

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, Administrative Law  
Judge, at the Ohio Power Siting Board, 180 East Broad  
Street, Room 11-A, Columbus, Ohio, called at 10:03  
a.m. on Tuesday, April 26, 2022.

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VOLUME IX

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ARMSTRONG & OKEY, INC.  
222 East Town Street, Second Floor  
Columbus, Ohio 43215-5201  
(614) 224-9481

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APPEARANCES:

Vorys, Sater, Seymour and Pease, LLP  
By Mr. Michael J. Settineri,  
Ms. Anna Sanyal,  
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.

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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APPLICANT EXHIBIT	IDENTIFIED	ADMITTED
101 History/Architecture Reconnaissance Survey for the Proposed Kingwood Solar Project in Portions of Cedarville, Miami, and Xenia Townships, Greene County, Ohio	2114	2171
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2107

1 Tuesday Morning Session,  
2 April 26, 2022.

3 - - -

4 ALJ WILLIAMS: Okay. We are going to go  
5 back on the record here in Case 21-117, the Kingwood  
6 Solar certificate application case. We will go ahead  
7 and take appearances of the parties.

8 MR. SETTINERI: Good morning, your Honor.  
9 On behalf of the Applicant Kingwood Solar I, LLC,  
10 Michael Settineri and Nat Morse of the law firm  
11 Vorys, Sater, Seymour and Pease, LLP.

12 ALJ WILLIAMS: Thank you, Mr. Settineri.

13 MS. MILAM: Good morning. Amy Milam on  
14 behalf of Ohio Farm Bureau Federation.

15 ALJ WILLIAMS: Thank you, Ms. Milam. I  
16 was catching up there with my own thoughts.

17 Citizens for Greene Acres.

18 MR. VAN KLEY: Jack Van Kley of Van Kley  
19 & Walker.

20 ALJ WILLIAMS: Thank you.

21 Miami Township.

22 MR. SLONE: Lee Slone of the law firm of  
23 Dinsmore & Shohl.

24 ALJ WILLIAMS: Good morning.

25 Greene County.

1 MR. BOGGS: Good morning. Thad Boggs of  
2 the law firm Frost Brown Todd.

3 ALJ WILLIAMS: Thank you.  
4 Xenia Township.

5 MR. DUNN: Kevin Dunn, Plank Law Firm.

6 ALJ WILLIAMS: Thank you.  
7 Cedarville Township.

8 MR. BROWN: Daniel Brown, Brown Law  
9 Office, Dayton, Ohio.

10 ALJ WILLIAMS: In Progress.

11 MR. HART: Good morning, John Hart, In  
12 Progress LLC.

13 ALJ WILLIAMS: Good morning.  
14 Tecumseh Land Trust. And Staff.

15 MS. BAIR: Jodi Bair, Werner Margard,  
16 Shaun Lyons, Assistant Attorneys General, on behalf  
17 of the Board Staff.

18 ALJ WILLIAMS: Thank you, Ms. Bair.  
19 Mr. Settineri, I will let you call your  
20 next witness.

21 MR. SETTINERI: Thank you, your Honor.  
22 At this time we would call Mr. Dylan Stickney to the  
23 stand.

24 ALJ WILLIAMS: Mr. Stickney, would you  
25 raise your right hand.

1 (Witness sworn.)

2 ALJ WILLIAMS: Please proceed,  
3 Mr. Settineri.

4 MR. SETTINERI: Yes.

5 - - -

6 DYLAN STICKNEY

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

9 DIRECT EXAMINATION

10 By Mr. Settineri:

11 Q. Good morning, Mr. Stickney.

12 A. Good morning. Is this thing working?

13 MR. SETTINERI: Let's go off the record,  
14 if we can, your Honor.

15 ALJ WILLIAMS: Off the record.

16 (Discussion off the record.)

17 ALJ WILLIAMS: Back on.

18 Q. (By Mr. Settineri) Good morning,  
19 Mr. Stickney.

20 A. Good morning.

21 Q. Could you please state your name and  
22 business address for the record, please.

23 A. My name is Dylan Stickney, Vesper Energy,  
24 based in -- our address just changed. Forgive me  
25 here.

1           Q.    Would that be in your -- address be in  
2 your original direct testimony?

3           A.    It would be in the direct testimony.

4           Q.    That's enough.

5           MR. SETTINERI: Your Honor, at this time  
6 we would mark as Kingwood Exhibit 107, the direct  
7 rebuttal testimony of Mr. Dylan Stickney.

8           ALJ WILLIAMS: So marked.

9           (EXHIBIT MARKED FOR IDENTIFICATION.)

10          Q.    (By Mr. Settineri) Mr. Stickney, do you  
11 have in front of you what's been marked as Kingwood  
12 Exhibit 107?

13          A.    Yes, I do.

14          MR. SETTINERI: And for the Bench, we  
15 have distributed copies to the court reporter, and  
16 the Bench should have a copy as well.

17          ALJ WILLIAMS: Thank you, sir.

18          MR. SETTINERI: And the witness.

19          Q.    (By Mr. Settineri) Mr. Stickney, can you  
20 identify Kingwood Exhibit 107 for the record, please.

21          A.    This is my rebuttal testimony.

22          Q.    That was prepared by you or at your  
23 direction?

24          A.    This was.

25          Q.    Do you have any changes or revisions to



1 that testimony at this time?

2 A. I do. Just a few.

3 Q. If you would carefully and slowly walk  
4 through those with the court reporter, please.

5 A. The first change is the lengthiest, and  
6 it's on page 4. First at line 13, I would strike the  
7 words "Staff made no attempt and." And then down to  
8 line 14, at the very end of that line, we would  
9 remove the period and insert the following sentence,  
10 and I will read this slowly, "even though Staff found  
11 that the 'project is consistent with the protection  
12 and preservation'" --

13 Q. Mr. Stickney, I am going to stop you  
14 right there just so I can catch up and probably  
15 others.

16 A. Sure.

17 Q. If you could back up and start with  
18 "'consistent with the.'"

19 A. Sure. "'Consistent with the protection  
20 and preservation of the agricultural industry, in  
21 that the facility would provide supplemental income  
22 to farmers and the land be protected from permanent  
23 development and could be returned to agricultural  
24 production upon decommissioning' when recommending  
25 that the project complies with Section 4906.10(A)(2)

1 criteria." I am happy to read that whole thing  
2 again. Is everybody okay?

3 ALJ WILLIAMS: Karen, are you good?

4 I think we are okay. Thank you.

5 A. Great. Next change is on page 5, minor  
6 changes in line 11, the word "amendment," the A  
7 should be capitalized. And the same change in line  
8 12, word "amendment," the A should be capitalized.

9 Next on page 6, line 19, after  
10 "Mr. Zeto's," I would like to insert "and  
11 Mr. Butler's."

12 Page 7 in line 15, where it says "located  
13 on page 6," that 6 should read "43" instead. It's  
14 "located on page 43 of the Staff Report."

15 Next to page 9, minor typo at line 9 of  
16 page 9, the word "use" should be struck. It should  
17 read "site's temporary conversion."

18 And last change is on page 14 at line 18  
19 just the typo here, the "6" where it reads "to the  
20 northeast of the 6-acre parcel" is missing a letter  
21 there.

22 And then down in line 20 of the same  
23 page, 14, the word "Facility" towards the end of that  
24 line should be replaced with "Project," capital P.  
25 And that's it.

1 ALJ WILLIAMS: I'm sorry, that page -- at  
2 line 20, page 14, "With those panels being removed  
3 from the project, the only Project components," is  
4 that?

5 THE WITNESS: Correct.

6 ALJ WILLIAMS: Okay. All right.

7 Q. (By Mr. Settineri) Do you have any other  
8 revisions to your testimony at this time,  
9 Mr. Stickney?

10 A. I do not.

11 Q. If I -- and I may have asked you this,  
12 but just to double-check, was this testimony prepared  
13 by you or at your direction?

14 A. Yes, it was.

15 Q. And if I asked the questions in your  
16 testimony as written today, would your answers be the  
17 same as written, subject to your revisions?

18 A. Yes, they would.

19 MR. SETTINERI: Thank you, Mr. Stickney.

20 Your Honor, we would move for the  
21 admission of Kingwood Exhibit 107, and I will stop  
22 there because before I forget, I also want to mark  
23 another exhibit, Kingwood Exhibit 101. And that's  
24 been provided a copy with the witness, the Bench, and  
25 the court reporter. It should be a spiral -- I think

1 for the Bench it's a Velo bound.

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

3 (Discussion off the record.)

4 ALJ WILLIAMS: Go back on the record.

5 We were off briefly, and counsel did  
6 bring the Bench a printed copy of Exhibit 101 which  
7 we are going to mark. It's the  
8 History/Architecture Reconnaissance Survey. So  
9 marked.

10 (EXHIBIT MARKED FOR IDENTIFICATION.)

11 MR. SETTINERI: Thank you, your Honor.

12 Q. (By Mr. Settineri) And, Mr. Stickney, can  
13 you identify Kingwood Exhibit 101.

14 A. That's the History/Architecture  
15 Reconnaissance Survey for Kingwood Solar.

16 Q. And is this exhibit referenced in your  
17 rebuttal testimony?

18 A. Yes, it is.

19 MR. SETTINERI: Okay. Your Honor, at  
20 this time, again, I would renew my motion to admit  
21 Kingwood Exhibit 107, and I would hold off moving for  
22 the admission of Kingwood Exhibit 101 until  
23 completion of testimony and make the witness for  
24 available for cross-examination.

25 ALJ WILLIAMS: Thank you, Mr. Settineri.

1                   Mr. Van Kley.

2                   MR. VAN KLEY: Thank you, your Honor.

3                                 - - -

4                                 CROSS-EXAMINATION

5       By Mr. Van Kley:

6               Q.    Good morning, Mr. Stickney.

7               A.    Good morning.

8               Q.    Start on page 5 of your rebuttal  
9       testimony that's been marked as Kingwood Exhibit 107.  
10      And we are going to start off our conversation this  
11      morning by discussing answer 7 on that page. On  
12      lines 6 and 7 your testimony introduces a discussion  
13      about "the Greene County 'Perspectives 2020' Future  
14      Land Use Plan," correct?

15              A.    Yes, sir.

16              Q.    And you state there on line 7 that -- or  
17      on line 6 and 7 that the project is compatible with  
18      that plan as it will help to drive economic growth  
19      through responsible land use and development,  
20      correct?

21              A.    Correct.

22              Q.    Is that the only purpose in your view of  
23      that Greene County plan?

24              A.    That's a fairly comprehensive document.  
25      This is in my description how the project in one way

1 complies with that plan.

2 Q. Well, my question is based on your  
3 reading of the plan -- I assume you did read it,  
4 right?

5 A. I did.

6 Q. Okay. So based on your reading of the  
7 plan, is its only purpose to drive economic growth  
8 through responsible land use and development?

9 MR. SETTINERI: Just object, asked and  
10 answered.

11 MR. VAN KLEY: No, he didn't answer it.

12 MR. SETTINERI: He did answer it.

13 MR. VAN KLEY: He said -- he said that  
14 that -- well, I forget what he said, but he certainly  
15 didn't answer that question.

16 ALJ WILLIAMS: I am going to let him  
17 respond to this question.

18 A. I suppose it could be said that's  
19 probably not the only purpose of that plan.

20 Q. Do you think that one of the purposes of  
21 the plan is to promote environmental protection  
22 throughout the County?

23 A. I suppose so.

24 Q. Okay. Have you ever worked in a regional  
25 planning Commission for a government entity?

1           A.    I have not.

2           Q.    Do you have any experience in  
3 governmental regional land use planning?

4           A.    I've interacted with quite a few  
5 different planning commissions, planning boards  
6 throughout the course of my career.

7           Q.    And that's for the purpose of siting  
8 development projects?

9           A.    That's right.

10          Q.    But you have never been engaged on behalf  
11 of a governmental agency in doing the planning for  
12 the land under the jurisdiction of that agency,  
13 right?

14               MR. SETTINERI:  Object, vague and  
15 ambiguous as to the question.

16               ALJ WILLIAMS:  Rephrase.

17          Q.    (By Mr. Van Kley) Have you ever worked  
18 for a government agency?

19          A.    Not directly, no.

20          Q.    Okay.  So you've never worked for a  
21 government agency then in any regional or local land  
22 use planning functions, right?

23          A.    I've never been employed by the local  
24 government agencies in -- in creating or -- or in --  
25 you know, regarding planning documents.  I have,

1 however, in those interactions with planning  
2 commissions, planning boards, and whatnot helped to  
3 contribute and provide input from a solar developer's  
4 perspective on language to be inserted into the  
5 planning documents regarding solar development.

6 Q. And that was for the purpose of promoting  
7 solar development, right?

8 A. That was for the purpose of helping those  
9 government entities add to or update their own  
10 planning documents.

11 Q. Going back to my question, that was the  
12 purpose of developing solar, correct?

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

15 MR. VAN KLEY: It wasn't answered.

16 MR. SETTINERI: He answered your  
17 question. You just didn't like the answer.

18 MR. VAN KLEY: No. He evaded the  
19 question. He did not answer my question about  
20 whether the purpose of his interaction with local  
21 land use agencies was to promote solar development.

22 ALJ WILLIAMS: You are correct. He has  
23 not answered that question yet. If we could just  
24 simmer down, we will get through these objections  
25 just fine.



1 MR. VAN KLEY: Sure, sure.

2 ALJ WILLIAMS: Please respond to the  
3 question.

4 A. My purpose for being a part of that  
5 conversation was for solar development on behalf of  
6 my company. The purpose for the contribution to the  
7 language, and I believe the planning commission's  
8 purpose, was for adding regulations and requirements  
9 for projects of that nature into their planning  
10 documents so, again, updating and adding to their own  
11 planning documents.

12 Q. Let's look further down on page 5 of your  
13 testimony and let's take a look at the sentence  
14 starting on line 17 where you say that "These  
15 restrictions, which I view as arbitrary and  
16 unnecessarily restrictive and specifically intended  
17 to stop the construction of the Project, would  
18 eliminate approximately 1,000 acres of the Project  
19 Area and render the Project economically infeasible."  
20 Do you see that sentence?

21 A. I do.

22 Q. All right. Now, elsewhere in your  
23 testimony you've represented that the plan does not  
24 apply to the Kingwood Solar project, correct?

25 A. My understanding is the Kingwood Solar

1 project is not -- is not held to the requirements of  
2 local zoning or land use planning.

3 Q. Okay. If that's the case, then how could  
4 you view the restrictions in that plan as being  
5 specifically intended to stop the construction of the  
6 project?

7 A. I think it's been made pretty clear that  
8 the County's view on the Kingwood Solar project has a  
9 pretty substantial influence on whether this project  
10 moves forward.

11 Q. And how is that?

12 A. It's one of the major reasons that the  
13 Staff Report recommended denial of a project, that  
14 the County has filed their resolution opposing this,  
15 specifically siting that plan and that amendment that  
16 was adopted in August of 2021 which, as I note in  
17 this rebuttal testimony, was months after we had  
18 filed our application and submitted a copy to the  
19 County for review.

20 Q. Let's go to page 6 of your testimony.  
21 And we will take a look at lines 14 and 15 to start  
22 our discussion about this page and here you reference  
23 a public opinion poll conducted by Public Opinion  
24 Strategies. Do you see that?

25 A. Yes, sir.

1           Q.    Were you involved at all in the planning  
2 or implementation of this public opinion poll?

3           A.    I was involved in engaging with Public  
4 Opinion Strategies and commissioning the poll to be  
5 conducted.

6           Q.    And when did you first engage with Public  
7 Opinion Strategies about this particular public  
8 opinion poll?

9           A.    I can't remember an exact date.  It would  
10 have been late in February.

11          Q.    Of 2022?

12          A.    Of 2022.

13          Q.    And what, if any, events triggered your  
14 decision to engage Public Opinion Strategies for this  
15 purpose?

16          A.    Well, we were -- we were interested in  
17 assessing a true and accurate representation of the  
18 support or opposition for the Kingwood Solar project  
19 across Greene County.  You know, going back to, you  
20 know, of course, the comments made in the Staff  
21 Report that was issued in October of 2021 suggesting  
22 that public opposition was overwhelmingly one-sided  
23 in the local community where Greene County has  
24 proposed going back to the public hearing in November  
25 of 2021 and references made to that public hearing

1 and the number of comments made speaking to case  
2 record and public comments that were filed on the  
3 case record, these are all instances where various  
4 folks either in this proceeding or elsewhere have  
5 referenced that opposition to this project is, you  
6 know, categorized as universal or one-sided or I  
7 think as it has been termed nobody in the County  
8 wants this project.

9 So we were interested in a more accurate  
10 representation of Greene County as a whole population  
11 and their position or views on the proposed Kingwood  
12 Solar project. We felt that a poll from a reputable  
13 polling organization, has experience in putting these  
14 surveys together, would be the best way to go about  
15 and assess whether the population of Greene County  
16 may support or oppose this project.

17 Q. If the Staff Report came out in October  
18 of 2021 and the local public hearing was conducted in  
19 November 2021, why did you wait until February 2022  
20 to engage Public Opinion Strategies?

21 A. I mean, there is no particular reason we  
22 waited a certain amount of time. You know, I have  
23 known for -- since I became involved with this  
24 project, for quite some time now, that there is  
25 certainly adamant support for Kingwood Solar. I've

1 interacted with a number of different residents of  
2 Greene County both in the general project area and  
3 elsewhere throughout the County that adamantly  
4 support the project as can be seen in the comments on  
5 the case file and in the public hearing as well.

6 I strongly disagreed with Staff's  
7 comments that they're overwhelmingly one-sided. I  
8 think we went through this exercise in looking at the  
9 public comments in the direct testimony. So I guess  
10 I was hopeful that -- that true and accurate balance  
11 of support versus opposition for the project would be  
12 represented or come out organically and leading into  
13 the evidentiary hearing for this case. Unfortunately  
14 that didn't seem to be the case so we decided it  
15 might be prudent to engage with Public Opinion  
16 Strategies and have a survey conducted.

17 Q. So going back to my question, why did you  
18 wait from November 2021 when this local public --  
19 yeah, November 2021 when the public hearing was  
20 conducted until February 2022 to engage Public  
21 Opinion Strategies?

22 MR. SETTINERI: Just object, asked and  
23 answered. He answered that last question.

24 MR. VAN KLEY: He didn't answer it.

25 MR. SETTINERI: He did.

1                   ALJ WILLIAMS: The objection is  
2 sustained. He did answer that question in great  
3 detail.

4                   MR. VAN KLEY: Yeah. All right.

5                   Q. (By Mr. Van Kley) What did you do to work  
6 with Public Opinion Strategies to design this opinion  
7 poll?

8                   A. I wouldn't say I had any part in  
9 designing the poll itself. We engaged Public Opinion  
10 Strategies, learned about their organization, their  
11 business, and their -- you know, briefly about their  
12 process for administering a survey poll like the one  
13 we are referencing. And then we proceeded to share a  
14 wealth of information about the project with Public  
15 Opinion Strategies pointing them to various different  
16 resources and providing different information about  
17 Kingwood Solar to help them, you know, add some  
18 context and information as was discussed yesterday in  
19 how they would administer the poll.

20                   Q. Did you suggest any questions for Public  
21 Opinion Strategies' consideration to be included in  
22 the poll?

23                   A. I did not.

24                   Q. Did you provide the information about the  
25 project to Public Opinion Strategy -- Strategies that

1 was used in the questions asked in the poll?

2 A. I can't say for certain if it was my  
3 providing of that information. I certainly provided  
4 some information general project information. Also  
5 pointed them to our website, project website, which  
6 has a great deal of information. I think a lot of  
7 the information that was included in those questions  
8 is also on our website. Also directed them to the  
9 case file on the OPSB website where there is a  
10 considerable amount of information about the project.

11 Q. Did Public Opinion Strategies obtain your  
12 approval for the questions asked in the poll?

13 A. I didn't see the questions before the  
14 poll was administered.

15 Q. Did you send any e-mails or receive any  
16 e-mails from Public Opinion Strategies about the  
17 poll?

18 A. I was -- I don't believe I exchanged any  
19 e-mails with Public Opinion Strategies before the  
20 poll was -- I think maybe I was included on some  
21 e-mails where some other folks within our Vesper  
22 organization were involved in engaging with Public  
23 Opinion Strategies to administer the poll. I don't  
24 believe I exchanged any -- well, I guess -- I'm  
25 sorry. Let me resay that.

1 I was certainly on some e-mail  
2 correspondence with Public Opinion Strategies in --  
3 engaging with them to administer the poll and then  
4 after the poll was conducted was also on some e-mail  
5 correspondence about the results, their summary of  
6 the poll which was admitted as Citizens Exhibit 16,  
7 and maybe just some general clarifying questions that  
8 we had about the results of the questions that were  
9 asked.

10 Q. Are you aware that -- that I served your  
11 attorney with a request for supplemental document  
12 production for all e-mails and other correspondence  
13 between Kingwood Solar and Public Opinion Strategies  
14 after you submitted your rebuttal testimony to the  
15 Board?

16 A. I believe I knew of a supplemental  
17 discovery request. I don't know specifically if it  
18 requested e-mail correspondence.

19 Q. I take it then that you did not provide  
20 your attorney with copies of any of the e-mails  
21 and/or other correspondence with Public Opinion  
22 Strategies for the purpose of turning them over to  
23 me?

24 A. Yeah. Again, if my memory serves me  
25 correctly, I was either copied on some e-mails and



1 correspondence with Public Opinion Strategies, or  
 2 they were e-mails from Public Opinion Strategies that  
 3 were forwarded to me, so they may not have been  
 4 directly, you know, back and forth correspondence  
 5 between myself and Mr. Hobart or his colleagues with  
 6 Public Opinion Strategies specifically, so I can't  
 7 recollect whether there was correspondence between me  
 8 and that organization directly.

9 Q. Yeah. Well, as I stated in my previous  
 10 question, the request for supplementation of the  
 11 document production was for any e-mails or  
 12 correspondence between Kingwood Solar and Public  
 13 Opinion Strategies. So I take it then that you did  
 14 not produce those records to your counsel.

15 A. I can't recall if they were included in  
 16 the documents we produced.

17 Q. Who are the other people at Kingwood  
 18 Solar that communicated with Public Opinion  
 19 Strategies about this opinion poll either before the  
 20 poll was conducted or afterwards?

21 A. So we have a Director of Community  
 22 Engagement, her name is Jaclyn Friedley, as well as  
 23 our other colleague over here, Erin Baker, who is our  
 24 Director of Development for Vesper Energy.

25 Q. Let's go to page 8 of your testimony

1 that's been marked as Kingwood Exhibit 107. All  
 2 right. In lines 14 through 16 you state that after  
 3 the hearing concluded on March 15, 2022, you  
 4 commissioned an addendum to Appendix D to the  
 5 Application (Economic Impact Study), correct?

6 A. That's correct.

7 Q. Is this the study that Mr. Karim attached  
 8 to his rebuttal testimony?

9 A. No, it's not.

10 Q. No. Is it -- is this the study that's  
 11 attached to your testimony then?

12 A. This is one of the studies that's  
 13 attached to my testimony. I believe it's Exhibit A.

14 Q. Okay. Who conducted that study?

15 A. A company called Silverlode Consulting  
 16 based out of Cleveland.

17 Q. You did not perform the study yourself.

18 A. I did not. This is the same organization  
 19 that conducted our original economic impact study as  
 20 part of our application.

21 Q. And nobody from that company that  
 22 actually did the study is scheduled to testify in  
 23 this case, right?

24 A. No, sir.

25 Q. No, sir, being I'm correct that nobody is

1 going to testify about it.

2 A. Correct.

3 Q. From the Company, right?

4 MR. SETTINERI: Object.

5 ALJ WILLIAMS: Overruled. He can  
6 explain.

7 A. If I could clarify, nobody is scheduled  
8 to testify from Silverlode Consulting.

9 Q. Right. I just wanted to make sure that  
10 the answer was clear there. So if this is an  
11 addendum to the study that was already reported on in  
12 Appendix D of the application, then what, if any, new  
13 information is included in the update to this study  
14 that's attached to your testimony?

15 A. There's a few things. So in lines --  
16 starts in line 16 of page 8 of my rebuttal testimony,  
17 so it starts on line 17, "The updated study" -- I'm  
18 sorry. So these are the results, right, from the  
19 updated study, the addendum to the economic impact  
20 report. Looking at the exhibit itself on page 1  
21 after the cover page, there's a few bullet points  
22 there that outline the new information that was  
23 considered. So, for instance, one time contributions  
24 including good neighbor agreement offers I believe  
25 were discussed in our first go round, testimony or

1 hearing proceedings.

2 In addition, community donations that  
 3 Kingwood Solar either already has or intends to offer  
 4 donations to local organizations. I believe in my  
 5 testimony it's defined that \$75,000 out of that  
 6 \$100,000 stated in that bullet point has already been  
 7 committed for either current or future donations.  
 8 And then in annual contributions would be the  
 9 community benefit fund which again has already been  
 10 discussed with the amount of \$225,000 that we've  
 11 offered among the three Townships on an annual basis.

12 Now, in addition to these financial  
 13 figures and updated figures that were included,  
 14 Mr. Van Kley, I believe you were one of the people  
 15 that asked me in direct testimony whether this  
 16 considered the net impacts of the loss of  
 17 agricultural activity. So that was one specific  
 18 reason I chose to commission this updated report to  
 19 try and reflect that information. And it was  
 20 considered included in the results of this addendum.

21 Q. And where in the addendum is that  
 22 information in -- included?

23 A. They are reflected in the results  
 24 basically, so in the -- in the numbers such as  
 25 economic output locally or state applied and I guess

1 overall economics activity as they describe it.

2 Q. Okay. So could you point me to the  
3 specific wording or numbers where that information is  
4 provided in your addendum?

5 A. Sure. On page 1, starting on page 1, the  
6 last paragraph, it reads "In addition, this community  
7 benefit addendum updates the permanent annual impacts  
8 of the project to show the net of the annual impacts  
9 of the project and the reduction in agricultural  
10 activity resulting from the project site's use  
11 conversion from agricultural to solar energy  
12 production." And it continues to say where to obtain  
13 that information they used, the inputs.

14 Q. Yeah. I am having a hard time finding  
15 that language you just read. Can you --

16 A. Page 1.

17 Q. Yep.

18 A. "Summary of Updates," the last paragraph.

19 Q. Okay. I see it now. All right. Is  
20 there any other information in this report that  
21 pertains to potential negative impacts of the  
22 project?

23 A. Well, as -- as that paragraph states,  
24 right, the permanent annual impact of the project, so  
25 those would be quantifiable numbers represented

1 throughout this report, reflect and include the net  
2 impact of the reduction in agricultural activity.

3 Q. Yeah. So where else in the report can we  
4 find any information that would show how the negative  
5 impacts were calculated?

6 A. Sure. So if you look at page 3 and  
7 specifically in the table in the bottom, "State of  
8 Ohio Updated Permanent Operating Impact Detail," that  
9 entire line, my understanding, includes the net of  
10 agricultural activity reduction in economic output  
11 so, for instance, the direct economic output of  
12 \$3,368,000 of a permanent operating impact throughout  
13 the State of Ohio. If this were a gross study, or I  
14 believe in our original economic impact study, the  
15 number would have been greater. This is now reduced  
16 as a result of considering the reduction in  
17 agricultural activity.

18 Q. Is there any place else in this report  
19 that shows us how the negative economic impacts of  
20 the project have been calculated?

21 A. It would be the same for page 5 in the  
22 same table showing the updated permanent operating  
23 detail in just Greene County.

24 Q. You are looking at the table at the  
25 bottom of the page?

1 A. Yes, sir.

2 Q. All right. Any place else?

3 A. I believe that's it. The mention in the  
4 introduction and then throughout each of those  
5 permanent operating impacts in the State of Ohio and  
6 Greene County throughout those tables.

7 Q. All right. So there's nothing in this  
8 report that would show us specifically what negative  
9 impacts economically from the project were used as  
10 inputs for the results that are shown in this report?

11 A. I don't believe it shows those inputs or  
12 these specific reduction figures of agricultural  
13 activity.

14 Q. Okay. So there's nothing in this report  
15 that would show us how many, if any, jobs will be  
16 lost because of the project; is that right?

17 A. I think that actually may be represented  
18 in those tables.

19 Q. Okay. Show me where, please. Show me.

20 A. It's my understanding that a number in  
21 parentheses is meant to represent a negative number.

22 Q. What page are you looking at?

23 A. So I would look at page 3 where direct  
24 jobs in the State of Ohio updated permanent operating  
25 impact detail shows a number of 2 in parentheses.

1 It's my understanding that would represent that a net  
2 number of 2 jobs, direct jobs, throughout the State  
3 of Ohio that would be the net impact of the Kingwood  
4 Solar project, and then it goes on to show indirect  
5 would be a net impact of 11 created jobs and the  
6 induced category would be a net impact of 6 created  
7 jobs.

8 Q. And for the categories of indirect and  
9 induced jobs, those are the number of jobs that are  
10 projected to be lost in addition to the two direct  
11 jobs that would be lost during this project?

12 A. No, sir.

13 Q. Then what does it mean?

14 A. Those are the -- again, numbers in  
15 parentheses are meant to represent a negative number.  
16 There is no parentheses. Those are positive numbers.  
17 So the indirect jobs throughout the State of Ohio  
18 would be 11 and that's accounting for any potential  
19 jobs that may be lost as an indirect permanent  
20 operating impact of Kingwood Solar; so, for instance,  
21 the gross number of indirect jobs created would be  
22 higher than 11 potentially and be reduced as a result  
23 of potential loss in direct agricultural jobs.

24 Q. Okay. So if I am understanding what you  
25 are saying, you correct me if I am wrong, the number



1 11 under indirect reflects the number of indirect  
2 jobs that the project would create taking into  
3 account whatever indirect jobs would be lost as the  
4 result of the 2 jobs that were lost directly due to  
5 the project; is that correct?

6 A. No.

7 Q. Okay. You are going to have to explain  
8 it to me again then because I just don't understand.

9 A. Sure. So direct and indirect are two  
10 exclusive categories, different categories. They are  
11 not -- you know, there is no crossover in the  
12 calculation of numbers of those two columns, those  
13 two categories. So, for instance, if we were to look  
14 at I believe it's Appendix D of our application, the  
15 indirect jobs created as a result of Kingwood Solar,  
16 or expected to be created as a result of Kingwood  
17 Solar, taking into account any loss in indirect jobs  
18 from the agricultural activity on a project site is  
19 expected to be 11, positive 11.

20 So, for instance, any indirect jobs as a  
21 result of agricultural activity currently on the site  
22 today that may be lost, and I don't know exactly what  
23 that number is, is accounted for here in overall as a  
24 result of the project as proposed would net a  
25 positive number of 11 new created jobs.

1           Q.    Okay.  I think I understand.  So which --  
2   describe the two jobs that may be lost as a result of  
3   the project.

4           A.    Those two direct jobs throughout the  
5   state of Ohio, I imagine that would probably be  
6   either folks that are leasing the land to farm today,  
7   and that would be one example.  I'm not involved with  
8   directly overseeing the activity on the site, the  
9   agricultural activity today, but I would expect there  
10  would be leaseholders or, again, folks that are  
11  leasing the ground to farming, you know, potentially  
12  the landowners themselves perhaps by leasing their  
13  ground, if they are farming their own land, I suppose  
14  they would be putting themselves out of a job by  
15  leasing their land for the project.

16          Q.    Do you know for a fact that those are the  
17  jobs that were considered in making the calculations  
18  reflected in this report, or are you just surmising  
19  that that may be the case?

20          A.    That's how I understand it.  I don't  
21  think the IMPLAN economic model defines specifically  
22  what type of jobs may or may not be created and  
23  categorize them as shown here as direct, indirect,  
24  and induced.

25          Q.    And how were the number of jobs then

1     calculated?

2             A.     Which number of jobs are you referring  
3     to?

4             Q.     The two lost jobs.   How -- how did the  
5     consultant come up with that number in order to  
6     determine that there would be two jobs lost as  
7     opposed to a different number of jobs lost?

8             A.     Yeah, that's a good question.   I don't  
9     know exactly how they arrived at the number two to be  
10    quite honest.   We provided them with the inputs of  
11    the total acreage of the project site and estimates  
12    of how much out of that acreage was either in active  
13    crop production, which type of crops, or was in  
14    pasture fields.

15            Q.     Did you provide the consultant with any  
16    information concerning the custom applicators that  
17    currently provide services to the farmers farming the  
18    project area?

19            MR. SETTINERI:   Just object, lack of  
20    foundation as to custom applicators in the area.

21            MR. VAN KLEY:   It was already covered in  
22    prior testimony, your Honor.   It was established that  
23    there are custom applicators I believe in  
24    Mr. Stickney's own testimony and certainly  
25    Mr. Krajicek's testimony.

1           ALJ WILLIAMS: Let's take this in smaller  
2 bites. If you could go ahead and describe a better  
3 foundation, we will let the question stand.

4           MR. VAN KLEY: Okay.

5           Q. (By Mr. Van Kley) Mr. Stickney, do you  
6 recall testimony current -- previously provided in  
7 this hearing that custom applicators provide  
8 fertilizer application services and herbicide  
9 application services for the land in the project  
10 area?

11          A. I do recall you asking me about that,  
12 yes.

13          Q. All right. And do you recall testimony  
14 either from yourself or other persons in this hearing  
15 testifying that there were -- or that there are  
16 custom applicators who provide those services to the  
17 fields in the project area?

18          A. I don't recall if I specifically said  
19 that, but I would imagine that that is the case, yes.

20          Q. Yeah. Did you provide any information to  
21 your consultant who did this economic update as to  
22 the potential for custom applicator services for the  
23 fields in the project area?

24          A. Not specifically to custom applicators.  
25 Now, that's again not one of the inputs that they

1 requested of us for this modeling methodology that  
 2 they used. I would say that specifically would most  
 3 likely not be a direct job of those custom applicator  
 4 services and herbicide services companies. My  
 5 understanding those would fall in the indirect  
 6 category of jobs.

7 Q. Can you give me a description of the  
 8 methodology that was used by the consultant to  
 9 calculate the number of jobs lost?

10 A. You know, I'm not sure if that's included  
 11 in the IMPLAN methodology, IMPLAN being the acronym.  
 12 I believe that that methodology is described in the  
 13 Appendix D to the application. I am not sure if that  
 14 takes into account calculations for jobs lost. You  
 15 know, again, as they write in the summary on page 1  
 16 that they source their information for agricultural  
 17 activity and economic activity as a result of or in  
 18 correlation with the project site from the U.S.  
 19 Department of Agricultural statistics.

20 I can't say for certain whether that was  
 21 the source or the methodology they used to calculate  
 22 jobs on the project site, whether it be direct,  
 23 indirect, or induced, but I would imagine it's likely  
 24 included in that process.

25 Q. Yeah. You are not an expert in the

1 development or calculation of IMPLAN models; is that  
2 right?

3 A. I'm not.

4 Q. You've never done one yourself?

5 A. I have not, no. It's a little over my  
6 head.

7 Q. And you are not an economist, correct?

8 A. You asked me this before, I believe. I  
9 studied economics. I do not consider myself an  
10 economist by profession.

11 Q. Okay. Now, there was another study that  
12 was attached to the rebuttal testimony for Mohammed  
13 Karim, correct?

14 A. That's correct. Attached to my testimony  
15 as well, I believe.

16 Q. And why was this study commissioned?

17 A. Well, this was -- I thought it would be  
18 helpful to demonstrate in a more granular view of the  
19 projected tax revenue created from the Kingwood Solar  
20 project. It was stated multiple times that it's  
21 expected to create more than \$1.5 million annually or  
22 if it were to be certified as a qualified energy  
23 project, specifically 9 megawatts -- or \$9,000 per  
24 megawatt for \$1.575 million per year.

25 Now, there is an alternative taxing

1 scenario for projects like Kingwood Solar and I  
2 thought it would be helpful to show that projected  
3 calculation as well in that -- in either scenario  
4 there is a significant opportunity for tax creation,  
5 tax revenue in Greene County to the tune of upwards  
6 of \$60 million in brand new tax dollars over the next  
7 35 years.

8 Q. Is there any information that was used as  
9 inputs for the study that is attached to Mr. Karim's  
10 rebuttal testimony that was not available to you  
11 prior to the first day of the hearing in this case?

12 MR. SETTINERI: Just object as to lack of  
13 foundation as to his knowledge of the inputs.

14 ALJ WILLIAMS: We will let him testify as  
15 to what he knows.

16 MR. SETTINERI: Thank you.

17 A. The inputs to this tax analysis summary  
18 attached as Exhibit B to my testimony, also attached  
19 to Mr. Karim's testimony, could have been estimated  
20 prior to my direct testimony in the original  
21 evidentiary hearings. They would have been estimates  
22 as they are today. We've tried to maintain  
23 continuity in those estimates, in those inputs in  
24 page 3 of that summary where it states that the  
25 capital expenditure is estimated at \$196 million for

1 the Kingwood solar project. You will find that  
2 that's the same number used in our original Appendix  
3 D economic impact study as total capital expenditure.

4 So I suppose those numbers would have  
5 been available, but again, these are estimates. The  
6 project has not been built. Equipment -- all of the  
7 equipment has not been procured, so they are not  
8 definitive numbers, again, estimates. We tried to  
9 maintain as much continuity in our application  
10 throughout these proceedings.

11 Q. Okay. So there was no reason why you  
12 would have been unable to provide this report as part  
13 of your direct original testimony in this case,  
14 correct?

15 MR. SETTINERI: Objection, relevancy.

16 ALJ WILLIAMS: I will let him answer.

17 A. I suppose there is no -- we didn't feel  
18 that in our application and leading into direct  
19 testimony that this granular view of the taxing  
20 jurisdictions in Greene County would be necessary to  
21 demonstrate, you know, again, at this detail the  
22 benefits to these different entities. Now, after the  
23 original hearing proceedings took place, I thought it  
24 might be helpful to again help demonstrate and in  
25 response to Staff members' testimony, Mr. Zeto,



1 Mr. Butler, that there is certainly a significant  
2 opportunity for tax creation, some significant  
3 numbers here as far as the benefit to the local  
4 community.

5 Q. Yeah, I wasn't really asking for your  
6 motive in updating or providing this study. I was  
7 asking whether you could have cre -- created this  
8 report prior to the time that you submitted your  
9 original direct testimony in this case. So what's  
10 the answer to that question?

11 MR. SETTINERI: Just object again,  
12 relevancy, and he already answered that question.

13 ALJ WILLIAMS: I will sustain the  
14 objection. He did answer the question why he  
15 believes the report came in when it did.

16 MR. VAN KLEY: Yeah. But I asked whether  
17 it was possible to do the report before he submitted  
18 his direct testimony, not why he did the report.

19 ALJ WILLIAMS: I believe his testimony  
20 was it was possible, but we will let you clarify  
21 that.

22 MR. VAN KLEY: Okay.

23 Q. (By Mr. Van Kley) Can you clarify that  
24 answer? Was it possible for you to have that report  
25 prepared and attach it to your direct testimony that

1 you originally filed in this case?

2 A. I suppose it was possible. We didn't  
3 feel it was necessary at the time.

4 Q. Okay. You clarified that now. Thank  
5 you. Let's go to page 11 of your testimony. Let's  
6 go to lines 21 and 22 on that page. And you state  
7 there you referred to a "commitment that after  
8 decommissioning of the Project, the Project Area can  
9 be returned to agricultural use." Do you see that?

10 A. I do.

11 Q. Uh-huh. Is there a commitment in the  
12 application to return all of the land in the project  
13 to agricultural use after decommissioning occurs?

14 A. So I believe in the application it does  
15 state -- and I don't know -- I have to look at the  
16 application to see the language specifically, but I  
17 do believe it states back to substantially its  
18 original condition which today's condition would be  
19 agricultural use. I believe that that commitment in  
20 the application is stipulated in one of the  
21 conditions in our Joint Stipulation.

22 Q. Let's go to page 13 of your testimony.  
23 And here on lines 8 through 12, you refer to an  
24 attached Exhibit C of your rebuttal testimony,  
25 correct?

1           A.     That's right.

2           Q.     And what is Exhibit C?

3           A.     That is an updated project layout,  
4     Kingwood Solar project.

5           Q.     Okay.  So that updated layout is not in  
6     the application, correct?

7           A.     This specific version is not in the  
8     application.

9           Q.     And this specific version is not in any  
10    of Kingwood Solar's responses to Data Requests from  
11    the Staff either, correct?

12          A.     I don't believe this specific version is  
13    included, that's correct.

14          Q.     Yeah.  When was this version created?

15          A.     That's hard to say a specific date.  
16    This -- you know, I think I mentioned in direct  
17    testimony this project layout is a continuous work in  
18    progress for these projects.  There's multiple  
19    iterations of different site designs that are  
20    conducted and put together throughout the course of  
21    development and expected to continue up until  
22    construction.  You know, this was -- this was put  
23    together, you know, in an effort to demonstrate  
24    stipulated conditions of setbacks, both fence line  
25    and inverter and also reductions in the project area

1 we committed to.

2 Q. This is another preliminary layout,  
3 right?

4 A. I would expect that this is not a final  
5 layout that's addressed.

6 Q. Yeah. And so given that you earlier  
7 testified that the layouts in the application are not  
8 final, that means that the layout in Appendix -- or  
9 Exhibit C of your rebuttal testimony also can be  
10 revised after the -- if and when the certificate is  
11 issued, correct?

12 A. The layout could be revised as long as it  
13 complies with the stipulated conditions, the  
14 commitments made to project facilities, project  
15 equipment, you know, any version of a layout that  
16 we've published or provided has been within the  
17 confines of the defined project area.

18 Q. And going back to page 13 of your  
19 rebuttal testimony, you state that more than  
20 300 acres were removed from consideration for  
21 above-ground project equipment in Exhibit C, correct?

22 A. That's right.

23 Q. What was the planned usage for those  
24 300 acres in the prior preliminary layout for the  
25 project that was included in the application?

1           A.   Predominantly would have been panel  
2 areas, panels, racking, and potential inverters.

3           Q.   Were any of those acres in the earlier  
4 plan designated as laydown areas?

5           A.   I suppose it could have been in that  
6 first preliminary layout as part of the application.

7           Q.   In Exhibit C -- let me rephrase. If you  
8 implemented Exhibit C as worded or as designed, would  
9 you still be able to use any of that 300 acres for  
10 laydown areas?

11          A.   I would -- I would hope so or expect so.  
12 I don't consider a laydown area above-ground project  
13 equipment.

14          Q.   Could you utilize any of that 300 acres  
15 for access roads?

16          A.   Potentially, yes. I consider that land  
17 improvement project equipment.

18          Q.   Could you utilize any of that 300 acres  
19 for stormwater controls like retention ponds?

20          A.   I'm not sure about that.

21          Q.   Let's go to page 14 of your testimony.  
22 All right. We are going to look at answer 17 and  
23 here you are discussing a 6-acre parcel at 1451  
24 Bradfute Road owned by Mr. Krajicek, correct, or  
25 Krajicek?

1           A.     That's correct.

2           Q.     All right.  And your answer here where  
3     you state that panels are no longer planned for an  
4     area slightly to the northeast of that parcel is  
5     based on the redesign in Exhibit C to your rebuttal  
6     testimony, correct?

7           A.     That's correct.

8           MR. VAN KLEY:  I have nothing further at  
9     this time, your Honor.

10          ALJ WILLIAMS:  Thank you, Mr. Van Kley.  
11          Miami Township.

12          MR. SLONE:  No questions, thank you.

13          ALJ WILLIAMS:  Thank you.  
14          Greene County.

15          MR. BOGGS:  I have just a few questions,  
16     if I may, your Honor.  5 minutes or less.

17          ALJ WILLIAMS:  Let's get a microphone.

18          MR. BOGGS:  Yes.  Thank you.

19          ALJ WILLIAMS:  Please proceed.

20                         - - -

21                         CROSS-EXAMINATION

22     By Mr. Boggs:

23           Q.     Good afternoon -- or good morning,  
24     Mr. Stickney.  I am Thad Boggs.  I represent Greene  
25     County Commissioners.  We've met before.

1           A.    Hello, Mr. Boggs.

2           Q.    Just following up on a couple of  
3 questions that Mr. Van Kley asked you, he  
4 established, I believe, that you've never been  
5 employed by local government; is that correct?

6           A.    That's correct.

7           Q.    Do you have any training in land use  
8 planning?

9           A.    I do not.

10          Q.    Okay.  Do you have any training in  
11 statistics?

12          A.    I have studied statistics.

13          Q.    Do you have a degree in statistics?

14          A.    Not in -- not in statistics, no.

15          Q.    Have you ever served as an elected  
16 official?

17          A.    I have not.

18          Q.    Have you ever lived in Greene County?

19          A.    I have not.

20          Q.    Did you spend any substantial amount of  
21 time in Greene County before your involvement with  
22 Vesper Energy?

23          A.    I have not, no.

24          Q.    Is it fair to say that your entire  
25 contact with Greene County is directly related to

1 your employment by Vesper Energy?

2 A. Yes.

3 Q. Okay. Have you ever been a resident of  
4 the state of Ohio?

5 A. I have not.

6 Q. Is it fair to say that your entire  
7 contact with the state of Ohio is related to your  
8 employment by Vesper Energy?

9 MR. SETTINERI: Objection, relevancy.

10 ALJ WILLIAMS: I will let him respond.

11 A. I wouldn't say that, no. I've worked on  
12 several other projects similar to Kingwood in the  
13 state of Ohio. I have been through the state of Ohio  
14 a number of times, spent some time, a limited amount  
15 of time in my personal life in the state but mostly  
16 professional work and not just with Vesper Energy.

17 Q. Is the professional work as an employee  
18 or other representative of developers of solar  
19 utility projects?

20 A. That's right. And actually I'm -- if I  
21 could correct that, not just as a representative of a  
22 solar project. Not in-person contact but I believe  
23 you used the word contact, in other prior professions  
24 contact with either -- Ohio businesses as a part of  
25 my professional responsibilities.



1 MR. BOGGS: I have nothing further for  
2 Mr. Stickney. Thank you.

3 ALJ WILLIAMS: Thank you, Mr. Boggs.  
4 Xenia Township.

5 MR. DUNN: No questions, your Honor.

6 ALJ WILLIAMS: Cedarville Township.

7 MR. BROWN: Yes, your Honor. I am going  
8 to move.

9 ALJ WILLIAMS: Please.

10 - - -

11 CROSS-EXAMINATION

12 By Mr. Brown:

13 Q. Good morning, Mr. Stickney.

14 A. Mr. Brown.

15 Q. Daniel Brown. I just have a couple  
16 questions following up on your rebuttal testimony. I  
17 believe you said earlier that you commissioned the  
18 addendum to Appendix D to the application which is  
19 the economic impact study. And that's attached as  
20 Exhibit A to your rebuttal testimony, correct?

21 A. Yes, sir.

22 Q. All right. So I just wanted to go  
23 through kind of that summary of updates on page 1 you  
24 talked about earlier. Just dive down on a couple of  
25 these things. It talks about one-time contributions,

1 the good neighbor agreement offers, and it says  
2 there's -- 757,000 has been offered to 65 adjacent or  
3 nearby property owners. Do you know how many of  
4 those property owners have accepted the offers?

5 A. So far six.

6 Q. Six. And how much money has been  
7 associated with those six acceptances?

8 A. I don't know that number specifically. I  
9 would estimate it at close to \$100,000.

10 Q. Okay. The bullet point just below there  
11 talks about community donations. 100,000 will be  
12 donated in total to local organizations including  
13 Little Miami Conservancy and the Greene County Career  
14 Center. It looked like in your direct testimony you  
15 talked about 75,000. What's the difference between  
16 the 75 and the 100?

17 A. 75 is what we have already committed.

18 Q. To those two particular entities?

19 A. That's right.

20 Q. All right. And so the other 25,000 left  
21 over, is that to be determined later where that will  
22 be spent?

23 A. That's right. We would hope to allocate  
24 that 25,000 to another organization or more between  
25 now and construction.

1           Q.    All right.  Then dropping down to the  
2   annual contributions, it says "A Community Benefit  
3   Fund Period.  Kingwood Solar has offered 225,000 per  
4   year to affected local communities for the duration  
5   of the useful life of the project which is expected  
6   to be 35 years."  Are the affected local communities  
7   the three Townships that are Intervenors in the case?

8           A.    That's who we have made that offer to,  
9   yes.

10          Q.    Okay.  And so that clearly says that it's  
11   been offered.  My question is is this still -- is  
12   this offer still open for acceptance?

13          A.    Absolutely.  You know, this offer is  
14   still absolutely on the table.  We would love to  
15   engage with each of or as many of the three Townships  
16   as possible.  I imagine, you know, the appropriate  
17   engagement or implementation of that community  
18   benefit fund would need to take place in order for  
19   that to actually transact.

20          Q.    Okay.  So the next question was with an  
21   offer there is typically conditions for acceptance of  
22   the offer.  So are there conditions for acceptance of  
23   this particular offer by the three Townships?

24          A.    I imagine there likely would be.  They  
25   have not been defined at this time.

1           Q.    And I guess the most important question  
2   is are the Townships -- their position as Intervenor  
3   in this case, does that affect the validity of the  
4   offer after the case is decided?

5           A.    I am not sure what you mean.

6           Q.    Well, if the case is decided one way or  
7   the other that the application is approved or not  
8   approved, does that affect this offer? Will it be  
9   still available on the table, or could it potentially  
10  be withdrawn?

11          A.    I would -- I would imagine if the project  
12  is not approved, we would likely retract that offer.  
13  If the project is approved, then we would absolutely  
14  still like to work with each of the three Townships  
15  or as many as possible; and, you know, I would go as  
16  far as saying an offer -- that offer would likely  
17  still be on the table.

18          Q.    All right. And this offer is discussed  
19  in this Appendix A, but I notice it wasn't  
20  specifically included in your rebuttal testimony. Is  
21  there -- is that -- is there any distinction there?

22          A.    I believe it was included in my direct  
23  testimony.

24               MR. BROWN: Okay. That's all the  
25  questions I have. Thank you.

1 ALJ WILLIAMS: Thank you.

2 In Progress.

3 - - -

4 CROSS-EXAMINATION

5 By Mr. Hart:

6 Q. Good morning, Mr. Stickney. John Hart.

7 A. Mr. Hart.

8 Q. This goes to the public opinion poll  
9 report and yesterday we had discussions around  
10 Citizens Exhibit 20 which was the draft survey final  
11 question. I will just refer to one question out of  
12 that. If we need to, we can provide it for your  
13 reference.

14 A. Sure.

15 Q. Question 8 in that draft of the report  
16 said "What are the most important reasons why you in  
17 question 7 support or oppose this proposed project?"  
18 And then it instructs the interviewer to probe  
19 anything else you can tell me and then the  
20 instruction is to record verbatim responses. In your  
21 oversight of the poll or solicitation of the  
22 information, did you receive any summary of the  
23 verbatim responses that opposed?

24 MR. SETTINERI: Just object to the form  
25 the question in regards to the words "oversight" and

1 "solicitation."

2 ALJ WILLIAMS: Can we lay a better  
3 foundation?

4 Q. (By Mr. Hart) You testified earlier today  
5 that you were involved with, and I'll use other  
6 words, supervised, were informed about the poll  
7 results; is that correct?

8 MR. SETTINERI: Object to the same form  
9 of the question, supervise. It just needs to be more  
10 precise for the record.

11 Q. (By Mr. Hart) Did you engage with the  
12 poll makers?

13 A. In -- in some form or another, yes, I  
14 did.

15 Q. Did you -- you testified earlier you did  
16 not approve the questions beforehand.

17 A. I did not see the questions beforehand.

18 Q. Did you see the questions afterwards?

19 A. I did.

20 Q. Did you receive any information that  
21 supported those answers to those questions?

22 A. I did.

23 Q. Did you receive any of the verbatim  
24 responses that were opposing the project?

25 A. I believe I received the file that

1 included the verbatim response, yes, and some of  
2 those are included in the summary as well in Citizens  
3 Exhibit 16.

4 Q. So Citizens Exhibit 16 was the summary.  
5 Is that the summary you are referring to?

6 A. Right.

7 Q. That was adjusted yesterday to add the --

8 A. That's right.

9 Q. -- missing page 13 and 14.

10 A. That's right.

11 Q. Are there any of those responses that  
12 were part of the opposition?

13 A. I believe it was confidential, so I can't  
14 say if there were certain people in particular  
15 that -- is that what you are asking?

16 Q. No, I am not asking about the people. I  
17 am asking about the responses themselves. So on page  
18 13 and 14 in that exhibit, Citizens Exhibit 16, it  
19 listed reasons why you support this oppose --  
20 proposed project.

21 A. Oh, sure.

22 Q. And you've just testified there were  
23 opposition responses received in some format, but  
24 they are not displayed in page 13 or 14; is that  
25 right?

1           A.    I mean, all the responses were received.  
2   Whether they were supporting or opposing I suppose is  
3   a subjective view.  The one summarized in the  
4   Citizens Exhibit 16 are a selection of those  
5   responses.

6           Q.    Who made that selection?

7           A.    The folks that put together the summary  
8   from Public Opinion Strategies.

9           Q.    And was there any edit of that by  
10   yourself or others at Vesper to -- in terms of what  
11   became the final Citizens Exhibit 16, the summary  
12   report?

13          A.    No, not to this exhibit.

14          Q.    And those proposed -- I'm sorry.  Those  
15   responses in opposition had been provided elsewhere  
16   in discovery?

17          A.    I believe so.

18               MR. HART:  Okay.  That's all I have.  
19   Thank you.

20               ALJ WILLIAMS:  Thank you.  
21   Farm Bureau.

22               MS. MILAM:  No questions, your Honor.

23                       - - -

24

25



EXAMINATION

By ALJ Williams:

Q. I just have a couple hopefully relatively simple questions. So I'm in Exhibit A, and you bring forward a couple of charts that appear to be contained in the original Exhibit -- or Appendix D from the application. And I think I can ask the questions without having to go back into Appendix D. So if you compare the two charts, and I am comparing a chart in the Exhibit A that's at page 3, it's captioned "State of Ohio Updated Permanent Operating Impact" detail, and the -- you know, the same chart in the original exhibit or ap -- Appendix D, in the original it showed four net direct jobs, and in the exhibit you've updated, it shows a net loss of two. Do you follow where I am getting at? So there's originally four added jobs and now there is a loss of two. So there is a net loss of six as associated with this update; is that a fair recap?

MR. SETTINERI: Your Honor, if I may.

ALJ WILLIAMS: You may. I was hoping I could make it clear.

MR. SETTINERI: I think it's helpful for him to have the whole document.

ALJ WILLIAMS: Let's go off the record so

1 he can find that document.

2 (Discussion off the record.)

3 ALJ WILLIAMS: Let's go back on, Karen.

4 Okay. We were just off for a very brief  
5 moment while counsel brought up the original Appendix  
6 D. That way you could actually see what I was  
7 referring to.

8 Q. (By ALJ Williams) So I am overlaying the  
9 chart from Appendix D at page 7 with the chart from  
10 your supplemental testimony Exhibit A at page 3, and  
11 you can see it's the exact same chart. The numbers  
12 have just changed. So the original direct jobs was  
13 four, and now it's minus two, correct?

14 A. That is correct.

15 Q. So the additional analysis that you  
16 undertook in anticipation of your rebuttal testimony  
17 was a consideration of loss of agricultural  
18 supportive jobs. Anything else that went into that  
19 calculation?

20 A. I mean, yeah, not to my knowledge.  
21 Again, I can't say exactly what methodology they used  
22 to calculate the jobs. But, you know, the inputs we  
23 gave them were the gross acreage and the type of  
24 farming that was being conducted.

25 Q. Okay. So there may be some other minor

1 contributors but essentially the overwhelming  
2 majority of the change would be associated with the  
3 Applicant's request for, hey, how would this change  
4 given the fact that there is some  
5 agricultural-supported jobs that are potentially lost  
6 by the project; is that correct?

7 A. That's right.

8 Q. Okay. And then continuing, again, I'm  
9 now referencing page 3 of your appendix, indirect  
10 jobs was originally 13, and it is now 11. Induced  
11 jobs has stayed the same and showing then a net  
12 change of jobs from 23 to 15 based on your request  
13 for the addendum of the report, correct?

14 A. That's right. The conclusion in the jobs  
15 category is 15 net created jobs throughout the state  
16 of Ohio.

17 Q. Okay. And then similar questions at page  
18 5 of your Appendix A -- Exhibit A in comparison with  
19 page 9 of the original appendix. You can see there  
20 originally there were four direct jobs and that's  
21 been changed to a minus one so there is a net loss of  
22 five jobs based on the additional inputs, correct?

23 A. In the direct jobs category, yes.

24 Q. Okay. And then overall it went from 15  
25 to 8, if you go to the far right-hand side there

1 under the total for direct jobs?

2 A. The total direct, indirect, and induced  
3 jobs would be eight created new jobs.

4 Q. It was 15 before.

5 A. It was 15 before.

6 ALJ WILLIAMS: I just wanted to clarify  
7 my understanding of the chart. Thank you so much.

8 Mr. Settineri, do you need some time?

9 MR. SETTINERI: Yeah, we do. We will  
10 take 10.

11 ALJ WILLIAMS: We will take our comfort  
12 break now. We will come back at 11:40.

13 (Recess taken.)

14 ALJ WILLIAMS: Back on the record.

15 Mr. Settineri, redirect?

16 MR. SETTINERI: Yes, just a few  
17 questions, your Honor. Thank you.

18 - - -

19 REDIRECT EXAMINATION

20 By Mr. Settineri:

21 Q. Mr. Stickney, you were asked some  
22 questions about the time I think you spent in certain  
23 areas in Ohio. Have you spent substantial time in  
24 Greene County?

25 A. Yeah, absolutely. I mean, since, you

1 know, January of 2021, I have probably spent -- you  
 2 know, been and visited and conducted work related to  
 3 Kingwood Solar but in Greene County specifically at  
 4 least once a month for a few days at a time, you  
 5 know, in the three Townships specifically interacting  
 6 with numerous different Greene County residents.

7 Q. You were asked some questions about the  
 8 community ben -- benefit fund and you had referenced  
 9 that it was in your direct testimony; is that right?

10 A. That's right.

11 Q. All right. I just want -- for the record  
 12 I just want to make sure there was a reference to it.  
 13 Do you have a copy of your direct testimony with you?  
 14 I don't believe you do, but if not, we will make sure  
 15 you have a copy.

16 A. I do not, no.

17 Q. And just for ease of time, if you could  
 18 turn to page 8 --

19 A. Yep.

20 Q. -- in that direct testimony. Is that the  
 21 section of the testimony you were referring to  
 22 earlier when you were asked questions about this?

23 A. That's right.

24 Q. All right. And just for the record,  
 25 starting at line 13, there is a sentence that "We

1 would need to enter into the proper agreements with  
 2 any interested township, and I would expect that "any  
 3 community benefit fund payment would be conditioned  
 4 on a Certificate being issued and the Township not  
 5 opposing construction and operation of the Project."  
 6 Did I read that correctly?

7 A. You did.

8 Q. All right. Okay. You can put that  
 9 aside. I wanted to clear that up for the record.  
 10 You were also asked some questions about whether you  
 11 would -- whether you would have been able to prepare  
 12 I believe it was the tax -- granular tax analysis  
 13 attached -- I believe it was attached to your  
 14 testimony as Exhibit B?

15 A. That's right.

16 Q. Do you recall those questions? All  
 17 right. In terms of timing -- no. Back up. Sorry,  
 18 wrong topic. It was the poll. You were asked some  
 19 questions about the timing of the polling, I believe;  
 20 is that right?

21 A. That's right. That's right, yep.

22 Q. And did settlement discussions occur in  
 23 this case?

24 A. They did.

25 Q. And when did those settlement discussions

1 end as to the majority of the parties?

2 A. Yeah. I believe it was the first or  
3 second week in February where parties informed us  
4 that they were no longer interested in settlement  
5 discussions.

6 Q. Okay. And then was the -- was the  
7 poll -- strike that. Stop there.

8 I want to go through some discussion on  
9 the project layout that's attached to your testimony  
10 as Exhibit C. Do you have that before you?

11 A. I do.

12 Q. You were asked a number of questions by I  
13 think Mr. Van Kley about this. So, first of all,  
14 when you used the term layout, what are you referring  
15 to?

16 A. Yeah. Most -- most often it's project  
17 equipment, specifically racking, panels, inverters,  
18 substations, facilities.

19 Q. And in terms of final design changes to  
20 the layout, which would be the equipment you  
21 mentioned, could that occur within the designated  
22 project boundaries shown on this appendix -- or  
23 Exhibit C to your testimony?

24 A. Yeah. Within the boundaries of those  
25 projects, facility pieces of equipment that I

1 mentioned, panels, racking, inverters may change  
2 slightly, but those boundary lines are intended to  
3 represent the fence line.

4 Q. Okay. And the fence line would stay as  
5 presented.

6 A. That's right.

7 Q. Okay. And just for the record, when I  
8 look at this drawing, I know you were asked some  
9 questions when it was created. I see a designation  
10 of December 2021; is that right?

11 A. That's right, yeah.

12 Q. Was this document a result of settlement  
13 discussions and input?

14 A. Partially, yes.

15 Q. Okay. And in terms of the -- for the  
16 record for the project boundary, when you talk about  
17 the fence line, is that the -- I guess it's a yellow  
18 black-hashed area around the panels?

19 A. That's right.

20 Q. Okay. In terms of you had some questions  
21 about using areas for laydown yards. Would the  
22 laydown yards be fixed in the application?

23 A. Yes.

24 Q. Okay. And would those -- do you know,  
25 would those be in a map in the application?



1           A.    I believe it's Appendix A, if I am not  
2 mistaken.

3           Q.    Okay.  And so if I was to look at the  
4 application, I would be able to see where the  
5 proposed laydown areas are; is that correct?

6           A.    That's right.

7           Q.    And also in regards to this project area  
8 map that's attached to Exhibit C to your testimony,  
9 this layout is the same layout that's attached with  
10 the landscape screening plan that's part of the  
11 Stipulation; is that correct?

12          A.    Correct.

13          Q.    All right.  You were -- you were asked  
14 some questions -- you were asked a lot of questions  
15 about the updated economic impact community benefit  
16 addendum.  Do you recall that questioning?

17          A.    I do.

18          Q.    Okay.  Just generally, can you ex -- what  
19 is your experience with these type of reports?

20          A.    Yes.  So I've -- I've either directed  
21 myself or been involved in commissioning these  
22 economic impact studies for solar development  
23 projects that I've worked on, you know, understand  
24 the inputs that are necessary for these types of  
25 studies necessary for the IMPLAN methodology that's

1 used.

2           You know, specifically on this project  
3 for Kingwood, I helped to provide those inputs to  
4 this consultant who then input from other members of  
5 the Vesper team. You know, the actual methodology  
6 and calculation of that IMPLAN model and calculating,  
7 for instance, the indirect and induced output numbers  
8 are what I am a little less familiar with but  
9 interpreting the results, categorizing what each of  
10 those categories mean, you know, how they are  
11 described is certainly something I'm familiar with.

12           MR. SETTINERI: No further questions,  
13 your Honor. Thank you.

14           ALJ WILLIAMS: Thank you, Mr. Settineri.  
15 Recross, Mr. Van Kley?

16           MR. VAN KLEY: Yes, your Honor.

17                                 - - -

18                                 REXCROSS-EXAMINATION

19 By Mr. Van Kley:

20           Q. Mr. Stickney, I just wanted to make sure  
21 I understood accurately one of the answers you  
22 provided and that pertains to the laydown areas. The  
23 laydown areas are included in the preliminary design  
24 that's in the application, correct?

25           A. I believe they are indicated, yes.

1           Q.    Okay.  And at this point in time, given  
2           that there's no final design of the project, there's  
3           no commitment in the application to put the laydown  
4           areas in any specific portion of the facility, right?

5           A.    My understanding, and I believe this was  
6           addressed in one of the responses to a Staff Request,  
7           Data Request, is that the location of those laydown  
8           areas in either the application or supplemental  
9           information in those Data Requests would then be  
10          defined unless the Power Siting Board directed  
11          otherwise.

12          Q.    They would be what again?

13          A.    Defined or set in place and immoveable.

14          Q.    So you are saying that the locations of  
15          the laydown areas as designated in the application  
16          and the responses to Data Requests cannot be moved?

17          A.    That's my understanding of the rules.

18          Q.    Of the rules?

19          A.    Of the rules of the Power Siting Board  
20          application and certificates.

21               MR. VAN KLEY:  Okay.  I have nothing  
22          further, your Honor.

23               ALJ WILLIAMS:  Thank you.

24               Greene County.

25               MR. BOGGS:  Nothing, your Honor.  Thank

1       you.

2                   ALJ WILLIAMS: Cedarville Township.

3                   MR. BROWN: Nothing, your Honor.

4                   ALJ WILLIAMS: In Progress.

5                   MR. HART: Nothing, thanks.

6                   ALJ WILLIAMS: Thank you.

7                   Thank you for your testimony this  
8 morning.

9                   THE WITNESS: Thank you.

10                  ALJ WILLIAMS: Mr. Settineri, exhibit?

11                  MR. SETTINERI: Yes. We would move --  
12 your Honor, can we go off the record briefly?

13                  ALJ WILLIAMS: Off the record.

14                  (Discussion off the record.)

15                  ALJ WILLIAMS: We will go back on the  
16 record.

17                  We were off briefly while counsel  
18 clarified a request to admit a second exhibit. We  
19 will deal with these one at a time. So we have  
20 Kingwood Exhibit 107, Mr. Stickney's rebuttal  
21 testimony. Any objection to the admission of that  
22 exhibit?

23                  Hearing none, it's deemed admitted.

24                  (EXHIBIT ADMITTED INTO EVIDENCE.)

25                  ALJ WILLIAMS: Mr. Settineri.

1 MR. SETTINERI: I did not move for  
2 Kingwood 101, but I would move for the admission of  
3 Kingwood Exhibit 101 and would note Ms. Kramb is here  
4 to testify.

5 ALJ WILLIAMS: So now you are moving for  
6 the admission of 101.

7 MR. SETTINERI: Yes, sir.

8 ALJ WILLIAMS: Any objection to the  
9 admission of that exhibit?

10 Hearing none, it's also deemed admitted.

11 (EXHIBIT ADMITTED INTO EVIDENCE.)

12 ALJ WILLIAMS: Let's go back off record.

13 (Discussion off the record.)

14 ALJ WILLIAMS: Back on the record.

15 Mr. Settineri, call your next witness,  
16 please.

17 MR. SETTINERI: Thank you, your Honor.  
18 At this time the Applicant calls Mohammed Karim to  
19 the stand, please.

20 ALJ WILLIAMS: Good morning, Mr. Karim.  
21 Would you raise your right hand.

22 (Witness sworn.)

23 ALJ WILLIAMS: Thank you. Please be  
24 seated.

25 - - -

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MOHAMMED R. KARIM

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

DIRECT EXAMINATION

By Mr. Settineri:

Q. Good morning, Mr. Karim.

A. Good morning.

Q. And could you please state your name and  
business address for the record.

A. My name is Mohammed Karim. My business  
address is Novogradac & Company LLP, 200 Madison  
Avenue, Suite 2220, New York, 10016.

ALJ WILLIAMS: Could you get a little  
closer to the microphone and try to project a little  
more.

THE WITNESS: Okay.

MR. SETTINERI: Thank you. And, your  
Honor, at this time we would mark as Kingwood  
Exhibit 108 the rebuttal testimony of Mohammed Karim.

ALJ WILLIAMS: So marked.

(EXHIBIT MARKED FOR IDENTIFICATION.)

Q. (By Mr. Settineri) Mr. Karim, do you have  
before you what's been marked as Kingwood  
Exhibit 108?

A. Yes, I do.

1           Q.    And could you identify it for the record,  
2    please.

3           A.    I have Exhibit 108.

4           Q.    Is that your rebuttal testimony?

5           A.    That's right, it is my rebuttal  
6    testimony.

7           Q.    And that was prepared by you or at your  
8    direction?

9           A.    Yes, it was.

10          Q.    Do you have any changes or revisions to  
11   your testimony today?

12          A.    I do not.

13          Q.    If I asked you the questions as written  
14   in your testimony today, would your answers be the  
15   same as written?

16          A.    Yes, they would be.

17               MR. SETTINERI:  Your Honor, at this time  
18   we would move for the admission of Kingwood  
19   Exhibit 108, subject to cross-examination, and make  
20   the witness available.

21               ALJ WILLIAMS:  Thank you, Mr. Settineri.  
22               Citizens for Greene Acres.

23               MR. VAN KLEY:  We have no questions for  
24   this witness, your Honor.

25               ALJ WILLIAMS:  Miami Township.

1 MR. SLONE: No questions, your Honor.

2 ALJ WILLIAMS: Greene County.

3 MR. BOGGS: No questions, your Honor.

4 ALJ WILLIAMS: Xenia Township.

5 MR. DUNN: No questions, your Honor.

6 ALJ WILLIAMS: Cedarville Township.

7 MR. BROWN: No questions, your Honor.

8 ALJ WILLIAMS: In Progress.

9 MR. HART: No questions.

10 ALJ WILLIAMS: Farm Bureau.

11 MS. MILAM: No questions, your Honor.

12 ALJ WILLIAMS: Staff.

13 MS. BAIR: No questions.

14 ALJ WILLIAMS: Mr. Karim, thank you for  
15 your testimony this morning.

16 THE WITNESS: Thank you.

17 ALJ WILLIAMS: We have already moved for  
18 the admission of Exhibit 108. Any objection to the  
19 admission of that exhibit?

20 Hearing none, it is admitted.

21 (EXHIBIT ADMITTED INTO EVIDENCE.)

22 ALJ WILLIAMS: Mr. Settineri, I will  
23 invite you to call your next witness.

24 MR. SETTINERI: Thank you, your Honor.  
25 If I may have a moment to clear the desk.



1 ALJ WILLIAMS: Absolutely. Off the  
2 record.

3 (Discussion off the record.)

4 ALJ WILLIAMS: You want to call your next  
5 witness?

6 MR. SETTINERI: Thank you, your Honor.  
7 At this time the Applicant will call Amy L. Kramb to  
8 the stand, please.

9 ALJ WILLIAMS: Ms. Kramb, raise your  
10 right hand.

11 (Witness sworn.)

12 ALJ WILLIAMS: Thank you.

13 Please proceed, Mr. Settineri.

14 MR. SETTINERI: Thank you, your Honor.

15 - - -

16 AMY L. KRAMB

17 being first duly sworn, as prescribed by law, was  
18 examined and testified as follows:

19 DIRECT EXAMINATION

20 By Mr. Settineri:

21 Q. Good morning, Ms. Kramb -- or good  
22 afternoon, Ms. Kramb.

23 A. Almost afternoon.

24 Q. Can you please state your name and  
25 business address for the record.

1           A.    Amy Kramb.  I am self-employed as Kramb  
2 Consulting at 7511 Riverside Drive, Dublin, Ohio.

3           Q.    And if you could spell your last name for  
4 the court reporter, please.

5           A.    K-R-A-M-B.

6           MR. SETTINERI:  And, your Honor, at this  
7 time we would mark as Kingwood Exhibit 109 the  
8 rebuttal testimony of Amy L. Kramb.  We would note  
9 that the exhibit handed -- provided to the Bench and  
10 the court reporter and Ms. Kramb includes her resume  
11 which was inadvertently omitted in the initial filing  
12 but has now been added.

13           ALJ WILLIAMS:  So marked and the Bench  
14 previously brought that in.

15           (EXHIBIT MARKED FOR IDENTIFICATION.)

16           Q.    (By Mr. Settineri) Mr. Kramb, do you have  
17 a copy before you of what's been marked Kingwood  
18 Exhibit 109?

19           A.    I do.

20           Q.    And can you identify that for the record.

21           A.    It is the rebuttal testimony.

22           Q.    And that's your rebuttal testimony; is  
23 that correct?

24           A.    Correct.

25           Q.    Okay.  Was that prepared by you or at

1 your direction?

2 A. By me, yes.

3 Q. Okay. And do you have any changes or  
4 revisions to that testimony at this time?

5 A. No.

6 Q. If I asked the questions as written in  
7 your testimony, would your answers today be the same  
8 as written?

9 A. Yes.

10 MR. SETTINERI: Your Honor, at this time  
11 we would move for the admission of Exhibit 109,  
12 subject to cross, and make the witness available for  
13 cross-examination.

14 ALJ WILLIAMS: Thank you, Mr. Settineri.  
15 Citizens for Greene Acres.

16 MR. VAN KLEY: Thank you, your Honor.

17 - - -

18 CROSS-EXAMINATION

19 By Mr. Van Kley:

20 Q. Ms. Kramb, according to your report, you  
21 spent two days in the project area for purposes of  
22 preparing your report; is that correct?

23 A. Correct. It took me two days to survey  
24 all the properties within that area.

25 Q. And how many days -- or how many hours

1 for each of those days did you actually spend in the  
2 field studying the area?

3 A. The en -- well, it takes me an hour to  
4 drive from Columbus, so I would say I put about an  
5 eight- or nine-hour day of driving around, and I did  
6 it two days in a row.

7 Q. Okay. So you spent eight or nine hours  
8 on each of those two days?

9 A. Correct.

10 Q. Okay. And what was the time you spent in  
11 the project area primarily on a tour in your vehicle?

12 A. Correct. Well, yes, it was a -- what's  
13 called a reconnaissance survey which means I have to  
14 stay in the public right-of-way. I can't enter onto  
15 private property, so I was usually on the roadway. I  
16 would pull off, I would walk, but I would be in the  
17 public right-of-away.

18 Q. Okay. So you never walked onto any of  
19 the properties that you were studying as part of  
20 your -- your study in this case?

21 A. Not the private property, I did not walk  
22 onto private property.

23 Q. Did you walk onto any of the public  
24 properties you evaluated in this case?

25 A. Yes. Public properties, yes, I did.

1 Q. How many of them?

2 A. I mean, I -- if it was a public property  
3 within the area I surveyed, I did walk on it, yes.  
4 For example, there was a park off of 42 that has an  
5 Indian mound on it and you had to walk back probably  
6 a good quarter to half a mile to actually view the  
7 mound and I did walk back to view it, climbed on top,  
8 and, yep, it's still here.

9 Q. Yeah. Did you walk onto any of the  
10 cemeteries that you looked at?

11 A. All of them, yes.

12 Q. Okay. You've never lived in the project  
13 area; is that correct?

14 A. No. I have always lived in Franklin  
15 County.

16 Q. So you have never lived in Greene County  
17 either.

18 A. No. I have always lived in Franklin  
19 County.

20 Q. Okay. Let's go to page 3 of your written  
21 direct rebuttal testimony. And I would like to  
22 direct your attention to answer 9 on that page where  
23 you've described some projects that you worked on in  
24 Greene County, correct?

25 A. Yes.

1           Q.    And so the first project that you worked  
2           on in Greene County resulted in a tri-fold walking  
3           tour brochure for Wright State University's Founders  
4           Quadrangle, correct?

5           A.    Correct.

6           Q.    And what's a tri-fold walking tour  
7           brochure?

8           A.    That was for in -- part of the agreement  
9           to allow the cellular tower near these historic  
10          buildings on Wright State campus, they wanted a  
11          history of those buildings to share with campus  
12          visitors so it was -- I did research those buildings,  
13          wrote up a historical pamphlet, and this was a while  
14          ago. Not everything was online so it was actual  
15          physical paper that one could walk around the  
16          university and learn the history of the buildings.

17          Q.    So how many pages of writing -- writing  
18          were contained in that brochure?

19          A.    Well, the information was -- if you think  
20          of 11 -- a tri-fold brochure is 11 by 17 folded into  
21          thirds, so I don't know approximately how many words  
22          fit on that.

23          Q.    And what did you do, if anything, to  
24          research the information you included in that  
25          brochure?

1           A.     That information came from some documents  
2 published by Wright State and available through their  
3 archives.

4           Q.     And how many documents did you look at  
5 for that purpose?

6           A.     Honestly I -- I did that project quite a  
7 while ago, so I don't remember exactly how many  
8 documents. Usually I -- I would suspect it was two  
9 or three sources at least to gather enough  
10 information.

11          Q.     Did you do any research on any areas  
12 outside of Wright State University for that project?

13          A.     For that project, no. That project was  
14 specific to Wright State University.

15          Q.     So approximately how many hours would you  
16 say you spent working on that project?

17          A.     I can't recall. It's been a long time  
18 ago. Sorry.

19          Q.     Can you give me a general estimate?

20                 MR. SETTINERI: Objection, asked and  
21 answered.

22                 ALJ WILLIAMS: Different question. If  
23 she can -- if she has an answer, she can provide it.

24          A.     Oh, I really -- I mean, it's been well  
25 over 10 years ago. I can't remember how many hours I

1 spent on that particular project.

2 Q. Was it less than a calendar day?

3 MR. SETTINERI: Object, asked and answer.

4 A. I -- it was not less than a day.

5 ALJ WILLIAMS: I am going -- okay. I am  
6 going to let her provide that response.

7 Karen, did you get it?

8 Okay. Please proceed.

9 Q. All right. Let's talk about the second  
10 project that you worked on in Greene County. You  
11 worked on an Ohio State Historic Preservation Office  
12 memorandum of agreement -- I'm sorry. I mixed two  
13 things up there. Let me start over.

14 The second project consists of some work  
15 you did involving a Section 106 request for review  
16 that involved bridge and culvert replacements along  
17 U.S. 42, correct?

18 A. Correct.

19 Q. And where are those bridge and culvert  
20 replacements located with respect to the project area  
21 for the Kingwood Solar project?

22 A. I believe the section would have been --  
23 U.S. 42 runs at an angle, so I think it was -- it was  
24 not -- I can tell you it was not near Cedarville. It  
25 was a stretch of maybe 7 or 8 miles. I unfortunately



1 did not review my past projects, the mapping or  
2 anything. So I don't recall exactly where on 42 it  
3 was but it -- it spanned between Warren and Greene  
4 Counties, so you are going to be near the county  
5 line.

6 Q. Near the county line of --

7 A. Between Warren and Greene County because  
8 it spanned both counties. If you look at this, the  
9 WAR stands for Warren. The GRE stands for Greene.  
10 So it was a state route that would have spanned the  
11 border there. That should give you an idea of where  
12 on 42 it is.

13 Q. Yeah. It wasn't inside the project area,  
14 was it?

15 A. It was not inside the current -- the  
16 Kingwood Solar project area.

17 Q. Was it within 5 miles of the Kingwood  
18 Solar project area?

19 A. Unless I had a map, I couldn't tell you.  
20 I don't know.

21 Q. What does your work consist of for that  
22 project?

23 A. That was identifying historic resources  
24 along that stretch of 42 that could possibly be  
25 impacted by the bridge and culvert repairs.

1 Q. And how -- what was the length of the  
2 area that you were studying along Route 42?

3 A. Honestly I don't remember the full  
4 length. I believe there were any -- somewhere  
5 between 10 and 16 locations, so I don't remember how  
6 far the stretch was.

7 Q. What, if any, research did you do for  
8 that project?

9 A. That is just standard research where you  
10 go out to the State Historical Preservation Office  
11 database and identify what has previously been  
12 reported, what's listed on the National Register,  
13 what has been recorded on Ohio Historic Inventory  
14 forms, and what is on the Department of  
15 Transportation and Historic Bridge Registry.

16 Q. So approximately how many documents did  
17 you review for the purpose of this project?

18 A. I -- it's -- I would say they are  
19 databases rather than documents. I can't recall how  
20 many actual sites were in there.

21 Q. Approximately how many hours did you  
22 spend on that project?

23 A. I apologize. I did not research how many  
24 hours I spent on these projects. I would say a  
25 typical -- it may be 20 to 30 hours. I don't know.

1 That's an estimate.

2 Q. Let's move on to the third project that  
3 you worked on in Greene County prior to your work for  
4 Kingwood Solar. And that involved ODOT roadway  
5 improvements along State Route 725 near  
6 Sackett-Wright Park, correct?

7 A. Yes.

8 Q. And where is that park located?

9 A. Again, I don't remember exactly where  
10 Route 725 is in Greene County. Unless I looked at a  
11 map, I don't recall.

12 Q. Okay. The -- what were the roadway  
13 improvements you were evaluating?

14 A. It was a road widening project that was  
15 going to be impacting a bridge and a park.

16 Q. And do you know where that was proposed  
17 to be located?

18 A. It was on State Route 725.

19 Q. Uh-huh. Not inside the Kingwood Solar  
20 project area.

21 A. It is not within the Kingwood Solar  
22 project area.

23 Q. Do you know how close to the Kingwood  
24 Solar project area it was?

25 A. I do not have it memorized, sorry.

1 Q. What work did you do for that project?

2 A. That would be the coordination for what's  
3 considered Section 4(f) compliance. It requires  
4 finding suitable land replacement for having to take  
5 land from a park.

6 Q. So did you review any documents for the  
7 purpose of that work?

8 A. I mean, it would be related to deeds and  
9 engineering plans, documents like that, I would say.

10 Q. So how many documents did you review for  
11 that purpose?

12 A. I would have no idea.

13 Q. Uh-huh. Can you tell me how much time  
14 you spent on that project?

15 A. I don't know. That was probably maybe 40  
16 hours' worth of work. It's a guess. I really don't  
17 know.

18 Q. Did any of these three projects  
19 identified in your answer to question 9 entail your  
20 reviewing any history books or other general history  
21 of Greene County?

22 A. Yes. I generally look at old his --  
23 historical atlases for whichever county I am working  
24 in, primary sources typically in the 1850s to the  
25 1870s. So I usually pulled the Township maps for

1 each of those. I don't -- you can find out  
2 information such as previous landowners if there were  
3 buildings in those locations.

4 Q. Okay. So you reviewed that literature  
5 for the purpose of seeing what that literature  
6 provided concerning the three locations you were  
7 researching in those projects.

8 A. Correct. So if I find a building in a  
9 project area, I don't just take the Auditor's date  
10 for fact. If you look at the building, you realize  
11 it seems older than maybe what the Auditor says, but  
12 you look at old maps to see does a building appear at  
13 that location at various times on the old atlases.

14 Q. Did you visit all of these three areas  
15 that you studied?

16 A. Yes, I did.

17 Q. How much time did you spend visiting  
18 those areas?

19 A. I would say it would be a day at the most  
20 of fieldwork for each. Those were smaller projects  
21 for fieldwork so no more than a day each.

22 Q. Other than your work on these three  
23 projects and the Kingwood Solar project, have you  
24 spent any other time in Greene County?

25 A. Yes. I mean, recreationally, living in

1 Columbus, Ohio, I probably go to that area a couple  
2 times a year.

3 Q. And that's for purposes of recreation?

4 A. Yeah. I visit Bryan State Park or Yellow  
5 Springs or go to Young's Dairy a couple times a year,  
6 so I know the area.

7 Q. Okay. Let's talk a little bit about your  
8 work on the Kingwood Solar project. I take it from  
9 reading your report that you did some review of  
10 literature and other records related to your work on  
11 the Kingwood Solar project?

12 A. Yes. Part of the research is to identify  
13 what has previously been documented.

14 Q. Can you give me a general overview of  
15 what you reviewed?

16 A. Yeah. Let me look at my report here and  
17 there is a section that outlines it.

18 Q. All right. Yeah. If there is a portion  
19 of your report that outlines it, we can just  
20 reference that.

21 A. Yes. So page -- what's called the  
22 "Literature Review" section will tell you what  
23 databases I researched and then also what physical  
24 documents and mappings I looked at. So page 16  
25 documents all the maps and the actual physical books

1 and documents.

2 Q. All right. Are you looking at the  
3 heading "2.0" on page 1 of your report?

4 A. 2 -- 2.0 is where the section starts.  
5 The information in 2.1, that records search, that's  
6 an online search looking at what's available from the  
7 State Historic Preservation Office. That's a  
8 database. And then if you look at Section 2.2, it  
9 lists out -- 2.2 is on page 16. It lists out the  
10 maps that I specifically used. Also there is some  
11 websites such as the Greene County Auditor, Clark  
12 County Auditor, and then you can see the historical  
13 maps from like the 1800s maps that I looked at. They  
14 are all listed there in the different histories.

15 Q. Looking at the additional records  
16 searched in Section 2.2 on page 16 of your report, I  
17 see that there are some references there that provide  
18 a general history for Greene County, correct?

19 A. That is correct. The -- there is an 1881  
20 history of Greene County. There's a 1918 history of  
21 Greene County. There is an atlas of Greene County  
22 from 1896. And then some of the information also  
23 overlaps into other adjacent counties so that's why  
24 you see information from Clark County as well on  
25 there.

1           Q.    Yeah.  Approximately how many hours did  
2   you spend reading the general references for history  
3   for Greene County?

4           A.    I believe I had about 80 hours dedicated  
5   to research.

6           Q.    For everything you reviewed?

7           A.    For -- for the -- yes, for the  
8   information I reviewed to identify the history of  
9   these, it was around 80 hours.

10          Q.    And that included your review of the  
11   history of each of the historic sites you found in  
12   the area, right?

13          A.    That is -- that is correct.

14          Q.    Okay.  So how many of those 80 hours were  
15   spent on reviewing the general history of Greene  
16   County?

17          A.    I don't know that I can break it down  
18   further.  I spent about two weeks of time developing  
19   what's called the historic context, so you can find  
20   out what the important aspects are for the area.  I  
21   found out the historical events, the themes, the  
22   things that made that area historically important.  I  
23   spent about 80 hours identifying those things.

24          Q.    Did you review -- were there other books  
25   or treatises on the general history of Greene County



1 that you are aware of that you did not review?

2 A. I am sure there are other resources out  
3 there. The ones that I list are the primary ones  
4 that I used in my research.

5 Q. Did you obtain any of your information  
6 from the Greene County Historical Society?

7 A. No, I did not contact the Greene County  
8 Historical Society.

9 Q. Did you obtain any information for your  
10 study from the Xenia Township Offices?

11 A. No, I did not contact Xenia Township. It  
12 was not as part of this level of documentation to  
13 reach out to historical societies or do interviews.

14 Q. You did not do any personal interviews of  
15 anybody for purposes of your work on this project?

16 A. No. That's researched for later stages  
17 of investigation should they be necessary.

18 Q. And I take it that you don't have any  
19 family papers or memoirs or photographs or other  
20 records from your own family history that would  
21 pertain to Greene County, correct?

22 A. I am not aware of my own personal family  
23 history in Greene County.

24 Q. Yeah. Does your family have any in  
25 Greene County?

1           A.    I am not aware of any history, personal  
2 history, in Greene County.

3           Q.    Did you look at any information in the  
4 Greene County archives?

5           A.    Again, I did not look beyond the sources  
6 that I've listed on page 16, 2.2. Some of those  
7 documents are very likely in the Greene County  
8 archives.

9           Q.    But you didn't go to the archives to take  
10 a look at any records they had there.

11          A.    I did not. That is not part of the scope  
12 of a reconnaissance survey.

13          Q.    Did you look at any records at the Greene  
14 County Room at the Greene County Public Library?

15          A.    No. Again, those are not part of the  
16 scope of reconnaissance survey.

17          Q.    Did you go to the National Museum of  
18 Afro-American History in Wilberforce to look at any  
19 records?

20          A.    No, I did not go to any museums or  
21 library for additional records beyond the ones  
22 identified in this on page 16.

23          Q.    Do you know how many historic --  
24 historically black colleges exist in Ohio?

25          A.    I do not know the exact number. I am

1       aware of some, yes.

2               Q.     How many are you aware of in Ohio?

3               A.     Well, during my research for this  
4       project, I learned more about the history of  
5       Wilberforce nearby so that would be one. I also know  
6       Antioch also allowed African-Americans.

7               Q.     And are you aware that Central State  
8       is -- Central State University is a historic black  
9       college?

10              A.     I believe I saw that in my research as  
11      well.

12              Q.     Would it surprise you to learn that all  
13      of the Ohio's historically black colleges have just  
14      been identified in our conversation?

15              A.     Again, I don't know all of the colleges,  
16      but I am aware of those and those are documented in  
17      my report.

18              Q.     One of the sites that was identified in  
19      your report was called Massies Creek Cemetery 2 on  
20      Tarbox Cemetery Road. Do you recall that site?

21              A.     I did see cemeteries. I would have to  
22      pull up to find the exact. Did you have a specific  
23      question? Do you want me to look that one up?

24              Q.     Yeah, we can look it up. I can probably  
25      even tell you where to find it in your report. I

1 believe it's under the heading of "Cemeteries" in  
2 your report. And if you find it before I do, just  
3 let me know.

4 A. I am looking at the table of contents.

5 ALJ WILLIAMS: We will go off record.

6 (Discussion off the record.)

7 Q. (By Mr. Van Kley) Why don't you go to  
8 page 4 of your report.

9 A. Okay.

10 MR. VAN KLEY: Back on the record, your  
11 Honor?

12 ALJ WILLIAMS: We are back on the record  
13 now.

14 Q. (By Mr. Van Kley) All right. I've  
15 directed you to page 4 of your report that's attached  
16 to your rebuttal testimony. And do you see there a  
17 Section 2.1.4 for cemetery listings?

18 A. Yes.

19 Q. And if you would go to the last line on  
20 that page 4, you will see a listing for Massies  
21 Creek-Tarbox, correct?

22 A. Correct.

23 Q. Are you familiar with the history of this  
24 cemetery?

25 A. I did include that. Now I see that is

1 one of the ones in the project's area of potential  
2 effects, and I have -- I do have a general history in  
3 here somewhere on that.

4 Q. Are you aware that this is a cemetery  
5 that has been historically integrated for any race?

6 A. I don't recall that fact, no. I am  
7 trying to find it. Yeah, I don't see that I found  
8 any additional information on that one. I am showing  
9 that it was nowhere near likely that it would have  
10 any views. It was pretty far from the project  
11 itself. So no further investigation was done on that  
12 property.

13 Q. How far from the project area is that  
14 cemetery?

15 A. I would have to -- let's see. It's on  
16 map sheet E.

17 Q. Well, if you look at the last line on  
18 page 4, you will see that the table there --

19 A. Yeah, it shows --

20 Q. -- is within 2 miles, right?

21 A. Yeah. It's within 2 miles, so it's not  
22 within a mile. It's more than a mile but less than  
23 2 miles.

24 Q. So as you sit here today, can you tell me  
25 whether that was a historically integrated cemetery?

1           A.    I cannot tell you that.  I went to that  
2 cemetery.  I identified that it would have no  
3 potential view of the project which you can see on  
4 page 31 of the report it lists the four cemeteries  
5 that were within the study area, and it shows that  
6 the Massies Creek had no potential view.

7           Q.    Would you go to the last page of your  
8 report.  I don't see a number on the page.

9           A.    Are you referencing the summary, the end  
10 of the summary?

11          Q.    No.  The very last page so it would be  
12 the last page prior to the page that you probably  
13 have showing that document was filed with the Board.

14          A.    So the very last appendix?  Are you -- is  
15 that what you are referring to, an appendix?

16          Q.    Yeah.  It would be the last page of the  
17 last appendix.

18          A.    So the last appendix is Appendix G and  
19 that lists the 258 sites that I looked at.

20          Q.    Yes.

21          A.    So the last page includes, at least on  
22 this printout, sites 253 to 258.

23          Q.    Yep.  You are at the right place.  Okay.  
24 Now, just to provide us with some context, what's the  
25 purpose of Appendix G to your report?

1           A.     So Appendix G is a quick summary of all  
2     258 locations that I identified within what we call  
3     the area of potential effect which roughly speaking  
4     was a 2-mile radius surrounding -- or 2-mile buffer  
5     surrounding the project area.

6           Q.     And what do those 258 properties  
7     represent?

8           A.     Those are the 258 properties that  
9     contained a building structure site or object that  
10    would have been presumed over 50 years of age.

11          Q.     Okay. And where did you obtain the  
12    information about these 258 properties?

13          A.     Well, the information generally speaking  
14    on the table, the address comes from the County  
15    Auditor's site. The age comes from the County  
16    Auditor's site initially but then is clarified by  
17    referencing historic atlases and maps. The Universal  
18    Transverse Mer -- the UTM is the -- is just from a  
19    map -- like mapping source, and then the eligibility  
20    is my professional opinion. The visibility is my  
21    professional opinion from standing at that property  
22    at the edge of the public right-of-away. And the  
23    description again is my professional opinion having  
24    looked at these types of properties for the last 25  
25    years.

1           Q.    So with respect to the statements about  
2    visibility in Appendix G, you base that on what you  
3    saw when you were viewing the site?

4           A.    Correct.  That was me physically standing  
5    at that location and looking towards where the  
6    project was going to be.

7           Q.    Okay.  And for -- how many of these  
8    sites, these 258 sites, are on private property?

9           A.    I believe they are all on private  
10   property, so I would have been standing like on the  
11   roadway generally speaking at -- I mean, not always  
12   at the driveways.  Sometimes I had a better view from  
13   a side road or something.

14          Q.    Did you get out of your vehicle every  
15   time?

16          A.    Every single time probably not.  There  
17   were probably times where I did stay in my vehicle  
18   depending on the location.  But I did take all of  
19   these photographs, so you can tell I was actually  
20   physically there.  Some of them are supplemented, for  
21   example, you can see like No. 231 and 232.  I could  
22   not see the property so there's -- the picture I took  
23   standing on the driveway showing -- I can't see what  
24   building is there and then there is a picture from  
25   the Auditor's website that says what they said was



1       there.

2               Q.     And so how can we tell from looking at  
3       Exhibit G which photographs you took and which you  
4       obtained from other sources?

5               A.     The Auditor's site have an Auditor parcel  
6       number underneath the photo. This isn't the best  
7       quality printing so it's a little hard to see.

8               Q.     And did you obtain or did you find these  
9       sites by reviewing any specific records such as Ohio  
10      Historic Inventory forms?

11              A.     So the first step is I pull up the  
12      historic -- the State Preservation Office database to  
13      see what has already been recorded, whether it's  
14      listed on the National Register, and there's a  
15      National Register form and there is an existing Ohio  
16      Inventory form.

17                    Then I went out to the Auditor's website,  
18      and I looked -- looked at every single parcel within  
19      the 2-mile radius to see what they said the age of  
20      the property was. Then when I went out into the  
21      field, I confirmed and looked at every building  
22      because sometimes the Auditor says it's not old, but  
23      it is old. Sometimes it's not right. So there were  
24      some times I identified -- I drove past a parcel and  
25      I was like, oh, there is an old building there, so

1 sometimes they say it's old and you are like, oh, no,  
2 that's been torn down. So you will read in the  
3 report there are occasions where something was  
4 documented, and I have noted it's demolished or no  
5 longer there.

6 Q. Can you describe what an Ohio Historic  
7 Inventory form is?

8 A. So an Ohio Historic Inventory form is  
9 used by the Historic Preservation Office to record  
10 older buildings. Typically any building over 50  
11 years of age can be recorded on an Ohio Historic  
12 Inventory form. That doesn't mean it's necessarily  
13 historic. It just has to be over 50 years of age.

14 Q. Okay. And how do you determine whether  
15 it's historic?

16 A. That is a site criteria that is  
17 established by the Secretary of the Interior and you  
18 are actually required to be a Secretary of the  
19 Interior historian or architectural historian to make  
20 that determination.

21 Q. Of the 258 sites that are listed in  
22 Appendix G, how many of them are historic?

23 A. My report -- I have to go to my  
24 conclusion section here. So there are five locations  
25 that are already listed on the National Register of

1 Historic Places so those are considered historic.  
 2 There are also -- there's also one district already  
 3 listed on the National Register of Historic Places,  
 4 and it has nine sites within that district so there  
 5 is an additional nine. The State has identified  
 6 there is five historic bridges. And then as a result  
 7 of the survey, I identified -- I identified 16  
 8 locations within that 2-mile radius that could be  
 9 potentially historic, but I identified two possible  
 10 districts.

11 Q. And what are those two districts?

12 A. One is in Clifton. It actually already  
 13 as a result of another section survey had been  
 14 considered a potential district. So it's in the  
 15 community of Clifton itself. The other one was a --  
 16 it's called the Grinnell Subdivision. It's a  
 17 mid-century modern subdivision that would have been  
 18 on the north side of the project area right along the  
 19 river south of Yellow Springs.

20 Q. Where was the -- where is the district  
 21 with the nine sites that's listed?

22 A. The previously listed district, that was  
 23 around the Cliff -- it is called the Grinnell Mill  
 24 Historic District. So it's kind of right along the  
 25 river. It's an old mill. There's a house. There's

1 a cemetery. There's some -- a dam and mill race  
2 associated with the mill and a couple of houses, a  
3 couple buildings.

4 Q. Now, when you say -- when you use the  
5 term historic in your testimony as -- in answer to my  
6 questions, is that the same thing as referring to  
7 whether it's eligible for registration on the  
8 National Register of Historic Places?

9 A. Yes. The term in our industry if  
10 something is eligible or listed on the National  
11 Register of Historic Places, it is considered  
12 historic.

13 Q. Okay.

14 A. It's a very specific definition.

15 Q. For those sites that are old but they may  
16 not be -- may not be eligible for the National  
17 Register, those sites may still have historic value,  
18 correct?

19 A. They -- they -- those sites may certainly  
20 have important history to some individuals, yes.  
21 They just fail to meet the criteria for National  
22 Register listing.

23 Q. So going back to the last page of  
24 Appendix G, I would like to direct your attention to  
25 the third to the last property which is 256. And the

1 address for that is 1451 Bradfute Road, correct?

2 A. Correct.

3 Q. Do you know who the current owner of that  
4 property is?

5 A. It's probably listed in my table  
6 somewhere. I don't know offhand.

7 Q. Okay. Do you know whether the current  
8 owner is an Intervenor in this case?

9 A. That -- I would have no idea.

10 Q. And you've listed that project -- or that  
11 site as being potentially eligible for the National  
12 Register, correct?

13 A. That is correct.

14 Q. And then there is another property at  
15 1360 Bradfute Road which is site 257 on that page,  
16 correct?

17 A. That is correct.

18 Q. How far is that property from the  
19 property at 1451 Bradfute Road?

20 A. I don't know the exact distance. I know  
21 that 256, 257, and 258 are very near each other in  
22 proximity. 257 was not visible from the public  
23 right-of-way. All three of -- for clarification, if  
24 a -- if I was not able to make an assessment because  
25 the project was not eligible, the State Historic

1       Preservation Office moves forward with the  
2       presumption it is eligible and it should be treated  
3       as such unless further work is done to gain access to  
4       the property to make an actual determination.

5               Q.     Now, this site 255 which is at 2433  
6       Wilberforce Clifton Road is also close to the  
7       properties listed as 256, 257, and 258, correct?

8               A.     Yes. Those four properties are all in  
9       very close proximity to each other and when I -- I  
10      was -- recently reviewed the latest project  
11      documentations provided to me. The solar panels --  
12      the proposed project is no longer in view from those  
13      four project -- from those four properties. Panels  
14      that would have possibly been in view from those four  
15      properties have been removed from the application.

16              Q.     From what?

17              A.     From the original -- from the original  
18      project documentation that I received a year ago,  
19      there would have been solar panels in view of those  
20      four properties. The Applicant has since revised the  
21      plan and there are no longer solar panels in view of  
22      those four properties.

23              Q.     Okay. Were you here this morning for  
24      Mr. Stickney's testimony?

25              A.     Yes, I was.

1           Q.    Okay.  And did you hear Mr. Stickney  
2   testify about a preliminary site plan that was  
3   attached as Exhibit B to his rebuttal testimony?

4           A.    I read his rebuttal testimony and saw a  
5   new exhibit of the latest version, and it did not  
6   have solar panels in view of these four properties.

7           Q.    Okay.  So when you say that it's your  
8   understanding that there will no longer be views of  
9   solar panels from these four properties, you are  
10   basing that on the preliminary site plan that is  
11   attached to Mr. Stickney's testimony.

12          A.    I believe that's the name of the  
13   document.

14          Q.    Okay.  With respect to the site at 1451  
15   Bradfute Road, I take it that you did not walk onto  
16   that property to see what could be viewed from the  
17   property?

18          A.    I did not but that property is very  
19   visible from the public right-of-way, and you can  
20   stop along the roadway at almost the same elevation  
21   as the house and look towards the project, so it was  
22   very -- it was clear because it sits up on a rise it  
23   would have seen the panels that were originally  
24   proposed.  That's why in this -- in this table I  
25   have -- under visibility I have view of project area.

1           Q.    With respect to the original site plan  
2           that was placed in the application, can you tell me  
3           how many fields of solar panels in the locations on  
4           that plan would be visible from 1451 Bradfute Road?

5           A.    I don't know exactly how many fields. I  
6           just know that from the plan I had with me in hand  
7           when I was out driving around, I stood there and I  
8           looked towards where those proposed panels would have  
9           been and I concluded that you would have seen them.  
10          In my recommendations of this report, one of my  
11          recommendations was that if those -- those would have  
12          to be screened from view because these would have a  
13          view, and I have since learned that those will no  
14          longer be there.

15          Q.    With respect to sites 255, 256, 257, and  
16          258, is the area that includes those sites eligible  
17          to be a historic district?

18          A.    I didn't have enough information to  
19          determine they would -- they could be considered a  
20          district. I concluded that 55, 56, and 58 could be  
21          individually eligible on their own. I did not  
22          determine specific site boundaries. That's not part  
23          of this survey. But I did suggest individually they  
24          could reach eligibility status.

25          Q.    Do you know -- at this point in time you



1 don't have any information that would enable you to  
2 rule out the eligibility for the area around these  
3 four sites for historic district status, do you?

4 A. Again, I did not look at them as a  
5 district. I -- you are either on the National  
6 Register, or you are not, so I just identified them  
7 as being eligible individually and that was --  
8 that's, I guess, enough to say they are eligible. It  
9 didn't matter whether it was a district or not.

10 Q. Do you know whether 1451 Bradfute Road is  
11 the oldest existing structure in the study area --

12 A. I know --

13 Q. -- you evaluated?

14 A. I don't know if it is the oldest. It is  
15 definitely one of the older properties.

16 Q. Can you tell me whether site 255 has any  
17 history of involvement with the Underground Railroad?

18 A. I did not find any information specific  
19 to that house, no. It is not currently part of our  
20 state Underground Railroad network. I do know that.

21 Q. How many properties or how many sites,  
22 how many sites would -- within 5 miles of the project  
23 area are listed on the Ohio Historic Inventory forms?

24 A. Oh, listed on. I believe I have that as  
25 a table because it was really long. Okay. So that

1 would be Appendix C is the table of OHI listings  
2 within a 5-mile radius. And it is multiple pages,  
3 but the rows are not numbered, so it's 15 pages long.

4 Q. So you don't know the number; you would  
5 have to count them.

6 A. Unless you want me to count how many rows  
7 are per page. It's 15 pages long.

8 Q. I think we can all count --

9 A. Okay.

10 Q. -- ourselves. Your business goes by the  
11 name of Kramb Consulting; is that right?

12 A. Correct.

13 Q. You have a website?

14 A. I do.

15 Q. Okay. And on your website you have a  
16 scrolling feature of photographs?

17 A. I do, yes.

18 Q. Okay. Toward the bottom of the page,  
19 right?

20 A. Yes.

21 Q. Okay. And what's the origin of those  
22 photographs?

23 A. They are just examples of projects I have  
24 worked on over the years.

25 Q. Okay. And how did you select the

1 photographs that you decided to use on that scrolling  
2 screen?

3 A. They are usually -- well, one, I like to  
4 go to different representations of all the different  
5 types of resources I encounter. I try to get a  
6 representation of all the different regions I work  
7 within Ohio. It's a mix of factors, I would say.

8 Q. Okay. Would it be fair to say that at  
9 least one of the criteria that you used to select  
10 those photographs was the historic significance of  
11 those sites?

12 MR. SETTINERI: Objection, just general  
13 relevancy. We are going through a website now.

14 MR. VAN KLEY: I am working up to it,  
15 your Honor.

16 A. I would say --

17 MR. SETTINERI: Ms. Kramb.

18 ALJ WILLIAMS: It's okay.

19 THE WITNESS: Okay.

20 MR. SETTINERI: Your Honor, if you can  
21 instruct the witness not to speak until the objection  
22 has been resolved, I would appreciate it.

23 THE WITNESS: Sorry.

24 ALJ WILLIAMS: We will do that. You have  
25 done a good job to this point.

1                   So I will allow a little bit of leeway to  
2                   get to the point you are trying to make,  
3                   Mr. Van Kley.

4                   MR. VAN KLEY: Thank you, your Honor.

5                   A. I would say they are aesthetically  
6                   pleasing, visually pleasing photographs.

7                   Q. Yeah. How many of those photographs are  
8                   on your website?

9                   A. I don't know.

10                  Q. Can you give me an approximate number?

11                  A. I haven't updated my website in probably  
12                  six months, so I don't really know how many pictures  
13                  I have on there.

14                  Q. Would it be fair to say that at least  
15                  seven of those photographs were taken from sites that  
16                  you photographed as part of your study of the project  
17                  area and the area 2 miles around it?

18                  A. I know -- I can tell you one for certain.  
19                  I know there is a picture of Clifton Mill out there.  
20                  It is a very iconic location in the area I visit  
21                  regularly so. Other than that I don't remember which  
22                  ones I posted on there.

23                  Q. Yeah. How about the Stevenson Bridge?  
24                  Is that on the scrolling?

25                  A. I don't remember. I think I did post one

1 of the mid-century modern ones because it's nice to  
2 find a mid-century modern neighborhood every now and  
3 then. I didn't have that on -- that era covered, but  
4 I don't remember exactly which ones are out there.

5 Q. Did you have a photograph of some Indian  
6 mounds near the project area on your scrolling  
7 feature on your website?

8 A. I don't remember which ones I put out  
9 there.

10 Q. All right. There were a couple of -- let  
11 me just ask you this, going to your resume, I see  
12 that you do some work for the City of Springfield?

13 A. Yes, I do. I am on contract as their  
14 architectural historian.

15 Q. Okay. And how long have you had that  
16 position?

17 A. Most recent -- well, as Kramb Consulting  
18 since I started my company in 2009.

19 Q. Okay.

20 A. I had worked for them previously under a  
21 different employer years ago.

22 Q. Yeah. And what -- what's the purpose of  
23 the work you do for them, for the City of  
24 Springfield?

25 A. I -- when are -- when they administer

1 federal funds and grants, particularly for their  
2 neighborhood stabilization program, let's say the  
3 Springfield program they used to have, they must make  
4 sure that any changes they are doing to buildings  
5 over 50 years of age are compliant with the Secretary  
6 of the Interior standards or they are not impacting  
7 any historic properties.

8 Q. Would it be fair to say that in the  
9 course of your work that you have been hired by  
10 clients for at least some of the projects in order to  
11 determine whether the building or other site has  
12 enough historic or has -- lack the historic relevance  
13 to justify the demolition of those sites or  
14 buildings?

15 A. I am hired by clients to determine if a  
16 building site structure or object is eligible for the  
17 National Register of Historic Places because once  
18 they know if it is or isn't eligible, they know what  
19 guidelines, federal or state guidelines, they have to  
20 follow for whatever it is they are going to do, be it  
21 widen the road or building an adjacent structure or  
22 whatever their project is. The project itself is  
23 generally not in my purview. I just tell them  
24 whether or not the building itself is eligible.

25 Q. Do you recall that there are three sites

1 depicted in that scrolling compilation of pictures on  
2 your website that are from the City of Springfield?

3 A. I am sure there are some City of  
4 Springfield sites on there. I have worked -- I have  
5 done a lot of work for the City of Springfield.

6 Q. Are you aware that two of those three  
7 sites have been demolished?

8 A. I am aware that -- yes, I did what was  
9 called HALS documentation, it's mitigation work, for  
10 both Memorial Hall before that was demolished and for  
11 the International Harvester facility that used to be  
12 in Springfield before that was demolished and that  
13 was required by federal guidelines that they document  
14 the buildings before they get torn down. They were  
15 already determined historic prior to my involvement.

16 MR. VAN KLEY: Okay. I have nothing  
17 further at this time, your Honor.

18 ALJ WILLIAMS: Thank you, Mr. Van Kley.  
19 Miami Township.

20 MR. SLONE: No, thank you, your Honor.

21 ALJ WILLIAMS: Greene County.

22 MR. BOGGS: No, thank you, your Honor.

23 ALJ WILLIAMS: Xenia Township.

24 MR. DUNN: No questions, your Honor.

25 ALJ WILLIAMS: Cedarville Township.

1 MR. BROWN: No questions, your Honor.

2 ALJ WILLIAMS: In Progress.

3 MR. HART: No, sir. Thank you.

4 ALJ WILLIAMS: Farm Bureau.

5 MS. MILAM: No cross, thank you.

6 ALJ WILLIAMS: Staff.

7 MS. BAIR: No questions.

8 ALJ WILLIAMS: Mr. Settineri, do you need  
9 some time?

10 MR. SETTINERI: If we can take just a  
11 brief 5 minutes, I will have, at least 5.

12 ALJ WILLIAMS: Let's go ahead and honor  
13 the 5. We will come back on at 1:08.

14 (Recess taken.)

15 ALJ WILLIAMS: Back on the record.

16 Any redirect?

17 MR. SETTINERI: Just a few questions,  
18 your Honor.

19 - - -

20 REDIRECT EXAMINATION

21 By Mr. Settineri:

22 Q. Ms. Kramb, you were asked at least a few  
23 questions about historic districts related to houses  
24 but just for the record what is a historic district?

25 A. So a historic district is a collection of



1 building -- buildings, structures, objects that  
2 otherwise would not be individually eligible but  
3 collectively they are eligible.

4 Q. Okay. And when you did your survey, did  
5 you take into account any historic districts?

6 A. I did. As I mentioned, I identified two  
7 potential historic districts.

8 Q. And generally did the historic district  
9 receive any additional protections versus a -- I will  
10 say a house that's eligible?

11 A. No. Whether you are listed because you  
12 are on as part of a district or individually, it's  
13 the same exact status.

14 MR. SETTINERI: No further questions,  
15 your Honor. Thank you.

16 ALJ WILLIAMS: Thank you.

17 Mr. Van Kley?

18 MR. VAN KLEY: Nothing further, your  
19 Honor.

20 ALJ WILLIAMS: Thank you.

21 Thank you for your testimony, Ms. Kramb.

22 THE WITNESS: Thank you.

23 ALJ WILLIAMS: Let's go off the record  
24 for just a minute.

25 (Discussion off the record.)

1 ALJ WILLIAMS: All right. Back on the  
2 record.

3 Before we took a break to discuss our  
4 calendars and briefing deadlines, we just came back  
5 from that, and I understand we have not yet addressed  
6 the admission of Kingwood Exhibit 109, Ms. Kramb's  
7 testimony that was already moved for admission. Any  
8 objections to the admission of that document?

9 Hearing none, that is deemed admitted.

10 (EXHIBIT ADMITTED INTO EVIDENCE.)

11 ALJ WILLIAMS: While off record we also  
12 reviewed calendars. Everyone is extremely busy this  
13 summer. And we did reach consensus relative to the  
14 timing of the initial reply briefs in this case. The  
15 understanding is that the final aspect of the  
16 transcript will ripen on or about May 13. Then we  
17 will have a month and initial briefs will be due  
18 June 13 and reply briefs will be due July 22.

19 So those dates are now set, and I do not  
20 expect we will issue another entry solidifying those  
21 dates.

22 Anything else from any of the parties? I  
23 do want to thank the parties. This was a  
24 complicated, protracted hearing. We had both forms  
25 of hearing hearing testimony, and everybody was

2217

1 extremely professional, very well organized, and the  
2 Bench really appreciates that.

3 With that we are adjourned. Thank you.

4 (Thereupon, at 1:22 p.m., the hearing was  
5 adjourned.)

6 - - -

7 CERTIFICATE

8 I do hereby certify that the foregoing is  
9 a true and correct transcript of the proceedings  
10 taken by me in this matter on Tuesday, April 26,  
11 2022, and carefully compared with my original  
12 stenographic notes.

13  
14  
15 Karen Sue Gibson, Registered  
16 Merit Reporter.

17 (KSG-7274)

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

Summary: Transcript in the matter of the Kingwood Solar I LLC hearing held on  
04/26/22 - Volume IX electronically filed by Mr. Ken Spencer on behalf of Armstrong  
& Okey, Inc. and Gibson, Karen Sue Mrs.