken with  
21   representatives from Cedarville Township.

22          Q.    Okay.  Who did you speak with at  
23   Cedarville Township?

24          A.    Me personally and this was a -- as part  
25   of stipulation discussions was Mr. Jeff Ewry, if I am

1 pronouncing his name correctly. I believe the  
2 meeting that occurred in the winter of 2020-2021  
3 included a number of trustees. I believe  
4 Ms. Krajicek was included in that meeting as I'm  
5 told. Again, I was not a participant.

6 Q. So in the fall of 2021, you are saying  
7 that a representative of Kingwood met with all of the  
8 township trustees for Cedarville?

9 A. I can't say if it was all of the trustees  
10 or just some of them.

11 Q. And do you know where that meeting took  
12 place?

13 A. I believe it was virtual.

14 Q. A virtual meeting. Can you tell us what  
15 was discussed at that meeting?

16 A. Similar to most of the other meetings in  
17 response to this question in my testimony, it was a  
18 general introduction of the Kingwood Solar project,  
19 general introduction of utility-scale solar  
20 development, the energy market referred to as the PJM  
21 Interconnection, the Kingwood -- you know, the  
22 general Kingwood Solar project site, I believe.

23 Again, this was a similar presentation  
24 that was given to many of these entities. And then  
25 just, you know, kind of general conversation,

1 question and answer about the project or the process  
2 in particular.

3 Q. All right. And you said it wasn't you  
4 personally. Do you know from Kingwood who conducted  
5 that meeting?

6 A. It would have been John Soininen.

7 Q. I'm sorry. What was the last name?

8 A. Soininen, S-O-I-N-E-N-E-N.

9 Q. Okay. Did anyone from Kingwood ever  
10 attend a Cedarville Township Trustees' meeting,  
11 regularly-scheduled meeting?

12 A. Not to my knowledge. In fact, I -- yeah,  
13 not to my knowledge.

14 Q. All right. Thank you for clarifying.  
15 Just following up then on the other two townships,  
16 are you saying that Cedarville -- that Kingwood had  
17 virtual meetings with both Xenia Township and Miami  
18 Township as well?

19 A. Virtual meetings. I personally have  
20 had -- had a virtual meeting with the Board of  
21 Trustees of Xenia Township had an in-person meeting  
22 with representatives from Xenia Township, Xenia  
23 Township Administrator to discuss the Kingwood Solar  
24 project and the opinions or -- once again, feedback  
25 from the trustees of the Xenia Township. Those were

1 in-person meetings.

2 Q. And how about Miami Township?

3 A. I'm -- I met Mr. Hollister, a Miami  
4 Township Trustee, in person one time. I believe that  
5 was not in a formal meeting, but I want to say it was  
6 at the April 6 County Commissioners' town hall.  
7 There was an introductory meeting and, again, similar  
8 general introduction presentation of the Kingwood  
9 Solar project given to the Miami Township Board of  
10 Trustees. I believe that was around the same time  
11 frame as the Cedarville meeting, again, orchestrated  
12 and narrated from John Soininen, my predecessor as  
13 Project Manager for the Kingwood project.

14 Q. Thank you. I would like to move on to  
15 page -- let's see, actually on page 8, the paragraph  
16 that spans line 3 through line 9.

17 A. Yes, sir.

18 Q. Yeah. Talked about the good neighbor  
19 agreements offered to 65 non-participating  
20 landowners.

21 A. Yes, sir.

22 Q. I notice how you changed the last  
23 sentence from the Applicant has entered into six  
24 instead of five agreements with landowners; is that  
25 right?

1           A.    That's right.

2           Q.    All right.  And you gave us a total  
3 amount of offered payments at 822,500.

4           A.    Yes, sir, among those 65 offers that were  
5 extended.

6           Q.    Yeah.  So 65 offers, you know, add up to,  
7 you know, 822,5.  How much does the six accepted  
8 offers add up to?

9           A.    That's -- I don't have that number at  
10 hand.  The payments as referenced in line 5, they  
11 ranged from \$7,500 to \$25,000 per landowner that was  
12 offered.  There were four tiers in that structure  
13 7,5100, 10,000, 15,000, 25,000 dollars.  I don't know  
14 exact -- you know, the six is a mixture of those  
15 tiers.  I don't know exactly what that total is  
16 today.

17                   But I will note, you know, 65 were  
18 mailed.  Six have been signed.  There are 59 letters  
19 still on the table, if you will.  We haven't  
20 retracted any of those offers.

21           Q.    But if you had to estimate what the total  
22 is of what has been accepted, is that in your -- is  
23 that in your knowledge?

24           A.    I could estimate.  I mean, we've -- you  
25 know, \$6,000 in payment consideration, and it may be

1 5,000 with a thousand due, if you will, given that  
 2 that 5 was recently changed to 6 just within the last  
 3 week. So \$6,000 in payment consideration and then  
 4 one time future payment at -- at startup of  
 5 construction, I would estimate that to be about --  
 6 probably about \$100,000.

7 Q. For all of the six.

8 A. For all of the six.

9 Q. All right. Good. All right. So in your  
 10 knowledge, is there an estimated or projected annual  
 11 profit for the project?

12 A. I don't know. For profit for these  
 13 landowners?

14 Q. No, the projected annual profit for  
 15 Kingwood for the project.

16 A. Oh, I don't know that number. It's above  
 17 my pay grade.

18 Q. Okay. Well, the idea is just to try to  
 19 figure out what the percentage of these good neighbor  
 20 agreement payments are compared to the total annual  
 21 profit. Any idea?

22 A. Yeah. I don't know.

23 Q. All right. At the bottom of this same  
 24 page, it talks about a community fund. Are you  
 25 familiar with that community benefit fund?



1           A.     I am.

2           Q.     All right. Can you explain what the  
3 community benefit fund is?

4           A.     So this is an effort that we like to --  
5 like to advance and formalize. This was extended  
6 throughout stipulation discussions since -- I guess  
7 since last fall with the townships specifically as  
8 intervening parties.

9                     As a result of feedback that we have  
10 received from, you know -- I am not sure if it was  
11 first received from the County and the County  
12 Commissioners but certainly feedback that I received  
13 from the County Commissioners and feedback that was  
14 relayed to me from either Township residents or  
15 Township as an entity themselves trying to understand  
16 or figure out how the Townships could see more direct  
17 benefit from the Kingwood Solar project over and  
18 above the taxes from what we represented as more than  
19 \$1-1/2 million a year paid from the Kingwood project  
20 over and above how much of that \$1-1/2 million a year  
21 would be allocated to each Township.

22                     You know, the feedback that was related  
23 to me was how can we find a way to create more direct  
24 benefit for the townships specifically. So last  
25 fall -- and this began actually last summer as I was,

1 you know, engaging and talking with various different  
 2 members of the community to -- to propose this  
 3 internally within the Vesper organization to allocate  
 4 this budget from the Kingwood Solar project to  
 5 basically create a fund that the Townships can  
 6 receive financial incentive directly. So we've  
 7 budgeted a \$225,000 per year fund for 35 years.  
 8 That's more than \$7.8 million for the Townships to  
 9 collect on directly should they choose to accept it.  
 10 And I would imagine that, you know, that would be,  
 11 you know, the use of those dollars would be purely at  
 12 the Township Trustees' discretion or however, you  
 13 know, that process within each Township is managed  
 14 for allocating funds.

15 You know, I understand that -- and I  
 16 received feedback from at least one of the Townships  
 17 that's a fairly substantial amount of funding when  
 18 compared to an annual budget.

19 Q. So can you tell me how the \$225,000  
 20 number was arrived at?

21 A. It was -- that's a good -- it was a  
 22 collaborative effort between, you know, myself, my  
 23 finance team, our management team in looking at, you  
 24 know, the financial model that we have in place for  
 25 this project, continuous working document of costs

1 and projected revenues and whatnot and how much --  
 2 how much budget, you know, may be available but maybe  
 3 more so how much might be impactful and would be  
 4 substantial in what we've learned to each of these  
 5 Townships so 75,000 -- given that there are three  
 6 Townships, the \$75,000 per Township per year.

7 But to clarify, the total fund is  
 8 available and on the table for whether it be 0, 1, 2,  
 9 or 3 Townships that may choose to engage and collect  
 10 any of those funds. Now, I imagine that would be  
 11 a -- a side agreement of some sort or something that  
 12 needs to be put in place for how a Township receives  
 13 that kind of revenue. To that I'm not really sure.  
 14 I would look to, you know, each individual township  
 15 how to structure that.

16 Q. Let me -- let me ask you with regard to  
 17 that community benefit fund, would you say it was  
 18 created to mitigate or offset the damages done to the  
 19 Township by the project?

20 A. No, sir.

21 Q. Okay. Would you say that it's to replace  
 22 revenues lost by the Township related to the project?

23 MR. SETTINERI: Just have to object.  
 24 There's no foundation laid but the question has been  
 25 answered.

1           MR. BROWN: Well, actually he didn't --  
2 he couldn't answer the question of how the \$225,000  
3 number was created.

4           ALJ WILLIAMS: We'll let the question  
5 stand.

6           Q.     (By Mr. Brown) What I am going at is  
7 typically a number is created for a reason. It's  
8 either to offset damages or if it's some other  
9 reason. So you said not to offset or mitigate  
10 damages done and not to replace revenues lost. So is  
11 it just a reward for withdrawing the objection or for  
12 the Township to withdraw its objection? Is that what  
13 this is for?

14          A.     You know, in my experience community  
15 benefit is a -- community benefit fund is a very  
16 common practice for any type of large development  
17 project and especially for any type of large  
18 development project that is unfamiliar to a certain  
19 community.

20                 In this instance we felt that it was an  
21 appropriate time to introduce that fund, again, due  
22 to, you know, feedback that was related to me and our  
23 team that the townships don't see the benefit of  
24 Kingwood Solar, not because of lost revenues or not  
25 because of any type of damages but just don't see how

1 it would benefit those Townships directly, you know,  
2 aside from the landowners and the citizens of each of  
3 those townships that would be earning revenues from  
4 the leases.

5 So I guess, you know, maybe to more  
6 directly answer the question, it was -- it was, you  
7 know, substantially a budgeting exercise on our part  
8 of, you know, where can we -- where can we rearrange  
9 some of our costs or predicted costs for the project,  
10 to reallocate those as financial incentives for  
11 directly to those Townships specifically.

12 Q. All right. Thank you. So following up  
13 on that then, do you have any idea what the \$225,000  
14 in annual payments, what percentage of the project's  
15 annual expected profits, what would that percentage  
16 be? I mean, are you talking about is this 1 percent?  
17 Is this 7 percent? Any idea?

18 A. I have no idea what the expected profits  
19 of Kingwood Solar would be.

20 Q. And then on page 9, at the top of page 9,  
21 it says "the community benefit fund would not be part  
22 of a Certificate condition and is not a commitment by  
23 Applicant at this time." Is that still your  
24 testimony? That's lines 2 and 3.

25 A. Yep. So it's not -- not a part of

1 certificate condition frankly because when offered  
2 and followed up upon, none of the Townships were  
3 interested and declined the offer. So my  
4 understanding of a certificate condition in a joint  
5 stipulation process is both of those parties are  
6 typically a signatory or engaged in that suggestion.  
7 So for that reason we moved it from the certificate  
8 conditions. It was never inserted in the first  
9 place.

10 Q. All right. So just to be very clear  
11 then, the \$225,000 community benefit fund, that will  
12 not need to be paid to anyone if -- if one of the  
13 three Townships, if at least -- if none of the three  
14 Townships drop -- let me rephrase. I'm sorry. Let  
15 me go back.

16 That community benefit fund of \$225,000  
17 will not be paid by Kingwood if all three Townships  
18 remain opposed to the application.

19 A. That's -- that's a possibility, yes. I  
20 suppose, you know, to put it another way, right, the  
21 reason for extending that offer was to try and  
22 initiate and support engagement from the Townships to  
23 work together with us on the Joint Stipulation  
24 document, the recommended conditions in some way,  
25 shape, or form for Kingwood Solar to co-habitate with

1 the local communities of those three Townships.  
 2 Nobody knows better than them. We tried to encourage  
 3 that as much as possible. The interest wasn't there.

4 Q. Thank you. I would like to move on to  
 5 page 36, an area that Jack has already discussed but  
 6 I have a couple additional questions.

7 A. Yes, sir.

8 Q. All right. Near the bottom starting at  
 9 about line 16, your testimony is that you reviewed  
 10 the public comments on the docket. Can you explain  
 11 which public comments you reviewed before making  
 12 these statements?

13 A. Sure. So this -- this testimony was  
 14 filed on February 24, if I remember correctly. I  
 15 reviewed the public comments on the case docket in  
 16 the public comment section prior to that, I want to  
 17 say maybe the cutoff date was February 20 or sometime  
 18 in that range.

19 You know, I continuously reviewed those  
 20 comments as a way for me to gather and pass on  
 21 feedback to my company and our team about folks that  
 22 are expressing opinions and sharing feedback about  
 23 any of the work that we are doing for anticipation of  
 24 the Kingwood project.

25 Q. Okay. Can you tell me -- I understand

1 the docket has public comments that are filed. Did  
2 you also review the transcript of the November 15  
3 public meeting where public comments were -- were  
4 given?

5 A. I was in attendance at that meeting.  
6 Since then I have not reviewed the transcript in  
7 detail.

8 Q. All right. So your -- your calculation  
9 of the number of comments in favor versus the number  
10 of comments opposing does not include any of the  
11 testimony at the November 15 public hearing, correct?

12 A. To my knowledge, as far as the numbers in  
13 this section of my testimony, that's right. It does  
14 not include a calculation. Many of the folks that  
15 expressed their opinions at that public hearing on  
16 November 15 were some of the same people that had  
17 filed comments on the case record.

18 Q. Okay. So you know that there is some  
19 crossover between the November 15 verbal public  
20 hearing expressions and some of the filed written  
21 comments.

22 A. Yes, sir.

23 Q. Do you know -- do you know if all of the  
24 people who spoke at the public meeting filed written  
25 comments on the docket?



1           A.    I don't know if all of them did, no.

2           Q.    All right.  So when you say that the  
3   total comments in support for the project number 45,  
4   those expressing concern or opposition total 83, I  
5   want to know how did you compile these statistics?

6           A.    So from the case record in the public  
7   comment section, opening and reading each of those  
8   filed comments, letters, e-mails, the various  
9   different formats in which they were submitted and  
10   using our judgment as to whether they were supportive  
11   outwardly or stated I am supportive or in opposition,  
12   oftentimes stating explicitly being in opposition.

13          Q.    All right.  Did you prepare any  
14   supplemental materials that organized your review of  
15   all of the comments?

16          A.    No, sir.

17          Q.    So, I mean, when you wrote this and said  
18   45 versus 83, where did that number come from?  Did  
19   you tally that up on the side and then create your  
20   testimony, or do you have some kind of an outline  
21   where all of those numbers can be double-checked?

22          A.    Yeah.  It was -- it was pretty -- a  
23   pretty informal tally.  Yeah, there was -- there was  
24   no specific kind of report or formalized  
25   documentation for it.

1           Q.    All right.  Thanks.  Did you attempt to  
2 distinguish comments that are on the record based on  
3 the residence of the commenter?

4           A.    I didn't get that far, nope.

5           Q.    All right.  So you can't tell which of  
6 the commenters reside in the three affected  
7 Townships, correct?

8           A.    I did recognize a number of residents'  
9 names in those records, but I can't attest to out of  
10 those numbers that were provided how many were  
11 residents of the Townships or were not.

12          Q.    So you have -- you have some kind of an  
13 idea based on names of people that you've interacted  
14 with, but you don't have a tally of commenters  
15 opposing and supporting based on the townships that  
16 they reside in, correct?

17          A.    That's correct.

18          Q.    All right.  And how about did you look at  
19 this with -- with respect to how many commenters  
20 reside in Greene County, not necessarily the three  
21 affected Townships but Greene County versus any other  
22 place on the planet?

23          A.    You know, I don't know that that was --  
24 the County or the Townships was necessarily possible,  
25 not all of those comments stated names even, let

1 alone addresses or places of residence.

2 Q. All right. Did you do any tally on the  
3 number of leaseholders that were in opposition versus  
4 in support that were in the public record?

5 A. It was from my recollection. I didn't do  
6 any formal tally. From my recollection it was --  
7 they were less than a handful.

8 Q. And then did you do any analysis on the  
9 number of commenters that were related in some way,  
10 had a family relationship to leaseholders?

11 A. No, sir.

12 Q. Do you think that kind of information  
13 would be helpful in any way?

14 A. I suppose that's subjective to anyone's  
15 opinion. I think that there could be a way to view  
16 that as helpful information just like repeated  
17 comments from opposition members, repeated comments  
18 from Intervenor in the case that were filed on that  
19 case docket as well. I did notice a number of those  
20 that were tabulated in these figures and also  
21 calculated in the Staff Report that was received in  
22 October.

23 Q. All right. I want to move on to the  
24 bottom of page 36 where you reference "76 letters of  
25 support from members of the International Brotherhood

1 of Electrical Workers." And I think that you  
2 mentioned that all of those letters of support were  
3 filed at one time in one submission to the docket; is  
4 that right?

5 A. Correct.

6 Q. All right. Did you personally review all  
7 of those I'm just going to call them the IBEW  
8 letters?

9 A. I did.

10 Q. Okay. Did you see any similarities in  
11 those letters?

12 A. I believe I see what you are getting at  
13 and, yes, there was.

14 Q. Okay. What kind of similarities do you  
15 think -- would you say there were in the 76 letters  
16 of support from the union workers?

17 A. They were -- similarities would probably  
18 include it was a short statement vocalizing support  
19 for the Kingwood Solar project, and they were all  
20 similarly signed by hand by 76 different members of  
21 the IBEW.

22 Q. So are you saying it was a form letter  
23 signed by different people?

24 A. It could be interpreted that way.

25 Q. So with regard to Revised Code

1 4906.10(A), when we talk about -- I'm sorry,  
 2 10(A)(6), the public interest, convenience, and  
 3 necessity criteria, you made some statements in your  
 4 direct about, you know, if you include the union  
 5 member statements, then the statements in support are  
 6 actually more numerous than the statements against;  
 7 is that correct?

8 A. On the case record, that's right.

9 Q. All right. Do you think that the -- do  
 10 you think that the statements from -- well, first of  
 11 all, do you know where the IBE -- IBEW members  
 12 reside?

13 A. Not every single one of them. I know  
 14 some of them in particular as Greene County  
 15 residents, most of them, if not all, as Ohio  
 16 residents.

17 Q. Right. Do you know if any of them are  
 18 Township residents of the three Intervenor Townships?

19 A. I do not.

20 Q. All right. So my question is with regard  
 21 to your statement on page 38 when you said the Staff  
 22 failed to account for a number of the support  
 23 letters, such as 76 separate letters in support  
 24 from -- from the IBEW, my question is do you think  
 25 that the union members' support letters should have

1 equal weight to residents of the three affected  
2 Townships?

3 A. Absolutely. I think --

4 Q. They should have equal weight if  
5 one-on-one?

6 A. I think every comment or opinion about a  
7 project like Kingwood Solar that is cited and  
8 permitted at the state level in Ohio should be  
9 considered equally, absolutely. And the reason for  
10 that being, you know, in my opinion the reason that  
11 these projects are permitted at the state level is  
12 because it is larger than a Township issue.

13 I understand that Township residents may  
14 see a greater impact, you know, physically from these  
15 types of projects, but I do believe that the overall  
16 impact is much greater than just to the residents of  
17 the Township where it may sit. For instance, the 76  
18 IBEW members that would be looking for high paying  
19 full-time employment from this project being  
20 constructed or any other of the dozens of solar  
21 projects that are proposed to be constructed in Ohio.

22 Q. So what you are saying is that a person  
23 who hopes to get employment at the project and may  
24 not live or experience any of the detrimental effects  
25 of the project, they should have equal weight to the

1 people who live in the area and are expressing their  
2 concerns about the detrimental effects?

3 A. I personally don't see many detrimental  
4 effects, if any. But to answer your question, I do  
5 believe that every -- especially every Ohio resident  
6 that has an opinion about a project that is under  
7 review for certificate through the OPSB should be  
8 considered just as any other comment that's filed on  
9 that case record.

10 Q. All right. On page 39, one of -- let's  
11 see, starting on line No. 7, you state that "While  
12 the interests of the township and the county are  
13 certainly relevant and those interests can properly  
14 be expressed by participating in a proceeding, the  
15 public interest, convenience, and necessity criteria  
16 should not be based on whether local governmental  
17 bodies oppose a project." Do you agree with that  
18 statement today?

19 A. I do.

20 Q. All right. So with regard to tabulating  
21 all of the comments, if you were to be -- if you  
22 were -- if you had the information available to know  
23 the residential location of each commenter, is there  
24 an opposition percentage that would be high enough  
25 for Kingwood to say, you know, the public just

1 doesn't want this; we should withdraw the  
2 application?

3 A. When it comes to filed and expressed  
4 public comments, no, I don't. I do not think that  
5 there is a percentage that's high enough for the  
6 Power Siting Board to say we should not award this  
7 project. And the reason being is because the people  
8 that are ready and willing to file a comment, send  
9 communication to the Board, or send a letter, an  
10 e-mail, or make a phone call does not represent the  
11 opinion of the entire population of the three  
12 Townships that we are talking about or Greene County  
13 as a whole. And, in fact, a pole that was conducted  
14 from a -- a conservative polling organization just  
15 last week 350 registered voters --

16 Q. Wait a second. Let me stop you there. I  
17 don't know that -- is that pole --

18 MR. SETTINERI: Your Honor, I would like  
19 him to be able to answer his question.

20 Q. Is that pole in the answer?

21 MR. SETTINERI: Your Honor, we would like  
22 him to be able to finish his answer, and then  
23 Mr. Brown can comment.

24 MR. BROWN: I didn't ask about any pole.

25 MR. SETTINERI: You interrupted his



1 answer.

2 ALJ WILLIAMS: The protocol is the  
3 witness answers, and you can move to strike. We will  
4 let him conclude his answer, and you can move to  
5 strike as you feel necessary.

6 Mr. Stickney.

7 A. The pole that was conducted in Greene  
8 County 350 registered voters showed that at least 2  
9 to 1 residents and taxpayers of Greene County support  
10 the transition to renewable energy and support the  
11 Kingwood Solar project.

12 So to go back to my original point there  
13 is no percentage of comments expressed or filed in a  
14 Power Siting Board review proceeding that would  
15 convince me that the public doesn't want this project  
16 because the term, in my opinion, vocal minority is  
17 extremely relevant here, that it does not represent  
18 the feeling and the public opinion of all registered  
19 residents, taxpayers, and community members where a  
20 project might sit.

21 And over and above that, I think that the  
22 en -- the whole reason these projects are cited at  
23 the state level in Ohio is because it's a matter of  
24 public need as the statute reads. And a neighboring  
25 resident's opinion of whether it's unsightly does not

1 speak to does this accomplish public need in the  
2 State of Ohio.

3 MR. BROWN: That's all the questions I  
4 have, Mr. Stickney. Thank you.

5 ALJ WILLIAMS: Thank you, Mr. Brown. In  
6 Progress.

7 MR. HART: Thank you, your Honor. No  
8 further questions.

9 ALJ WILLIAMS: Thank you. I note that  
10 Attorney Swaney has not participated. I don't see  
11 him here on the screen so cross from Tecumseh.

12 Staff.

13 MS. BAIR: Staff has no questions. Thank  
14 you, your Honor.

15 ALJ WILLIAMS: Thank you, Ms. Bair.

16 Mr. Settineri, I assume you want a few  
17 minutes to confer before you decide on redirect?

18 MR. SETTINERI: Yeah. I appreciate it,  
19 your Honor. You tell me. In addition to a few other  
20 things, if we could come back at 5:30, that would be  
21 great. Is that too long?

22 ALJ WILLIAMS: It seems a little long.  
23 Why don't we give you 10 minutes, 5:22.

24 MR. SETTINERI: Yeah. If you make it  
25 5:25, I would appreciate it because I have something

1 else to attend to quickly.

2 ALJ WILLIAMS: 5:25.

3 MR. SETTINERI: It's called the restroom.  
4 Thanks.

5 ALJ WILLIAMS: We're off the record.

6 (Recess taken.)

7 ALJ WILLIAMS: Back on the record.

8 Any redirect?

9 MR. VAN KLEY: Your Honor, before  
10 Mr. Settineri starts his redirect, I would like to  
11 move to strike the portion of the witness's last  
12 answer concerning his interpretation of a public  
13 opinion pole. That -- that testimony is -- is not  
14 reliable and it's based purely on hearsay.

15 We have not seen either through discovery  
16 or in this hearing any written record of such an  
17 opinion pole, so we don't have any -- any information  
18 other than the witness's self-interested testimony  
19 about what the questions were that were asked, how  
20 they were worded so that we can see whether the  
21 wording of the questions in the opinion pole were  
22 skewed to obtain the results that the witness said  
23 that they obtained.

24 So in light of that, we would move to  
25 strike that as -- as hearsay and also violative of

1 the best evidence rule.

2 ALJ WILLIAMS: Mr. Settineri, response?

3 MR. SETTINERI: Yeah. Well, your Honor,  
4 I think that question and answer is over. We've  
5 moved on. So it's been a bit since the question was  
6 asked and the answer given. I would note that a  
7 public opinion pole was provided in discovery. It  
8 was sent out. It was supplemental discovery. And I  
9 would note for the record I believe it went out  
10 yesterday is when it went out. And I can represent  
11 for the record I believe it was a very recent  
12 document, created document so that was produced to  
13 all the parties.

14 And in regards to his answer, again, it's  
15 been some time since the question was asked, your  
16 Honor, so we are at a bit of a disadvantage here, but  
17 it was about the percentage, if I recall, of the  
18 population and certainly this witness's knowledge of  
19 an opinion pole that was done is certainly relevant  
20 to that answer and it was -- if I had to guess, the  
21 question was properly broad ranging as well.

22 But certainly counsel could have asked  
23 and -- asked the opportunity to mark an exhibit and  
24 present it and ask the witness questions. That  
25 didn't happen so we moved on from it. So, no, I

1 don't believe the motion to strike should be granted,  
2 your Honor.

3 MR. VAN KLEY: If I could respond, the  
4 fact that we took a break after the last answer  
5 doesn't mean that it's too late to insert an  
6 objection or motion to strike. We're still in the  
7 process of examining this witness, and Mr. Settineri  
8 has not started his redirect yet.

9 As to any document that could have been  
10 marked from supplemental discovery, why would we mark  
11 a document like that which is not responsive to  
12 his -- or which was not included in his direct  
13 testimony? There's no need to -- to cross-examine a  
14 witness about a public opinion pole that they didn't  
15 bother to put into their direct testimony so there  
16 was no occasion to do that.

17 ALJ WILLIAMS: Karen, are you able to get  
18 to that question relatively efficiently?

19 MR. SETTINERI: I'm sorry. Your Honor, I  
20 couldn't hear.

21 ALJ WILLIAMS: I have Karen going back  
22 into the record. I believe it was the last question  
23 before we broke.

24 (Record read.)

25 ALJ WILLIAMS: And, in fact, I am going

1 to strike after "In fact." We will let the rest of  
2 the answer stay on the record.

3 Mr. Settineri, you can proceed with  
4 redirect with that information in hand. We've  
5 stricken the rest of that answer.

6 MR. SETTINERI: And could you read that  
7 answer as it stands then.

8 ALJ WILLIAMS: Ms. Gibson, please.

9 (Record read.)

10 MR. SETTINERI: All right. Thank you,  
11 your Honor.

12 - - -

13 REDIRECT EXAMINATION

14 By Mr. Settineri:

15 Q. Mr. Stickney, you were asked some  
16 questions about the opinion of the Township, whether  
17 there was a percentage high enough where Vesper -- of  
18 opposition against the project where Vesper would  
19 withdraw the project. Has Vesper taken any steps to  
20 gauge the opinions of residents in the County as to  
21 the project?

22 A. Yes, we have.

23 Q. And what steps has Vesper taken to do  
24 that?

25 A. In addition to all the public meetings

1 that were held just last week, we commissioned a pole  
2 to be conducted. It was 350 registered voters in  
3 Greene County that were surveyed, I believe the  
4 margin of error was about 5 percent or so, asking a  
5 number of questions regarding their feelings toward  
6 renewable energy, their feelings toward agricultural  
7 farmland preservation, and specifically their  
8 feelings about the Kingwood Solar project.

9 Q. Okay.

10 MR. VAN KLEY: Your Honor, in practice --  
11 keeping with your practice to allow the witness to  
12 answer the question and then if necessary to move to  
13 strike, I would move to strike that answer as well.  
14 Again, we're running into hearsay issues here that we  
15 now know from the last answer which was not revealed  
16 in the witness's prior answer that was struck was a  
17 pole commissioned by the solar company itself. So  
18 again, this is rank hearsay and that answer should  
19 not stand.

20 ALJ WILLIAMS: I am going to overrule the  
21 objection. The witness has testified regarding a  
22 pole that was conducted by his company, so I don't  
23 see how the answer is hearsay. You will certainly be  
24 entitled to recross regarding your interpretation of  
25 the quality of the pole, but the answer will stay.

1                   Mr. Settineri.

2                   MR. SETTINERI: Thank you, your Honor.

3                   Q.     (By Mr. Settineri) Mr. Stickney, you were  
4 asked some questions about the projects in Vesper's  
5 developer pipeline. Is one of those projects the  
6 Nestlewood project?

7                   A.     Yes, sir.

8                   Q.     And is that an Ohio project?

9                   A.     Yes, it is. It's in Brown and Clermont  
10 Counties.

11                  Q.     And what's the status of that project  
12 currently?

13                  A.     It's preparing to go into construction  
14 activity any time now.

15                  Q.     Okay. And there was some questions or  
16 discussion about reactive power. At a high level,  
17 what is reactive power?

18                  A.     Reactive power would be engagement  
19 through PJM and they award revenues for participation  
20 in this program, if you will. It helps to regulate  
21 frequency of power flow on the transmission system  
22 utilizing different alternating current facilities  
23 and connection points on their system.

24                         So in this instance the inverters  
25 associated with Kingwood Solar project would be



1 dispatched in the reactive power program to help  
2 regulate frequency and the flow of power on the  
3 system.

4 Q. Is reactive power a form of grid  
5 reliability?

6 A. It's certainly -- that's the intent and  
7 certainly helps to support grid reliability.

8 Q. And if the project is engaged in reactive  
9 power, would all of the inverters be operating?

10 A. I believe we spec'd to a 60 percent  
11 participation rate. So it's not yet determined  
12 whether it would be all inverters operating at 60  
13 percent capacity or only 60 percent of the total  
14 inverters on the project site.

15 Q. And you were asked some questions about  
16 Appendix I believe it's P. If you could turn to  
17 that, please, in the application. Well -- I'm sorry.  
18 It's -- actually I am going to refer you to the  
19 economic development study which I believe is E.  
20 Let's see if I am right. Nope.

21 A. D.

22 Q. D, thank you. Let me know when you are  
23 there, Mr. Stickney.

24 A. Yep, I'm here.

25 Q. Okay. If you could turn to page 5,

1 "Fiscal Impacts," please.

2 A. Yep.

3 Q. And then I am going to follow  
4 Mr. Van Kley's lead on using multiple fingers here.  
5 If you could then at the same time, if you have a  
6 copy of your direct testimony, I believe.

7 A. I do.

8 Q. And it would be -- if you could put your  
9 finger at page 19, last sentence, line 23 that starts  
10 the Project will also generate an estimated  
11 \$1.9 million in state and federal [sic] taxes for the  
12 life of the project.

13 A. Yes, sir.

14 Q. Okay. And turning back -- so the  
15 \$1.9 million in state and local taxes, is that an  
16 annual amount?

17 A. It is.

18 Q. Okay. And so in your testimony how  
19 should that read to reflect the annual dollar amount  
20 for the 1.9 million?

21 A. In the testimony starting on page 19,  
22 line 23, "The Project will also generate an estimated  
23 \$1.9 million annually in state and local taxes for  
24 the life of the Project."

25 Q. You were also asked some questions about

1 Kingwood Solar's ownership structure. Do you  
2 remember that?

3 A. I do.

4 Q. And you -- I believe in your answers you  
5 referenced Vesper. Specifically, you know, what is  
6 the name of the Vesper Energy that owns Kingwood  
7 Solar?

8 A. It would be Vesper Energy Finance LLC  
9 which is an entity that's owned wholly by Vesper  
10 Energy Portfolio I LLC previously named Lendlease  
11 Energy Development and that entity is wholly owned by  
12 Vesper Energy Development LLC.

13 Q. You were asked about layout Figure 03-3,  
14 and I know there were -- I think we looked at the  
15 updated figure in Kingwood Exhibit 2. But does that  
16 figure show the proposed project substation location?

17 A. It does.

18 Q. And does it also show the switchyard  
19 location?

20 A. It does.

21 Q. And just for the record, can you just  
22 explain the relationship between the project  
23 substation and the switchyard?

24 A. The project substation is where all of  
25 the power is collected, all of the collection lines

1 in the solar modules and the inverters are collected  
2 into. That power is stepped up to an appropriate  
3 voltage level, in this case it would be  
4 138,000 volts, 138 kV volts, kV to match the  
5 transmission line that it's interconnected to. The  
6 substation with a gen-tie, then transmit that --  
7 transmits that power to the interconnection facility  
8 that would be looped into that FirstEnergy  
9 transmission line that we are connecting to.

10 Q. When you say interconnection facility, is  
11 that the utility switchyard?

12 A. Correct, the switchyard.

13 Q. Now, in final -- after final engineering  
14 is done for this project, would you expect that the  
15 project substation location would change from what's  
16 been shown in the application drawings?

17 A. No. It will not change.

18 Q. And the same question as to the  
19 switchyard, would that be expected to change after  
20 final engineering?

21 A. It is not expected to change, no.

22 Q. And for both of those facilities, why do  
23 you not expect those locations to change?

24 A. Those are coordinates of a location that  
25 are required to be provided to PJM before -- before a

1 facility's study can be completed and a report can be  
2 issued and certainly before an interconnection  
3 services agreement can be signed which we have done  
4 already for Kingwood Solar.

5 Q. You were asked some questions about the  
6 various meetings that you cite in your testimony.  
7 And one of them was, I believe, a town hall meeting.  
8 Did you attend the April 6, 2021, town hall meeting  
9 that was held by the Board of Commissioners for  
10 Greene County?

11 A. I did.

12 Q. Okay. Did you attend all the meetings?

13 A. I did.

14 Q. Okay. Now, you were asked some questions  
15 about your -- in your direct testimony about your  
16 public comment tally as I think the words were. Do  
17 you recall a number of questions about that?

18 A. I do.

19 Q. Okay. And sitting here now, do you  
20 recall whether you -- what did you use to check those  
21 numbers?

22 A. I do recall, yeah. It was a tally that I  
23 kept while reviewing those comments filed on the  
24 public docket, and after tallying, I moved those into  
25 an Excel spreadsheet to warehouse that information

1 tallying support, opposition, and, in fact, there was  
2 a neutral column as well.

3 Q. And do you know whether those were  
4 produced to parties through -- that spreadsheet was  
5 produced to parties through discovery?

6 A. I do believe they were, yes.

7 Q. All right. And you were asked some  
8 questions about the Joint Stipulation, and we are  
9 going to do a couple of things. If you could turn to  
10 what's been marked as Joint Exhibit 1 which is the  
11 Joint Stipulation.

12 A. Yes, sir.

13 Q. And I just need to find mine. Bear with  
14 me. While I am doing that if you could also then go  
15 to the landscaping plan which I believe is in  
16 Appendix Q of the application. Tell me when you're  
17 there.

18 A. Yes, sir.

19 Q. All right. Let's start first with the  
20 landscape plan. And I will turn your attention again  
21 it's Appendix Q of the application. It's titled  
22 "Visual Impact Analysis." Is a landscaping plan --  
23 plan included in that Appendix Q?

24 A. It is. Very, very end.

25 Q. Okay. And the landscape plan that's

1 attached is not just a drawing; is that right?

2 A. It is not.

3 Q. Okay.

4 A. Correct.

5 Q. Can you describe it at a high level,  
6 please?

7 A. Yeah. So there is a few pages that  
8 outline the design methodology for how this landscape  
9 plan was put together with a goal of visual screening  
10 and mitigation. There is a section outlining how we  
11 would intend to select certain vegetative materials  
12 included in that landscape plan, three different  
13 planting options or levels for different types of  
14 planting categories, if you will. I think those were  
15 referenced earlier as light, medium, and tall. And  
16 then it references the location of our proposed  
17 planting options with a selection of maps and figures  
18 attached to it.

19 Q. Okay. Now, you were asked questions  
20 about Condition 16 in Joint Exhibit 1 -- actually it  
21 was your direct testimony, but if you could turn to  
22 Joint Exhibit 1, Condition 16, please.

23 A. Yes, sir.

24 Q. And I am just going to direct your  
25 attention to the sentence close to the bottom, last

1 full sentence, bottom of page 5, "Subject to any  
2 project area reductions, vegetative screening shall  
3 at a minimum consist of screening in the locations  
4 shown in the attached screening plan using the  
5 identified levels of screening from the Landscape  
6 Plan attached" -- sorry, "Landscaping Plan attached  
7 to the Applicant's application in this proceeding."  
8 And then is the -- the document that's attached to  
9 the Joint Exhibit 1, is that the screening plan?

10 A. That's right. That's the updated  
11 screening plant.

12 Q. All right. Can you just walk us through  
13 for the record how the screening plan -- how  
14 Condition 16 -- let me think. Strike that.

15 Can you walk us through how the  
16 additional language in Condition 16, specifically  
17 referencing Attachment 1, how will that role be used  
18 by the project in design?

19 A. So specific to Attachment 1, the Joint  
20 Stipulation, showing an updated -- an updated layout  
21 and proposed screening levels, if you will, or  
22 screening categories, again, light, medium, and tall  
23 and their locations as we've proposed them through  
24 the Stipulation process so this is updated from  
25 Appendix Q of the application. And this is, again,



1 as referenced in that Condition 16, subject to any  
2 project area reductions. This would be at a minimum  
3 what we are proposing for new added landscaping for  
4 visual mitigation for this project.

5 Q. Okay. So in regards to Attachment 1,  
6 what is shown here for the locations of the screening  
7 and the levels of screening as to light, medium, and  
8 tall, would this document I'll just say trump any  
9 other contrary screening layout in the Appendix Q?

10 A. Yes.

11 Q. Okay. And in terms of the modules,  
12 are -- does Appendix Q designate what is light  
13 screening, medium screening, and tall screening?

14 A. Yes, it does.

15 Q. Okay. And could you point that out for  
16 the record, please, where that is?

17 A. So that starts at Figure 2 of Appendix Q,  
18 Attachment C. There is a rendering of light  
19 screening, simulation of light screening followed by  
20 a light screening planting plan showing example types  
21 of vegetative material. It's showing an example of  
22 how those plantings would be arranged and then  
23 continues with the simulation of medium and the same  
24 for medium plantings, example of the materials and  
25 example plantings plan, and the same for tall in

1 Figure 6 and 7.

2 Q. Okay. So then turning back to Attachment  
3 1 to the Joint Stipulation, for example, if I go to  
4 the very far north where there is a blue line on that  
5 drawing, do you see that by Clifton Road?

6 A. I do.

7 Q. Okay. What I guess level of screening  
8 would apply at that location?

9 A. That blue is associated in the screening  
10 key, as you can see, with tall screening.

11 Q. Okay. And then the tall screening, where  
12 is that -- would that be Figure 6?

13 A. That would be Figure 6 rendering and  
14 Figure 7 the planting plan.

15 Q. So does Appendix Q provide the -- the  
16 type of screening that would then be used at the  
17 locations designated on Attachment 1? When I say  
18 "type," the plantings themselves.

19 A. That's right. These are -- these are  
20 example types of plantings themselves of similar  
21 size, shape, and type, I suppose you could say.

22 Q. You were also asked some questions about  
23 the community fund. Do you recall those questions?

24 A. Yes, I do.

25 Q. Okay. And I believe it's Kingwood

1 Exhibit 7 maybe. Let me see. Maybe I can do this  
2 without finding the exact location. Is your -- is  
3 the intent of Kingwood Solar to continue to pursue  
4 the community fund with the Townships?

5 A. Absolutely.

6 Q. And if a certificate is issued, would  
7 Kingwood Solar continue to pursue implementing a  
8 community fund with the Townships?

9 A. That's right. We hope to obtain a  
10 certificate and continue to pursue that community  
11 fund work together with all three of those Townships  
12 in a way that satisfies their concerns about  
13 construction or operation of Kingwood Solar.

14 Q. Okay. And in the event a community fund  
15 is implemented with the Townships, would you expect  
16 that the Township that receives community fund would  
17 not oppose the project going forward and through any  
18 appeals or anything like that?

19 A. Yes.

20 MR. SETTINERI: Okay. If I may just have  
21 a quick moment.

22 ALJ WILLIAMS: Off the record.

23 (Discussion off the record.)

24 ALJ WILLIAMS: You want to indicate that  
25 on the record, please.

1 MR. SETTINERI: Oh, sorry. Yes, thank  
2 you, your Honor. We have no further questions at  
3 this time for Mr. Stickney.

4 ALJ WILLIAMS: Thank you, Mr. Settineri.  
5 I will entertain recross beginning with  
6 Citizens for Greene Acres, CGS.

7 MR. VAN KLEY: Yes, your Honor.

8 - - -

9 RECROSS-EXAMINATION

10 By Mr. Van Kley:

11 Q. Mr. Stickney, with respect to the opinion  
12 pole that your company commissioned, isn't it true  
13 that 60 percent of the people poled had not heard  
14 anything at all about the Kingwood project prior to  
15 your pole?

16 A. I -- I don't have that pole in front of  
17 me, and I believe that is correct.

18 Q. And isn't it also true that an additional  
19 13 percent of the people poled have not heard very  
20 much about the Kingwood project before the opinion  
21 pole?

22 MR. SETTINERI: Your Honor, at this time  
23 I would just object. If we are going to read off a  
24 document, we should just put it in the record. We  
25 are going to have a very cloudy record.

1 MR. VAN KLEY: Okay. I'm game for that.  
2 Give me just a moment to mark it and e-mail it out.

3 ALJ WILLIAMS: Karen, we can go off.

4 (Discussion off the record.)

5 ALJ WILLIAMS: Let's go back on.

6 All right. We were off the record for a  
7 plus or minus 5 minutes. We have marked as Citizens'  
8 Exhibit 16 Greene County Ohio Public Opinion  
9 Strategies Pole that was apparently commissioned by  
10 Vesper.

11 (EXHIBIT MARKED FOR IDENTIFICATION.)

12 ALJ WILLIAMS: With that please proceed,  
13 Mr. Van Kley.

14 MR. VAN KLEY: Thank you, your Honor.

15 Q. (By Mr. Van Kley) Mr. Stickney, you have  
16 in front of you what's been marked as Citizens 16  
17 which is a document labeled on the top "Public  
18 Opinion Strategies Turning Questions into Answers."  
19 Do you have that document in front of you?

20 A. Yes, I do.

21 Q. This was, going to the first page, was a  
22 pole conducted on March 2 to 3, 2022; is that  
23 correct?

24 A. Yes, sir.

25 Q. Okay. All right. Let's go to page 6 of

1 this document. Before I ask any questions about this  
2 document, have you -- have you seen this document  
3 before?

4 A. I have.

5 Q. All right. And can you identify this  
6 document?

7 A. This is a public opinion strategies  
8 conducted -- public survey conducted in Greene  
9 County, Ohio, March 2 to 3 of 2022.

10 Q. And this is a document related to the  
11 public opinion pole that you've been discussing in  
12 your testimony?

13 A. That's correct.

14 Q. And this document contains the questions  
15 that were asked in that opinion pole?

16 A. Yes, sir.

17 Q. All right. So now let's go to paragraph  
18 6 -- I mean page 6. The top of that page it says  
19 "There is a significant sentiment that more economic  
20 and job opportunities are needed in the county." Do  
21 you see that?

22 A. I do.

23 Q. Is that a question that was asked of  
24 the -- of the participants in the pole?

25 A. It's not. That's a summary of the

1 results based on the responses to a question that was  
2 asked.

3 Q. And does this document contain that  
4 question?

5 A. The question is at the bottom in italics,  
6 "Thinking just about Greene County, do you believe  
7 that Greene County is doing well economically, or do  
8 you believe that more economic and job opportunities  
9 are needed?"

10 Q. Okay. Is that the first question asked  
11 in the pole?

12 A. I don't know which order this question  
13 was asked.

14 Q. Let's go to the seventh page. And there  
15 it says "And do you generally support or oppose  
16 gradually transitioning the country's energy supply  
17 from fossil fuels like oil, natural gas, and coal  
18 more toward renewable energy sources like wind and  
19 solar power?" Do you see that?

20 A. I do.

21 Q. Is that another question asked in this  
22 pole?

23 A. I believe so.

24 Q. Then we go to page 8. And reading from  
25 the top "How much have you seen, read, or heard about

1 the Kingwood Solar plan to build a utility-scale  
2 solar farm here in Greene County?" Do you see that?

3 A. I do.

4 Q. And that's another question asked in the  
5 pole?

6 A. That's right.

7 Q. And according to page 8 of this document,  
8 60 percent of the people poled had heard nothing at  
9 all prior to this pole about the Kingwood Solar  
10 project?

11 A. That's what it says.

12 Q. Okay. And only 13 had -- and 13 percent  
13 had not heard very much; is that correct?

14 A. That's correct.

15 Q. And 19 percent had heard some about the  
16 Kingwood Solar project prior to the pole?

17 MR. SETTINERI: I'll just object.  
18 It's -- it's not -- I don't know if it's form or  
19 question, but it's not addressing the question in the  
20 pole, so you are mischaracterizing the question in  
21 the pole.

22 MR. VAN KLEY: I don't think I did.

23 Q. (By Mr. Van Kley) I mean, here the  
24 question says "Have you seen, read, or heard about  
25 the Kingwood Solar plan to build a utility-scale



1 solar farm here in Greene County," and 8 percent of  
2 the people poled said "Some," right?

3 A. No. 8 percent said a lot, responded with  
4 a lot. 19 percent responded with some.

5 Q. Yeah. Isn't that the question I just  
6 asked you?

7 A. You said 8 percent responded with some  
8 which is incorrect.

9 Q. Oh, okay. Thank you for correcting me.  
10 All right. Then we go to page 9 and tell me if this  
11 is the -- a question asked of the people poled, "As  
12 you may know, Kingwood Solar has proposed a solar  
13 project that consists of 1,200 acres of private  
14 leased land in Xenia, Cedarville, and Miami  
15 Townships. It is projected to provide \$1.5 million  
16 annually to the local communities in Greene County  
17 with the largest beneficiary being the schools. Do  
18 you support or oppose this proposed Kingwood Solar  
19 farm?" Is that the question that was asked?

20 A. I believe so.

21 Q. And that's the question that produced the  
22 results that you characterized in your testimony as  
23 favoring the solar project, right?

24 MR. SETTINERI: I just object.  
25 Mischaracterizes his testimony. Are we citing

1 supplemental testimony? Direct testimony?

2 MR. VAN KLEY: No, his testimony today on  
3 redirect.

4 ALJ WILLIAMS: I will overruled the  
5 objection. He can explain his interpretation of  
6 this. He did testify along this line.

7 MR. SETTINERI: Yes. Thank you.

8 ALJ WILLIAMS: You're welcome. Please  
9 proceed.

10 A. The results to that question are one of  
11 the pieces of information that I was referring to in  
12 categorizing the pole that was conducted and the  
13 response to that pole whether supporting or opposing  
14 the Kingwood Solar project.

15 Q. Okay. Where's the rest of the  
16 information you used to support your testimony in  
17 that regard?

18 A. Well, there is another question in this  
19 document. If you turn to page 18, when asked again  
20 at the end of the pole after learning a little bit of  
21 information about Kingwood Solar through the  
22 questions that were asked, that that support  
23 increases from 63 percent to 68 percent in support  
24 and decreases in opposition from 23 to 21 percent.

25 Q. Okay. Does this exhibit show us what

1 additional questions were asked that produced the  
2 increase to 68 percent?

3 A. Sure.

4 Q. Where do -- where do I find those  
5 questions in this document?

6 A. You can find those on page 15, 16, and  
7 17.

8 Q. Okay. Looking at page 15, tell me if  
9 this is one of the questions that you were asked to  
10 produce the 68 percent favorable opinion of the  
11 project, "If you knew that this facility would not  
12 only help farmers preserve their farmland for future  
13 generations but also help southwest Ohio contribute  
14 to the critical transition to clean energy  
15 generation, then would you favor or oppose this  
16 project?" So is that one of the questions that was  
17 asked?

18 A. I believe so, yes.

19 Q. All right. And let's go to page 16. And  
20 here reading "And if you knew that the 1,200 acres of  
21 land that will be used by this solar project  
22 comprises less than 1 percent of all agricultural  
23 land in the county, then would you favor or oppose  
24 this project?" Did I read that right?

25 A. You read it correctly, yeah.

1           Q.    Okay.  And that's another question that  
2   was asked?

3           A.    I believe so, yes.

4           Q.    And then we go to page 17, and it looks  
5   like there is another question there which states "As  
6   you may know, a number of Greene County residents  
7   have agreed to lease their land to Vesper Energy for  
8   the Kingwood Solar project.  Do you believe that  
9   these property owners should have the right to lease  
10  their land to whomever they want and that the state  
11  and local governments should not interfere?"  Is that  
12  another question asked?

13          A.    That's right.  Pretty overwhelming  
14  response in support of that question.

15          Q.    Yeah.  So do you think -- do you actually  
16  think that the question asked in this opinion pole  
17  produced impartial answers based on the people's  
18  actual knowledge about this project?

19          A.    Yes, absolutely.

20          Q.    Oh, you do, okay.  And so given that  
21  73 percent of the people poled knew nothing or not  
22  very much about the project before this opinion pole,  
23  do you think that the kinds of questions you asked  
24  which produce only favorable information about the  
25  solar project are likely to produce an accurate pole

1 of people who are actually informed about the  
2 project?

3 MR. SETTINERI: I'll just object in that.  
4 The question mischaracterizes the contents of the  
5 document. If I could register that for the record,  
6 please.

7 ALJ WILLIAMS: Noted. Overruled. He can  
8 answer.

9 A. Could you repeat that question, please?

10 MR. VAN KLEY: Yes. Could we have that  
11 reread, your Honor?

12 ALJ WILLIAMS: Karen, please.

13 (Record read.)

14 ALJ WILLIAMS: Mr. Stickney.

15 A. Yes, I do. Mr. Van Kley, in particular  
16 the fact that the question was asked initially  
17 without suggesting any what you called favorable  
18 attributes, what I call factual attributes with  
19 Kingwood Solar and it was still approximately 2 to 1  
20 in favor of supporting the Kingwood Solar project.

21 Q. Which of these questions are you  
22 referring to in that answer?

23 A. I am looking at page 10 where the  
24 question is stated in larger text on page 9.

25 Q. So you are talking about the question

1 that was asked in page -- on page 9?

2 A. Yes, sir.

3 Q. Okay. And that's the question that is  
4 prefaced by the statement that "The project's  
5 projected to provide \$1-1/2 million to local  
6 communities with the largest beneficiary being the  
7 schools"?

8 A. That's a fact.

9 Q. Uh-huh. And do you think a question  
10 worded like this with a preface like this is likely  
11 to produce an accurate opinion pole of people that  
12 knew nothing else about this project?

13 A. Yes, I do.

14 Q. Isn't this question tantamount to asking  
15 the people poled whether they favor giving -- having  
16 money given to the local communities and schools?

17 A. I'm not sure I understand one of the  
18 terms you used there.

19 Q. Which term is that? Tantamount?

20 A. Yeah.

21 Q. Well, let me reask it then. With the  
22 preface to this question being that the solar project  
23 is projected to provide \$1-1/2 million annually to  
24 the communities and the schools, isn't that a preface  
25 that is designed to produce a yes answer?

1           A.    I don't believe so, no.

2           Q.    So you think somebody who has never heard  
3 anything about the project prior to your opinion pole  
4 and then is told only that the project is going to  
5 give money to the community is likely to say that  
6 they don't favor a project?

7           MR. SETTINERI: Just object,  
8 argumentative. And he's already asked and answered.  
9 That's basically the same question, but it's  
10 argumentative.

11          ALJ WILLIAMS: Overrule the objection.  
12 He is allowed to press on the basis of the answer.  
13 Please continue.

14          A.    I personally would hope that nobody would  
15 answer this question in opposing a project like the  
16 Kingwood Solar farm, whether it was prefaced with how  
17 much money it is expected to provide to the local  
18 community or not. I think it has more to do with the  
19 responders' previously conceived opinions about solar  
20 project development regardless of whether they knew  
21 about Kingwood and the specifics about Kingwood or  
22 not.

23          MR. VAN KLEY: Okay. That's a very  
24 helpful answer. I don't think I have any better  
25 follow-up than that. Thank you very much. I have no

1 further questions.

2 ALJ WILLIAMS: Thank you, Mr. Van Kley.

3 I believe we also heard from Cedarville  
4 Township. Any recross?

5 MR. BROWN: Yes, I just have one  
6 additional question.

7 - - -

8 RECROSS-EXAMINATION

9 By Mr. Brown:

10 Q. Mr. Stickney, you said that you produced  
11 the tally sheet of the commenters in discovery. Can  
12 you tell me when that was done so that I can find it?

13 A. I would defer to Mr. Settineri on when  
14 exactly that was produced. I am not sure if I have a  
15 date myself here.

16 Q. Well, I'm confused because when I asked  
17 the question the first time, you said you didn't have  
18 one, and then you said you had one, but it's been  
19 produced. I need to know where I can find it. In  
20 response to what discovery did you produce it?

21 A. I believe discovery -- discovery was  
22 served upon us by Citizens for Greene Acres, if I  
23 remember correctly, as to any documentation used in  
24 relation to, you know, our activities with this  
25 project. So I do apologize. My memory served me



1     incorrectly when you originally asked the question,  
2     but I did tally the answers. After tallying those  
3     answers, I input them into an Excel spreadsheet,  
4     shared that with our team, and do believe it was  
5     produced as a response to one of those discovery  
6     requests. I don't know the date to which exactly  
7     when it was produced.

8             Q.     Can you explain a little bit about what  
9     the sheet looks like so when I am looking for it, I  
10    can determine that I found it?

11            A.     Sure, yeah. It's an Excel spreadsheet.  
12    It -- it has three columns as supportive, opposing,  
13    or neutral. And I believe there's a fourth column.  
14    I want to say that it copies the text from the public  
15    comments section of the case record. Up until the  
16    date that it was an -- assessed or analyzed, right?  
17    Again, I think that was around February 20 or so,  
18    maybe a little earlier than that.

19            MR. SETTINERI: I'll -- for the record I  
20    will just represent I believe, subject to check,  
21    Mr. Brown, that was produced February 26, 2022. And  
22    it would have been like either a first or second  
23    supplemental response.

24            MR. BROWN: Thank you.

25            MR. SETTINERI: You're welcome.

1 MR. BROWN: 26th. Thank you. That's all  
2 I need.

3 ALJ WILLIAMS: Thank you, Mr. Brown.  
4 Mr. Settineri, do you have any redirect?

5 MR. SETTINERI: One question. Well,  
6 yeah.

7 ALJ WILLIAMS: I'm sorry, Mr. Van Kley.

8 MR. VAN KLEY: Yeah, your Honor. He's  
9 already done redirect. What we did was recross.

10 ALJ WILLIAMS: All right. I'm accepting  
11 of that.

12 We will excuse the witness at this stage,  
13 and we will take up the matter of the exhibits.

14 Thank you, Mr. Stickney.

15 THE WITNESS: Thank you.

16 ALJ WILLIAMS: Mr. Settineri.

17 MR. SETTINERI: Yes, your Honor. At this  
18 time I will move for the admission of a number of  
19 exhibits, and I will just do the numbers. Kingwood  
20 Exhibit 1 which is the application, Kingwood 1C which  
21 is confidential portion of the application, Kingwood  
22 Exhibit 2 which is compilation of various responses  
23 to Staff Data Requests, Kingwood Exhibit 2C  
24 confidential portion of parts of those responses;  
25 Kingwood Exhibit 3 proofs of services of application,

Kingwood Exhibit 4 various public notices related to landowner mailings, Kingwood Exhibit 5 again related to proofs of publications, Kingwood Exhibit 6 which is a direct testimony of Dylan Stickney, Kingwood Exhibit 7 which will be the supplemental testimony of Dylan Stickney, as well as I would move for the admission in addition Joint Exhibit 1 which is the Joint Stipulation and Recommendation as to certificate conditions that's been filed in this proceeding, and, lastly, we would move for the admission of Citizens Exhibit 16, your Honor.

ALJ WILLIAMS: Thank you, Mr. Settineri. So let's do these one at a time. Give the parties a chance to object to each of them individually.

Any objections to the admission of Exhibit 1?

Hearing none, that's admitted.

(EXHIBIT ADMITTED INTO EVIDENCE.)

ALJ WILLIAMS: Objections to Exhibit 1C?

Hearing none, that's also deemed admitted.

(EXHIBIT ADMITTED INTO EVIDENCE.)

ALJ WILLIAMS: Any objection to the admission of Exhibit 2?

Hearing none, that's admitted.

1 (EXHIBIT ADMITTED INTO EVIDENCE.)

2 ALJ WILLIAMS: Any objection to the  
3 admission of Exhibit 2C?

4 Hearing none, that's admitted.

5 (EXHIBIT ADMITTED INTO EVIDENCE.)

6 ALJ WILLIAMS: Any objection to the  
7 admission of Exhibit 3?

8 Hearing none, that's admitted.

9 (EXHIBIT ADMITTED INTO EVIDENCE.)

10 ALJ WILLIAMS: Any objection to the  
11 admission of Exhibit 4?

12 Hearing none, that's admitted.

13 (EXHIBIT ADMITTED INTO EVIDENCE.)

14 ALJ WILLIAMS: Any objection to the  
15 admission of Exhibit 5?

16 Hearing none, that's admitted.

17 (EXHIBIT ADMITTED INTO EVIDENCE.)

18 ALJ WILLIAMS: Any objections to the  
19 admission of Exhibit 6?

20 Hearing none, that's admitted.

21 (EXHIBIT ADMITTED INTO EVIDENCE.)

22 ALJ WILLIAMS: Any objections to the  
23 admission of Exhibit 7?

24 Hearing none, that's admitted.

25 (EXHIBIT ADMITTED INTO EVIDENCE.)

1           ALJ WILLIAMS: Any objections to the  
2 admission of Joint Exhibit 1?

3           Hearing none, that's admitted.

4           (EXHIBIT ADMITTED INTO EVIDENCE.)

5           ALJ WILLIAMS: Any objection to the  
6 admission of Citizens Exhibit 16?

7           Hearing none, that's admitted as well.

8           (EXHIBIT ADMITTED INTO EVIDENCE.)

9           ALJ WILLIAMS: Okay. For the last of the  
10 record purposes, we will go off record, and then we  
11 will just adjourn straight from there.

12           Karen, we will reconvene tomorrow morning  
13 at 9:00 a.m., so we are off the record.

14           (Thereupon, at 6:28 p.m., the hearing was  
15 adjourned.)

16                           - - -  
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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 Monday, March 7, 2022,  
and carefully compared with my original stenographic  
notes.

\_\_\_\_\_  
Karen Sue Gibson, Registered  
Merit Reporter.

(KSG-7244)

- - -

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Summary: Transcript in the matter of the Kingwood Solar I, LLC hearing held on  
03/07/22 - Volume I electronically filed by Mr. Ken Spencer on behalf of Armstrong  
& Okey, Inc. and Gibson, Karen Sue Mrs.