

BEFORE  
THE OHIO POWER SITING BOARD

In the Matter of the Application of )  
of Angelina Solar I, LLC, for a )  
Certificate of Environmental ) Case No. 18-1579-EL-BGN  
Compatibility and Public Need )

---

**LIST OF ISSUES FOR CROSS-EXAMINATION SUBMITTED BY THE CONCERNED  
CITIZENS OF PREBLE COUNTY, LLC, ROBERT BLACK, MARJA BRANDLY,  
CAMPBELL BRANDLY FARMS, LLC, MICHAEL IRWIN, KEVIN AND TINA  
JACKSON, VONDERHAAR FAMILY ARC, LLC, AND VONDERHAAR FARMS INC.**

---

The above-named Intervenors hereby submit their list of issues citing specific concerns for which they may pursue cross-examination at the hearing. These concerns are the following:

1. The solar project will have a serious adverse impact on the Petitioners' homes and properties that will spoil the enjoyment of living and working there. Angelina Solar's application fails to protect their properties and their enjoyment of living and working there:
2. The Petitioners' views of hundreds of acres of solar panels surrounding the Petitioners' properties and on the public roads near the Petitioners' properties will spoil their visual and aesthetic enjoyment of living and working there. The application and the staff recommendations fail to commit to specific measures that will be taken to protect the Petitioners' views, but instead leaves those details to be determined after the certificate is issued rather than properly and fairly adjudicating them in this proceeding. The application does not provide adequate or sufficiently detailed commitments for planting vegetation barriers

between the solar project structures and equipment and Petitioners' properties to minimize visual impacts

3. The application fails to provide a commitment for adequately minimizing glare.
4. Noise, dust, and traffic will be intrusive during the project's construction.
5. Angelina Solar failed to conduct an adequate study of the project's adverse effects on wildlife. The applicant's study also failed to evaluate the adverse effects of the project's fences on wildlife species that currently travel from their places of residence inside and outside of the project area (including those living on the Petitioners' wooded land) throughout the project area to forage and hunt. The study failed to evaluate the adverse effects on wildlife that will no longer be able to travel from one pocket of wildlife-friendly habitat to another due to the obstructions from the project's fences.
6. The application fails to identify reasonable measures that are necessary to protect birds and other wildlife. The proliferations of fencing in the project, by preventing wildlife movement, will congregate and cause the overpopulation of wildlife in Hueston Woods, the Petitioners' woods, and other habitat areas inside and outside of the project area. The crowding of wildlife, such as deer, in smaller areas will increase adverse impacts such as increased disease, coyote predation of livestock, and vehicular accidents. The project will decrease habitat for wildlife without adequately compensating for this loss with the planting of native plant species for the wildlife. The loss of habitat will result in wildlife grazing in the Intervenor's fields and damaging their crops, ornamental plants, and other vegetation.

7. The application does not sufficiently provide for the protection and repair of drainage tiles that are damaged by the project's construction or operation, including tiles that flow from the Intervenors' land onto the solar project area. The application and staff report do not provide for mandatory repairs of these tiles. The staff report provides the Intervenors with no right to require repairs to be made to tiles that are downstream from their land (e.g., recommended condition 16 states that only "the landowner" has that right).
8. The application does not sufficiently provide for the protection of neighboring properties, including the Intervenors' properties and the area's surface waters, from storm water runoff and erosion sediment from the solar project property.
9. The application fails to protect the environment from potential spills of drilling fluids that could flow down hilly terrain and into streams that are not sufficiently identified in the application.
10. The application needs to protect the groundwater supplies in the area.
11. The application does not provide sufficient protections against road damage or reimbursement to local authorities for road damage.
12. The application does not protect the existing storm water drainage patterns that protect the Petitioners' land from being flooded by runoff from the project area.
13. The application fails to identify the specific locations for the solar panels, night lights, and other project components, leaving this task to a later day subsequent to the certificate's issuance. This failure deprives the Board and the Intervenors of the opportunity to determine whether the panels and other components will displace or injure streams, wildlife habitat, and other natural resources, whether

the night lights will be an annoyance to the Petitioners, and whether the project's components will be in the line of sight from the Petitioners' land and home. The staff's recommendations also fail to require that such a plan be included in the application, instead allowing the applicant to prepare it after the certificate's issuance.

14. The application fails to evaluate and protect against adverse effects on technology signals such as cell phones, internet signals, radio signals, and real-time kinematic signals that are used in the area for installing field drainage tiles, running GPS equipment for agriculture, medical equipment (e.g., pacemakers), and other purposes.
15. The application fails to evaluate and protect against adverse effects from electromagnetic fields or signals on humans, animals, and equipment from the solar project.
16. While the application calls for the planting of vegetation inside and outside of the project area, it fails to provide for adequate measures to sustain the vegetation or keep it alive. Moreover, it fails to prevent the intrusion of invasive plant species and other weeds in the area whose seeds may be contained in the mixtures of seeds used to plant the land in the project.
17. The application does not provide for adequate weed control on the solar project property.
18. The setbacks proposed between the neighboring properties (including the Petitioners') and the project's fences and components are too short to protect the neighboring properties.

19. The fencing should be visually appealing and not harmful to wildlife.
20. The application fails to identify measures to protect the solar panels from high wind, hail, lightening, fire, and other natural disasters, as well as to protect Petitioners from flying debris and toxic materials that could be released by these disasters.
21. The application does not protect the solar panels and equipment from vandalism and theft, which will increase the crime in the area.
22. The application does not account for or provide for adequate emergency services to address emergencies at the solar project, including the necessary staffing, funding, equipment, training, and response time. For example, Israel Township does not have the emergency services personnel to handle these problems.
23. The certificate must provide procedures for contacting emergency services that account for the fact that the project is located at the Ohio-Indiana border and that calls made to 911 may not go to the emergency services agency with jurisdiction over the project area (some calls go to an Indiana emergency services agency).
24. The project may result in higher taxes for the community, e.g., such as taxes levied to pay for additional emergency services.
25. The application does not evaluate and protect against increased temperatures and modified weather patterns resulting from the project's many acres of solar panels, including effects on nearby growing crops.

26. The certificate, if granted, should provide public with access to the weather station data collected by the solar project.
27. The application does not adequately provide for decommissioning upon the closure of the project, including financial assurance (e.g., bonding) and the disposal of solar panels and other equipment or structures.
28. The theft of recyclable materials from the solar panels and equipment endanger the community, and fencing is not an adequate means to prevent this crime.
29. The certificate must require the applicant, prior to groundbreaking, to provide for an adequate amount of funding for decommissioning that accounts for inflation.
30. The staff report and its recommended conditions fail to adequately address the concerns stated in Paragraphs 1-29 above.
31. The staff recommendations recommend that many of the plans necessary to protect the public be made after the certificate is issued. This deprives the Board and the Intervenors of the opportunity to determine whether these plans will protect the Intervenors from harm.
32. The above-named Intervenors also plan to cross-examine witnesses about any issues that are discussed in the witnesses' testimony, as well as any issues and concerns raised by the applicant and other parties to this proceeding.

Respectfully submitted,

/s/ Jack A. Van Kley  
Jack A. Van Kley (0016961)  
Van Kley & Walker, LLC  
132 Northwoods Blvd., Suite C-1  
Columbus, Ohio 43235  
(614) 431-8900 (telephone)  
(614) 431-8905 (facsimile)  
Email: [jvankley@vankleywalker.com](mailto:jvankley@vankleywalker.com)

Christopher A. Walker (0040696)  
Van Kley & Walker, LLC  
137 North Main Street, Suite 316  
Dayton, Ohio 45402  
(937) 226-9000 (telephone)  
(937) 226-9002 (facsimile)  
Email: [cwalker@vankleywalker.com](mailto:cwalker@vankleywalker.com)

### **CERTIFICATE OF SERVICE**

The Ohio Power Siting Board's e-filing system will electronically serve notice of the filing of this document on the parties referenced in the service list of the docket card who have electronically subscribed to this case. In addition, I hereby certify that, on April 24, 2019, a copy of the foregoing document also is being served by electronic mail on the following: Michael Settineri at [mjsettineri@vorys.com](mailto:mjsettineri@vorys.com), MacDonald Taylor at [mwtaylor@vorys.com](mailto:mwtaylor@vorys.com), Kathryn West at [kwest@prebco.org](mailto:kwest@prebco.org), Dylan Borchers at [dborchers@bricker.com](mailto:dborchers@bricker.com), Chad Endsley at [cendsley@ofbf.org](mailto:cendsley@ofbf.org), Thaddeus Boggs at [tboggs@fbtlaw.com](mailto:tboggs@fbtlaw.com), Matthew Butler at [matthew.butler@puc.state.oh.us](mailto:matthew.butler@puc.state.oh.us), Andrew Conway, at [andrew.conway@puco.ohio.gov](mailto:andrew.conway@puco.ohio.gov), and tanowa Troupe at [tanowa.troupe@puc.state.oh.us](mailto:tanowa.troupe@puc.state.oh.us), Jodi.barr@ohioattorneygeneral.gov, and Patricia Schabo at [patricia.schabo@puco.ohio.gov](mailto:patricia.schabo@puco.ohio.gov).

/s/ Jack A. Van Kley  
Jack A. Van Kley

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**4/24/2019 4:55:42 PM**

**in**

**Case No(s). 18-1579-EL-BGN**

Summary: Notice of List of Issues electronically filed by Mr. Jack A Van Kley on behalf of Concerned Citizens of Preble County, LLC and Brandy, Marja Ms. and Black, Robert Mr. and Irwin, Michael Mr. and Campbell Brandy Farms, LLC and Jackson, Kevin Mr. and Jackson, Tina Ms. and Vonderhaar Family ARC, LLC and Vonderhaar Farms Inc.