

BEFORE
THE OHIO POWER SITING BOARD

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In the Matter of the	:	
Application of Vinton Solar	:	
Energy, LLC for a Certificate	:	
of Environmental Compatibility	:	Case No.
and Public Need to Construct a	:	17-774-EL-BGN
Solar-Powered Electric	:	
Generation Facility in Vinton	:	
County, Ohio.	:	

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PROCEEDINGS

before Jay Agranoff, Administrative Law Judge, at the Public Utilities Commission of Ohio, 180 East Broad Street, Room 11-D, Columbus, Ohio, called at 10:00 a.m. on Wednesday, August 1, 2018.

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APPEARANCES:

Dickinson Wright, PLLC
By Mr. William V. Vorys, Esq.
and Ms. Christine M.T. Pirik, Esq.
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On behalf of the Applicant.

Ohio Farm Bureau
By Ms. Leah Finney Curtis, Esq.
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Columbus, Ohio 43215

On behalf of the Ohio Farm Bureau
Federation.

Michael DeWine, Ohio Attorney General
By Mr. John H. Jones, Esq.
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On behalf of the Staff of the Ohio
Power Siting Board.

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1 Wednesday Morning Session,
2 August 1, 2018.

3 - - -

4 ALJ AGRANOFF: The Ohio Siting Board has
5 assigned for evidentiary hearing at this time and
6 place Case No. 17-774-EL-BGN, which is captioned: In
7 the Matter of the Application of Vinton Solar Energy,
8 LLC for a Certificate of Environment Compatibility
9 and Public Need to Construct a Solar-Powered
10 Electric Generation Facility in Vinton County, Ohio.

11 My name is Jay Agranoff, and I am the
12 ALJ AGRANOFF assigned by the Ohio Power Siting Board
13 to preside over this evidentiary hearing.

14 At this point in time we will take the
15 appearances on behalf of the parties.

16 On behalf of the Applicant.

17 MR. VORYS: Thank you, your Honor. On
18 behalf of the Applicant, Will Vorys and Chris Pirik,
19 with the law firm of Dickinson Wright, 150 East Gay
20 Street, Columbus, Ohio 43215.

21 ALJ AGRANOFF: Thank you, sir.

22 And on behalf of the Ohio Farm Bureau.

23 MS. CURTIS: Leah Curtis on behalf of
24 the Ohio Farm Bureau, 280 North High Street,
25 Columbus, Ohio 43215.

1 ALJ AGRANOFF: Thank you.

2 And on behalf of the Staff of the Ohio
3 Power Siting Board.

4 MR. JONES: Good morning, your Honor.
5 On behalf of the Staff of the Ohio Power Siting
6 Board, Ohio Attorney General Mike DeWine, Assistant
7 Attorney General John Jones, 30 East Broad Street,
8 Columbus, Ohio 43215.

9 ALJ AGRANOFF: Thank you, sir.

10 MR. JONES: Thank you.

11 ALJ AGRANOFF: I will note that the
12 public hearing in this matter was held on July 24th,
13 2018, in McArthur, Ohio, and that pursuant to the
14 entry of June 21st, 2018, this evidentiary hearing
15 was scheduled for today at this time and place.

16 It is my understanding that the parties
17 have reached a stipulation in this matter. Is that
18 correct, Mr. Vorys?

19 MR. VORYS: Yes, your Honor. All three
20 parties to this case have entered into a Joint
21 Stipulation and Recommendation filed July 27th, 2018,
22 all three parties being the Ohio Farm Bureau
23 Federation, Staff of the Ohio Power Siting Board, and
24 the Applicant. Thank you.

25 ALJ AGRANOFF: Thank you. And is the

1 Applicant ready to proceed this morning with the
2 calling of their witnesses?

3 MR. VORYS: Yes, your Honor. Would you
4 like us to first mark a number of exhibits?
5 Beginning with Joint Exhibit 1, this is the Joint
6 Stipulation and Recommendation aforementioned signed
7 on behalf of Staff, Ohio Farm Bureau, and the
8 Applicant. Moving forward, Applicant Exhibit 1,
9 which is the application filed July 5th, 2017;
10 Applicant Exhibit 2, which supplements the
11 application filed August 16th, 2017; Applicant
12 Exhibit 3, which is a Second Supplement to the
13 Application filed February 28, 2018; Applicant
14 Exhibit 4, which is a Third Supplement to the
15 Application filed June 18th, 2018; Applicant Exhibit
16 5, which is the Response to the First Set of
17 Interrogatories filed on October 3rd, 2017; Applicant
18 Exhibit 6, Response to the Second Set of
19 Interrogatories filed July 26, 2017; Applicant
20 Exhibit 7, which is the Response to the Third Set of
21 Interrogatories filed November 13th, 2017; Applicant
22 Exhibit 8, which is the Response to the Fourth Set of
23 Interrogatories filed June 21, 2018; Applicant
24 Exhibit 9, which is the Certificate of Service filed
25 September 8th, 2017; Applicant Exhibit 10, which is

1 the Proof of Service filed October 4th, 2017;
2 Applicant Exhibit 11, which is the Proof of
3 Publication filed October 16th, 2017; Applicant
4 Exhibit 12, which is the Proof of Publication filed
5 December 5th, 2017; Applicant Exhibit 13, which is
6 the Proof of Service filed June 27th, 2018; Applicant
7 Exhibit 14, which is the Proof of Publication filed
8 July 11, 2018; Applicant Exhibit 15, which is the
9 Proof of Second Publication filed July 18th, 2018;
10 and finally, Applicant Exhibit 16, which is the
11 Prefiled Testimony of Michael R. Kaplan.

12 ALJ AGRANOFF: Thank you. The
13 aforementioned exhibits shall be so marked.

14 (EXHIBITS MARKED FOR IDENTIFICATION.)

15 MR. VORYS: Thank you, your Honor.

16 ALJ AGRANOFF: You're welcome.

17 MR. VORYS: At this time we'd like to
18 call to the stand Michael R. Kaplan.

19 ALJ AGRANOFF: Please step forward, sir.
20 Please raise your right hand.

21 (Mr. Kaplan was sworn.)

22 MR. VORYS: I would note, your Honor,
23 that we have hard copies of both Applicant Exhibit 16
24 and Joint Exhibit 1 that I'm going to circulate right
25 now. All other exhibits have been filed in the

1 docket, and if you'd like hard copies, we can bring
2 them this afternoon.

3 ALJ AGRANOFF: Thank you. Are there
4 copies, though, for the court reporter?

5 MR. VORYS: Yes.

6 ALJ AGRANOFF: Please proceed.

7 - - -

8 MICHAEL R. KAPLAN,
9 being first duly sworn, as prescribed by law, was
10 examined and testified as follows:

11 DIRECT EXAMINATION

12 BY MR. VORYS:

13 Q. Good morning, Mr. Kaplan.

14 A. Good morning.

15 Q. Please state your name, title, and
16 company name for the record.

17 A. My name is Michael Robert Kaplan. I'm
18 the Vice President of Renewable Development for
19 Invenergy East Region, and my employer is Invenergy,
20 LLC.

21 Q. Thank you. Can you confirm that you
22 have before you what has been marked as Applicant
23 Exhibit 16, which is your prefiled testimony?

24 A. I do.

25 Q. And can you confirm that this testimony

1 was prepared by you or under your direction and
2 guidance?

3 A. I can.

4 Q. And, Mr. Kaplan, do you have any
5 substantial changes or additions to this testimony?

6 A. I do not.

7 Q. And would you like to make any
8 suggestions at all to the testimony?

9 A. I do not.

10 Q. If you were asked the same questions
11 that are currently in Applicant Exhibit 16, would you
12 answer in the same way as in the written document?

13 A. I would.

14 MR. VORYS: Thank you, your Honor. We
15 have no further questions.

16 ALJ AGRANOFF: Thank you.

17 Any cross-examination on behalf of the
18 Farm Bureau?

19 MS. CURTIS: No, we have no questions.

20 ALJ AGRANOFF: Staff?

21 MR. JONES: No questions, your Honor.

22 ALJ AGRANOFF: Well, Mr. Kaplan, since
23 you came all the way today from Chicago, I will ask
24 you some questions.

25 - - -

EXAMINATION

1
2 BY ALJ AGRANOFF:

3 Q. If you could please turn your attention
4 to your prefiled testimony which has been marked as
5 Applicant Exhibit 16, and if you could please turn
6 specifically to what would be marked as Line 96.
7 There are no page numbers here, but go to Line 96.

8 A. Yes.

9 Q. Are you there?

10 A. Yes.

11 Q. And there is the statement that says,
12 "...we believe that the stipulated conditions ensure
13 that the Vinton Solar Project will serve the public
14 interest," and would you also agree that it would
15 serve the ratepayers?

16 A. I would.

17 Q. Thank you. If you look at your prefiled
18 testimony beginning on Line 104. There's a
19 discussion there about certain tax revenue.

20 A. Yes.

21 Q. Is that a special arrangement that has
22 been reached between the Company and the identified
23 entities in that discussion?

24 A. Yes. So that was from the context of
25 our PILOT negotiations with the -- with the county

1 and an agreed-upon amount that we would pay to the
2 county following the receipt of the certificate.
3 There's a process to actually memorialize that via an
4 agreement, but that agreement can't exist until the
5 certificate is issued.

6 Q. And that agreement would be between the
7 Company and what entities?

8 A. It would be the county of -- Vinton
9 County. It would be a PILOT, and I'd have to defer
10 to Will with respect to what the specific name there
11 is for the document, if not just the PILOT agreement.

12 Q. And do you know what the time frame, the
13 period of time that that agreement would be put
14 forward?

15 A. Our objective is to be able to file with
16 the -- I think it's the development services or the
17 development agency, and then they tender the county a
18 form that they need to have approved at the county
19 before we can then execute that pending agreement,
20 and so our hope would be that in the next couple
21 months following the issuance of the certificate we'd
22 be able to memorialize that agreement with the
23 county.

24 Q. And what would the period of time be for
25 that agreement?

1 A. The period of time would be for the life
2 of the project.

3 Q. Okay. Which at this point in time is
4 obviously unknown and unspecified?

5 A. Correct.

6 Q. Okay. Then if you could please turn
7 your attention to the Joint Stipulation itself.

8 A. Okay.

9 Q. And specifically Page 3. Let me know
10 when you're there.

11 A. I'm there.

12 Q. And Paragraph 7, there's reference that
13 the Applicant has not -- the certificate itself
14 "becomes invalid if the Applicant has not commenced a
15 continuous course of construction of the proposed
16 facility within five years of the date of
17 journalization of the certificate, unless the Board
18 grants a request for waiver or an extension of time."

19 The specific phrase "continuous course
20 of construction," it's not a defined term within the
21 Joint Stipulation. Can you give me some sense as to
22 what you believe that is intended to represent?

23 A. Yes. So in the course of construction
24 for a large renewable energy project such as this,
25 continuous construction typically will take the form

1 of either physical construction upon -- upon the
2 site, sometimes construction of the points of
3 interconnection substation itself, which is
4 technically a little bit outside of the site but is
5 required for the project to interconnect, and -- and
6 those would be the two primary categories that would
7 represent physical and continuous construction.

8 Q. What is contemplated by the parties as
9 "continuous"? Does that mean that it has to be
10 ongoing?

11 A. Ongoing work unless sometimes, for
12 example, weather may prevent, winter, you know, to
13 the extent that there are frost laws and there are
14 loads that -- that are prevented from being able to
15 move from one location to another because of those
16 frost laws, or just some of the seasonal realities of
17 construction, not being suitable for certain times of
18 the year versus other times of the year.

19 Q. Thank you. And you made reference to
20 the construction of a substation.

21 A. That's correct.

22 Q. Can you give me a little bit more
23 context as to what you mean by an additional
24 substation that needs to be constructed in order for
25 this project to be functional?

1 A. Yeah. So part of what -- what the OPSB
2 does in reviewing a project is they want to
3 understand what are the system impacts to the PJM
4 grid. So in order for our project to ultimately
5 interconnect to the grid, there's not a new
6 substation, there's an enhancement to the existing
7 substation. I believe it's referred to as the Elk
8 Substation. So there will need to be an installation
9 of a new breaker bay at that -- at that location.
10 That's adjacent to our property site, and technically
11 it won't even be owned by the project, but it will be
12 construction that is caused by this project moving
13 forward and work that will be conducted by -- it's an
14 AEP transmission company, facility.

15 Q. And will there also need to be the
16 construction of a new transmission line for purposes
17 of this project to become operational?

18 A. To interconnect from the site to that,
19 the subject of a subsequent filing will be for the
20 transmission line itself. So this -- this filing
21 here is not requesting the right to install that
22 transmission line.

23 Q. Okay. If I understand you correctly,
24 you're saying that there's going to need to be the
25 enhancement of the existing substation as well as the

1 construction of the additional transmission line?

2 A. That's right.

3 Q. Thank you. And if you could -- at the
4 public hearing we had last week there had been some
5 questions asked regarding illumination impacts as
6 well as potential fencing requirements that would
7 culminate as a result of this project. Could you
8 possibly give us a little bit more detail as to what
9 the Company anticipates with respect to illumination
10 and fencing?

11 A. Yeah, yeah. I understand there were a
12 few comments on that. Gabe Klooster was the
13 developer you met at that meeting. We subsequently
14 followed up with each of the folks that had -- that
15 had aired some questions, comments, or concerns.

16 With respect to the lighting, what we've
17 conveyed to them and what our intention is, is to
18 limit -- limit the lighting to the greatest amount
19 possible that would still adequately provide adequate
20 security and safety. So what that would be is limit
21 it to lighting above the substation and near
22 converters and then along certain portions of the
23 fencing. So we have, as part of this condition, I
24 think it's condition -- or this Stipulation,
25 Condition No. -- landscaping, lighting -- that as our

1 plans finalize, we will be able to memorialize and
2 tender to the OPSB our proposed lighting and
3 landscaping plan. I know it's in here.

4 MR. VORYS: If I may, I think Condition
5 14.

6 A. Fourteen, yes. Yeah, 14 is the
7 landscaping and lighting plan.

8 Q. Do you have anything else to add to your
9 answer?

10 A. No.

11 Q. Thank you. I did have one additional
12 question with respect to the Joint Stipulation
13 itself, if you could turn your attention to Paragraph
14 11. Are you there?

15 A. Yes.

16 Q. It indicates that, "...the Applicant
17 shall file a complaint summary report in the case
18 record by the fifteenth day of January" -- "January,
19 April, July, and October of each year." So is it
20 your expectation that that would be a formal filing?

21 A. I guess I don't know the difference
22 between a formal versus an informal. I assumed it
23 would be a formal filing, but I don't actually know
24 what the difference is.

25 Q. I will ask Mr. Pawley that question

1 once --

2 A. Okay.

3 Q. -- he takes the stand.

4 ALJ AGRANOFF: Based on my limited
5 questions, does counsel for any of the parties have
6 any additional questions of the witness?

7 MR. JONES: No questions, your Honor.

8 MS. CURTIS: No questions, your Honor.

9 ALJ AGRANOFF: Thank you, sir.

10 THE WITNESS: Thank you.

11 (Witness excused.)

12 MR. VORYS: Your Honor, would you like
13 us to move for the admission of exhibits right now or
14 wait to do that?

15 ALJ AGRANOFF: You can certainly do that
16 at this point in time if you so desire.

17 MR. VORYS: Okay. Your Honor, we'd like
18 to move for the admission of Applicant Exhibits 1
19 through 16.

20 ALJ AGRANOFF: And I believe you also
21 did mark the Joint Exhibit as well.

22 MR. VORYS: Yes. I was thinking to let
23 Mr. Pawley speak on that prior to admitting that
24 document.

25 ALJ AGRANOFF: That would be fine.

1 Thank you.

2 Is Staff ready to call their first
3 witness?

4 MR. JONES: Yes, your Honor. Staff
5 would call Jon Pawley to the stand.

6 ALJ AGRANOFF: Please come forward.

7 (Mr. Pawley was sworn.)

8 ALJ AGRANOFF: Please be seated.

9 Please proceed, Mr. Jones.

10 MR. JONES: Thank you, your Honor.

11 - - -

12 JON C. PAWLEY,
13 being first duly sworn, as prescribed by law, was
14 examined and testified as follows:

15 DIRECT EXAMINATION

16 BY MR. JONES:

17 Q. Would you please state your name for the
18 record, please.

19 A. Yes. It's Jon Pawley.

20 Q. And where are you employed?

21 A. I'm employed with the Public Utilities
22 Commission as Staff for the Ohio Power Siting Board.

23 Q. What is your job title and
24 responsibilities?

25 A. I am a Utility Specialist 3. In this

1 particular project I was the Staff Project Lead.

2 Q. And do you have before you what's marked
3 as Staff Exhibit 1? Do you have before you what's
4 marked as Staff Exhibit 1?

5 A. Yes.

6 Q. Could you please identify that document
7 for the record, please?

8 A. Is that the Staff Report?

9 Q. Staff Report.

10 A. Yes. It's the Staff Report of
11 Investigation, and it was filed July 5th, 2018.

12 Q. So this is the report that you were the
13 Staff lead on to conduct the Staff investigation of
14 this application?

15 A. That is correct. I managed the Staff
16 investigation and prepared -- prepared the report
17 under my direction.

18 Q. And also -- and this was filed in the
19 docket, then, on July 5th, 2018; is that correct?

20 A. Correct.

21 Q. And also then you have before you
22 exhibit -- Staff Exhibit 2. Could you please
23 identify that document for the record, please?

24 A. Staff Exhibit 2 is my prefiled
25 testimony.

1 Q. In looking at Staff Exhibit 2, was this
2 testimony prepared by you or at your direction?

3 A. Yes.

4 Q. And do you have any changes to make to
5 that testimony?

6 A. No.

7 Q. If I were to ask you the same questions
8 contained in your testimony, would your answers be
9 the same today?

10 A. That is correct.

11 Q. Now I want to refer you to Joint Exhibit
12 1, and it was referenced in your testimony on I
13 believe it was Question 5, which you stated in your
14 testimony there that there were some modifications
15 done to some of the Staff conditions in the Staff
16 Report, is that correct, as a result of the
17 Stipulation?

18 A. That is correct.

19 Q. Okay. So following up on that
20 testimony, could you then please, looking at Joint
21 Exhibit 1, identify what conditions did change as a
22 result of the Stipulation being filed?

23 A. Yes. As referred in the July 27th
24 document that was filed, Condition No. 1 was changed.
25 Do you want me to go through numerically or give an

1 explanation?

2 Q. Numerically, yeah, and if you want to
3 give a brief description there.

4 A. Okay. Condition 1, Staff still
5 recommends that the facility be installed at the
6 Applicant's proposed site. That has not changed.
7 What was changed or added was a provision that the
8 contents or "as presented and modified" in the
9 Stipulation was added to that -- to that condition,
10 so it added a provision to include the Stipulation.

11 Q. The next change?

12 A. The next change is Condition No. 7 on
13 Page 3. I think this was discussed with the prior
14 witness. What was added was a clarification that
15 "unless the Board grants a request for waiver or
16 extension of time," which Staff supports that. That
17 would be standard, but again, it is a clarification
18 to this condition.

19 Q. And the next condition that changed?

20 A. Condition No. 9, the phrase "Interim
21 ISA," or Interconnection Service Agreement, was added
22 as -- it was added as a mechanism to allow
23 construction to begin, but the Applicant cannot tie
24 into the grid until the Interconnection Service
25 Agreement is formally filed with the -- with the

1 OPSB.

2 Q. So the distinction, then, is the interim
3 is for that they can commence construction, but they
4 cannot connect until they have an Interconnection
5 Service Agreement?

6 A. That is correct.

7 Q. Okay. And what is the next condition
8 that's changed?

9 A. Condition No. 12, the general
10 construction activities. The hours of the pile
11 driving sentence changed from 10 a.m. to 5 p.m. to 9
12 a.m. to 7 p.m., and the phrase "nonparticipating
13 sensitive receptors" was also added, and this was
14 shown to Staff to be consistent with a very similar
15 condition that was approved in the -- in a prior
16 solar facility that was similar to this, so we were
17 just -- what ended up happening is this condition now
18 mirrors what was already approved by the Board.

19 Q. Okay. All right. Moving on, what is
20 the next condition that changed?

21 A. Condition 14 changed. This addressed
22 landscape and lighting plans, and the phrase
23 "nonparticipating residences with a direct and open
24 line of sight to the facility" was added, and again,
25 this was consistent with a prior approved solar

1 facility that went before the Board.

2 Q. And moving on, the next condition that
3 changed?

4 A. Condition 15, some language was modified
5 and some language was added. Rather than using the
6 term "drain tile" -- this condition dealt with
7 drainage and impacts to the soils from construction
8 operation and/or maintenance of the facility, so
9 instead of "drain tile," the terminology "surface and
10 subsurface drainage systems" was -- replaced drain
11 tile. And the Storm Water Pollution Prevention Plan
12 provision at the end was also added, and this was
13 added terminology that was more -- it's my
14 understanding was more in line with the Ohio Farm
15 Bureau practices and policies.

16 Q. Moving on, the next condition that
17 changed?

18 A. Condition 17. Basically this -- this
19 condition dealt with geotech work that Staff wanted
20 to see on the site, as it is a former strip mine
21 site. What was changed was rather than have geotech
22 exploration at every post location, which is what was
23 originally in the condition, we removed that
24 reference and replaced it with geotech "exploration
25 and evaluation across a broad enough portion of the

1 site to confirm that there are no issues," so it was
2 a little -- it was a little more broad, a little more
3 general. The actual site itself is over a thousand
4 acres. I think with the actual solar farm, that
5 would be -- that's a huge number of test borings that
6 would need to be done, so Staff was willing to
7 basically work out an agreement or agree to the
8 condition that a more general parameter of sampling
9 would be done for the site.

10 Q. Okay. And moving on, the next condition
11 that changed?

12 A. The next condition is 22 on Page 6.
13 This is the vegetation management plan. There was
14 language added that was basically provided for a
15 provision to include steps to be taken to prevent
16 noxious weeds. This had to do with the pollination,
17 pollinator-type plantings that Staff was looking for
18 as part of the solar farm vegetation plan, and I
19 think the concern with that was that could also
20 introduce noxious weeds into the area, so we wanted
21 to specifically address that that's something that
22 the Applicant would ensure would not occur. And I
23 think that was the last one.

24 Q. So Staff supports all these changes to
25 the conditions in the Staff Report that are listed

1 here in the Stipulation; is that correct?

2 A. That is correct.

3 Q. And Staff overall supports the
4 Stipulation itself and recommends that to the Board
5 for approval?

6 A. That is correct.

7 MR. JONES: Your Honor, I have no other
8 questions.

9 ALJ AGRANOFF: Thank you, Mr. Jones.
10 Any questions on behalf of any of the
11 other parties?

12 MS. CURTIS: We have no questions, your
13 Honor.

14 MR. VORYS: We have no questions, your
15 Honor.

16 ALJ AGRANOFF: Thank you.

17 MR. JONES: Your Honor, with that, I
18 would like to move for the admission of Staff
19 Exhibits 1 and 2.

20 ALJ AGRANOFF: Thank you.

21 - - -

22 EXAMINATION

23 BY ALJ AGRANOFF:

24 Q. I do have one additional question as I
25 had referenced earlier with Mr. Vorys and the Company

1 witness regarding Paragraph 11 of the Joint
2 Stipulation. Do you remember the question that was
3 pursuant, at that point time, about whether or not
4 that particular requirement would be a formal filing
5 of a complaint summary or whether that would just be
6 a report that would be provided to Staff?

7 A. Yes, I do remember that question. The
8 expectation from Staff with regard to Condition 11 is
9 that -- and this has been our practice, Staff's
10 practice in the past, is that a complaint summary
11 would be delivered to Staff via e-mail or however
12 that might be, vis-à-vis a spreadsheet or Word
13 document, in compliance with Condition 11, and that
14 particular document would not be docketed formally on
15 the record, but at some point in time what we usually
16 have the Applicant do is file a notice or some sort
17 of a memorandum saying hey, we've complied with
18 Condition 11, we sent, you know, whatever the
19 complaint is and complaint resolution in a timely
20 manner to Staff, and when Staff receives that
21 information, typically, if it's me, what I will do is
22 I'll talk to the person in charge of public
23 information for the project and make sure that there
24 is a follow-up between Staff, the Company, and, if
25 needed, the person that is the subject of the

1 complaint. But to answer your question, the actual
2 complaint summary, no, we don't -- we have typically
3 not docketed that on a quarterly basis, but upon
4 receipt, at some point, whether it be annual, the
5 Applicant would put some sort of a notification on
6 the formal record saying yes, we complied with this,
7 and, you know, basically by receiving this
8 information, it would become public record.

9 Q. Thank you.

10 ALJ AGRANOFF: Based on my clarifying
11 question, is there any further follow-up from either
12 of the parties?

13 MR. VORYS: We have no follow-up, your
14 Honor.

15 MS. CURTIS: We have no follow-up, your
16 Honor.

17 ALJ AGRANOFF: Thank you. I appreciate
18 it, Mr. Pawley.

19 (Witness excused.)

20 ALJ AGRANOFF: At this point in time we
21 will mark Staff Exhibit 1 as the Staff Report of
22 Investigation filed on July 5th, 2018, and Staff
23 Exhibit 2 as the prefiled testimony of Jon Pawley.

24 (EXHIBITS MARKED FOR IDENTIFICATION.)

25 ALJ AGRANOFF: And, Mr. Jones, you would

1 move for their admission?

2 MR. JONES: Yes, your Honor, I would
3 move for the admission of Staff Exhibit 1 and Staff
4 Exhibit 2.

5 ALJ AGRANOFF: Any objection to the
6 admission of the aforementioned exhibits?

7 MR. VORYS: No objection, your Honor.

8 ALJ AGRANOFF: There being none, the
9 aforementioned exhibits shall be admitted as part of
10 the record at this time. We've already dealt with
11 the Applicant's Exhibits 1 through 16 and have
12 admitted them as part of the record at this time,
13 which means we're left with Joint Exhibit 1.

14 (EXHIBITS ADMITTED INTO EVIDENCE.)

15 MR. VORYS: Your Honor, we'd like to
16 move for the admission of Joint Exhibit 1.

17 ALJ AGRANOFF: Any objection to the
18 admission of Joint Exhibit 1?

19 MS. CURTIS: No objection, your Honor.

20 MR. JONES: No objection, your Honor.

21 ALJ AGRANOFF: There being none, Joint
22 Exhibit 1 shall be admitted as part of the record at
23 this time.

24 (EXHIBIT ADMITTED INTO EVIDENCE.)

25 ALJ AGRANOFF: Is there anything else

1 that any of the parties believe they need to address?

2 MR. JONES: No, your Honor.

3 MS. CURTIS: No, your Honor.

4 MR. VORYS: No, your Honor.

5 ALJ AGRANOFF: If not, then this matter
6 shall be considered as submitted on the record, and
7 we are adjourned. Thank you.

8 MR. JONES: Thank you, your Honor.

9 MS. CURTIS: Thank you.

10 (Thereupon, the hearing was concluded at
11 10:35 a.m.)

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CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Wednesday, August 1, 2018, and carefully compared with my original stenographic notes.

Valerie J. Sloas
Valerie J. Sloas, Registered Professional Reporter and Notary Public in and for the State of Ohio.

My commission expires June 10, 2021.
(VJS-87593)



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in

Case No(s). 17-0774-EL-BGN

Summary: Transcript In the Matter of the Application of Vinton Solar Energy, LLC for a Certificate of Environmental Compatibility and Public Need to Construct a Solar-Powered Electric Generation Facility in Vinton County, Ohio, hearing held on Wednesday, August 1st, 2018. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Sloas, Valerie J. Mrs.