

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of Hecate Energy Highland	:	
LLC for a Certificate of Environmental	:	Case No. 20-1288-EL-BGN
Compatibility and Public Need for the	:	
Construction of the New Market Solar	:	
Project.	:	

**PREFILED TESTIMONY
OF**

ROBERT HOLDERBAUM

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

Staff Exhibit _____

November 9, 2023

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

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

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

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

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

10 A. I hold a Bachelor of Science degree in Political Science Pre-Law (2009)
11 and a Master of Science degree in Environmental Policy & Planning
12 (2012), both from Ohio University. I have been employed by the PUCO
13 since 2012. I have worked almost exclusively on power siting activities
14 during that time. I have provided analysis for over 175 cases before the
15 Ohio Power Siting Board (Board). My responsibilities typically include
16 application review and the preparation of analysis for major utility facility
17 applications in Ohio, including accelerated filings such as Letters of
18 Notification and Construction Notices. I have been the lead analyst for
19 more than 100 applications for generation facilities, substations, and
20 transmission line applications. I have also been responsible for the
21 preparation of staff reports and coordination of Staff review and field work
22 for major utility facilities.

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4. Q. Have you testified in prior proceedings before the Ohio Power Siting Board?

A. Yes.

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

A. I served as the overall Staff Project Lead for the investigation that resulted in the Staff Report of Investigation (Staff Report) that was filed in this docket on January 4, 2021. I managed the Staff investigation and preparation of the Staff Report in this case. As a result of that investigation, I testified in support of the Joint Stipulation and Recommendation that was filed in the case on January 22, 2021, and ultimately adopted by the Board on March 18, 2021. Further, I participated in the compliance investigation that resulted in the Compliance Inquiry Report that was filed in the case on October 18, 2022.

6. Q. What kind of case is this?

A. Originally, the Board approved, subject to stipulated conditions, the Applicant’s proposed construction of a 100 MW Solar Generation Facility (Facility) in Highland County. As part of that approval, the Board required that the Facility be installed with property setbacks of at least 100 feet from all property lines, including public roads. This setback limitation was

described throughout the course of the Board's record, including (1) as part of the application (page 22), (2) as part of the Applicant's supplemental filings (see, Data Response on December 23, 2020, which is attached to my testimony), and (3) as adopted by the Board (see, Opinion, Order and Certificate (March 18, 2021)). This case results from the Applicant's failure to construct the Facility in recognition of the 100-foot setback requirement.

7.
7. Q. Please summarize Staff's investigations that were conducted in this case.

A. Staff's original investigation included reviewing the application, conducting site visits to the proposed facility location, acquiring additional information from the Applicant, obtaining input from other relevant state and federal agencies, and preparing the Staff Report that presented Staff's analysis, conclusions, and recommendations. As a result of Staff's investigation, the Board adopted Staff recommendation to approve the application, as modified within the Stipulation.

Staff conducted an additional investigation of this case in response to the certificate holder's self-reported construction violations on September 12, 2022. In that self-report, the Facility described 39 locations within the Facility where equipment installation occurred within the designated 100-foot setback. As a result of that self-report, Staff conducted a site inspection on September 30, 2022, which demonstrated that 38 of the 39 self-reported construction setback violations were valid.

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8. Q. Please describe Staff’s review of the final engineering drawings submitted to Staff as required by Condition 8 in the Opinion and Order issued for the project on March 18, 2021.

A. Consistent with its practices, Staff reviewed the final engineering drawings to verify that the drawings were created by a professional engineering firm and in a format that the public could access on the case docket. Staff’s treatment of this filing (verification of formatting consistent with filing on the case docket) is consistent with its treatment of the numerous other condition compliance filings that occurred in this case between March 19 and April 14, 2021. Further, Staff’s treatment of this filing is consistent with its protocol as to all engineering drawings that are filed in satisfaction of a certificate holder’s condition compliance.

9. Q. Please describe the basis for Staff’s review protocol as to the final engineering drawings.

A. As the Applicant is limited by the conditions set forth in the certificate, there is no added benefit to Staff performing an independent technical review of the final engineering drawings. Further, such a duplicative review would require Staff to retain expert consultant services that are not cost-justified.

1 10. Q. Does this conclude your testimony?

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

PROOF OF SERVICE

I hereby certify that a true copy of the foregoing **Prefiled Testimony of Robert Holderbaum** submitted on behalf of the Staff of the Ohio Power Siting Board, was served via electronic mail, upon the following parties of record, this 9th day of November, 2023.

/s/ Thomas G. Lindgren

Thomas G. Lindgren
Assistant Attorney General

Parties of Record:

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Kimberly Naeder

Subject: FW: New Market Data Requests

From: Patti Shorr <PShorr@HecateEnergy.com>

Sent: Wednesday, December 23, 2020 12:46 PM

To: Holderbaum, Robert <robert.holderbaum@puco.ohio.gov>

Cc: 'Winters, Karen A.' <karen.winters@squirepb.com>; 'Jared Wren' <jwren@hecateenergy.com>

Subject: RE: New Market Data Requests

Ashton,

Please see our responses to your data request on 12/14/2020 noted in **red**.

Best regards,

Patti Shorr

VP Project Development

Hecate Energy LLC

614-205-3798

www.HecateEnergy.com

From: robert.holderbaum@puco.ohio.gov <robert.holderbaum@puco.ohio.gov>

Sent: Monday, December 14, 2020 3:04 PM

To: Patti Shorr <PShorr@HecateEnergy.com>; 'Jared Wren' <jwren@hecateenergy.com>

Subject: RE: New Market Data Requests

I am so sorry, one more for you guys, Staff keeps sending them over I am very sorry for the late data requests:

1. How many miles of new access roads will be constructed? And how wide will the roads range in width? **We estimate that there will be 8.03 miles or 43,411.73 feet. The road width is currently estimated to be 20 feet, subject to final design.**
2. How many miles of collection cables will be installed? **We estimate 8.02 miles of collector lines which is approximately 42,323.18 feet.**
3. In the application, you state all surface waters will be avoided by the project, however it does appear that streams will be crossed by collection cables. Can you confirm this? And if so, will you utilizing HDD/boring to avoid impacts to the streams? **Yes.**
4. How many acres will that actual solar panel modules occupy? **Both projects in total expect to occupy 551.93 acres, with 13 feet spacing between panel rows.**
5. Will a permanent Operations and Maintenance building be constructed on site? If so, please describe the dimensions of the building, associated facilities with the building such as a parking lot, and where the building will be located within the project site. **There will be no O&M building constructed on site. If storage is needed, an existing on site building will be repurposed or an off site location will be secured.**
6. Can you confirm that no tree clearing will be necessary for the project? **We seek to minimize tree clearing. We estimate that based on current design that 5.46 acres of trees will be removed.**
7. Please explain the minimum setback distances of the project from the following: residences, property lines, public roads. **Equipment is set back 100' from all property lines. As there are no occupied residences on site, equipment is thus setback a minimum of 100' from all residential, commercial, and public areas.**

Thank you

Ashton

From: Holderbaum, Robert
Sent: Monday, December 14, 2020 1:55 PM
To: Patti Shorr <PShorr@HecateEnergy.com>; 'Jared Wren' <jwren@hecateenergy.com>
Subject: RE: New Market Data Requests

One more question I apologize:

1. In the application, it states the entirety of the project is in FEMA floodzone X, however you also state the entirety of the project is outside of the 0.2% flood chance area. Can you clarify if the project is within a FEMA 100-year floodplain? If so, have you coordinated with the local floodplain administrator on this?

Ashton

From: Holderbaum, Robert
Sent: Monday, December 14, 2020 1:42 PM
To: Patti Shorr <PShorr@HecateEnergy.com>; 'Jared Wren' <jwren@hecateenergy.com>
Subject: New Market Data Requests

A few more questions:

1. Figure 14 lists structures within 1500 feet of the solar farm and the approximate distance from equipment. For both I and II, please indicate what the "equipment" is that the measurement is being referenced from (ie underground collection, access road, solar panels, etc).
2. Please provide a map of both I and II showing location of adjacent non-participating residential structures.
3. In the coordination letters from the ODNR, they recommend a desktop habitat study, followed by a field assessment if needed, be conducted to determine if potential hibernaculum are present in the project area. Have you conducted this study?

Thank you,
Ashton

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in

Case No(s). 20-1288-EL-BGN

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