

The Ohio Power Siting Board

**Public Hearing**

In Re: Nestlewood Solar I, LLC

Case No. 18-1546-EL-BGN



513-233-3000

877.233.4403

FAX: 513-233-2310

[depo@elitereportingagency.com](mailto:depo@elitereportingagency.com)

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1 THE OHIO POWER SITING BOARD

2 PUBLIC HEARING

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Case Number: 18-1546-EL-BGN

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7 In the Matter of the Application of  
8 Nestlewood Solar I, LLC for a Certificate of  
9 Environmental Compatibility and Public Need  
10 to Construct an Electric Generating Facility  
11 in Brown and Clermont Counties, Ohio

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16 Date and Time: Thursday, May 30, 2019  
6:00 p.m.

17 Place: Hamersville Elementary  
and Middle School  
18 1950 State Route 125  
Hamersville, Ohio 45130

19 Administrative  
Law Judge: Anna Sanyal

20 Board member: Mary Mertz

21 Reporter: Margaret J. Fahey  
Notary Public - State of  
22 Ohio

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1 P-R-O-C-E-E-D-I-N-G-S

2 MS. SANYAL: Let's go on the record.

3 The Ohio Power Siting Board has  
4 assigned for public hearing at this time and  
5 place Case Number 18-1546-EL-BGN, which is  
6 captioned In the Matter of the Application  
7 of Nestlewood Solar I, LLC for a Certificate  
8 of Environmental Compatibility and Public  
9 Need to Construct an Electric Generating  
10 Facility in Brown and Clermont Counties,  
11 Ohio.

12 My name is Anna Sanyal, and I am the  
13 Administrative Law Judge assigned by the  
14 Ohio Power Siting Board to preside over this  
15 local hearing.

16 With me today is Ohio Power Siting  
17 board member Mary Mertz, who is also the  
18 Director of the Ohio Department of Natural  
19 Resources.

20 At this time, Director Mertz, do you  
21 have any comments that you would like to  
22 make?

23 MS. MERTZ: I will just say I am  
24 pleased to be here at the home of the  
25 Hornets, and look forward to hearing all of

1 the public comments and anything you all  
2 have to share and your thoughts about the  
3 proposal.

4 I appreciate the opportunity to be here  
5 today.

6 MS. SANYAL: Thank you, Director Mertz.

7 Along with Director Mertz, we also have  
8 some people from the Power Siting Board and  
9 the Ohio Utilities Commission.

10 We have Derek Collins from the Ohio  
11 Power Siting Board Staff.

12 Rick, if you want to wave.

13 Thank you.

14 We also have Matt Schilling, Jill  
15 Kocher, Scott Elisar, Rachael Mains, and  
16 Sarah Ross from the Public Utilities  
17 Commission of Ohio.

18 We are all available to answer any  
19 questions concerning the application after  
20 the hearing process, so please hang around  
21 after the hearing if you still have  
22 questions that have not been answered.

23 At this time I would like to go ahead  
24 and take appearances on behalf of the  
25 parties. So let's go to the company first.

1 Mike Settineri.

2 Thank you.

3 MR. SETTINERI: Thank you, your Honor.

4 On behalf of Nestlewood Solar I, LLC,  
5 Mike Settineri from the law firm of Vorys,  
6 Sater, Seymour and Pease, LLP, 52 East Gay  
7 Street, Columbus, Ohio 43215.

8 Also with me tonight is Joe Jordan, the  
9 project manager.

10 Thank you.

11 MS. SANYAL: Thank you, Mr. Settineri  
12 and Mr. Jordan.

13 On behalf of Ohio Farm Bureau  
14 Federation?

15 MR. ARNOLD: Thank you, your Honor.

16 My name is Dale Arnold. I'm the  
17 Director of Energy, Utility, and Local  
18 Government Policy for the Ohio Farm Bureau,  
19 280 North High Street, Columbus, Ohio,  
20 43215.

21 MS. SANYAL: Thank you, Mr. Arnold.

22 And at this time are there any other  
23 parties that desire to make a formal  
24 appearance at this point in time?

25 (No response)

1           Okay. Let's move on.

2           The subject matter of this evening's  
3 public hearing is the application filed by  
4 Nestlewood on December 14th, 2018 to  
5 construct an 80 megawatt solar powered  
6 electric generating facility in Lewis and  
7 Clark Township in Brown County and Tate and  
8 Franklin Townships in Clermont County.

9           The proposed project will be located  
10 within approximately 610 acres of privately  
11 owned land, approximately three miles west  
12 of Hamersville, Ohio.

13           In its application, Nestlewood states  
14 the purpose of the project will be to  
15 generate electricity and interconnect with  
16 the regional transmission grid to supply  
17 this area with power.

18           Construction of the facility is  
19 expected to begin during June of 2019, and  
20 it's scheduled to be in service by the  
21 second quarter of 2020.

22           Again, as I mentioned briefly before we  
23 went on the record, the purpose of this  
24 evening's public hearing is to receive  
25 comments from you regarding Nestlewood's

1 application. It's not intended to be a  
2 question and answer session, but instead it  
3 is your opportunity to let the Ohio Power  
4 Siting Board know what you think about the  
5 proposals in the application.

6 I wanted to let you know that this  
7 public hearing is just one aspect of the  
8 application process, or rather the process  
9 of this case.

10 The adjudicatory hearing for this  
11 proceeding is scheduled to take place on  
12 June 13th of 2019 at 10:00 a.m. at the  
13 offices of the Ohio Power Siting Board that  
14 is located in downtown Columbus at 180 East  
15 Broad Street in Columbus, Ohio.

16 I will note that the board's staff  
17 filed its report of investigation on May  
18 15th, 2019. But I want to make clear that  
19 the staff report is just a recommendation to  
20 the Power Siting Board, and is one of the  
21 main factors that the board considers when  
22 approving the application.

23 Tonight's hearing is being transcribed  
24 by a court reporter. If you plan to  
25 testify, please speak clearly so she can

1 accurately reflect your comments on the  
2 record.

3 I know that at least one of you has  
4 prepared a written statement. If any others  
5 have any written statements, it would be  
6 helpful if you gave me a copy before you  
7 left.

8 When you arrived, you were offered the  
9 opportunity to sign up to testify up at that  
10 table over there. So when I finish with  
11 this very long introduction, I will begin  
12 calling each of you forward, one by one, and  
13 you will -- before you come up here, you  
14 will -- I will swear you in.

15 There will be an oath or an  
16 affirmation, and you will state that the  
17 testimony you will be giving is the whole  
18 truth. And that testimony will become part  
19 of the official record in this case and it  
20 will be reviewed by the board before the  
21 board makes its final decision on the  
22 application.

23 The parties to the case, especially  
24 Mr. Settineri, who introduced himself  
25 earlier, may ask you questions. So just try



1 to answer the questions to the best of your  
2 ability if he has any.

3       Should you decide that you do not want  
4 to testify, even if you signed up, just let  
5 me know, and I will pass on to the next  
6 witness. And if you didn't sign up, just  
7 let me know at the end of everyone else on  
8 the sign-up sheet, and we'll make sure you  
9 have an opportunity to testify.

10       We appreciate your participation in  
11 tonight's hearing, and we are all grateful  
12 that you are here.

13       Please be considerate of everyone's  
14 time and try to give your statements -- try  
15 to keep your statements as brief as  
16 possible.

17       At this time I will begin calling the  
18 witnesses forward.

19       Let's see. The first person I have is  
20 Ralph Herbolt.

21       MS. SANYAL: You will raise your right  
22 hand. Do you swear or affirm that the  
23 testimony you are about to provide is the  
24 whole truth?

25       MR. HERBOLT: Yes.

1 MS. SANYAL: And then, go ahead. State  
2 your name and your address for the record.

3 MR. HERBOLT: Ralph Herbolt, 236 East  
4 Plane Street, Bethel, Ohio.

5 The main thing I want to say most is  
6 that I am in favor of the project. I think  
7 that the solar is a much cleaner technology  
8 than coal and much safer than fracking and  
9 some of the older technologies.

10 That's it.

11 MS. SANYAL: Thank you.

12 Okay. Thank you. I just wanted to  
13 make sure there were no questions.

14 The next person I have is Dennis  
15 Obermeyer.

16 If you will raise your right hand.

17 Do you solemnly swear or affirm that  
18 the testimony you are about to provide is  
19 the whole truth?

20 MR. OBERMEYER: Yes, I do.

21 MS. SANYAL: Okay. And will you state  
22 your name and address for the record?

23 MR. OBERMEYER: My name is Dennis  
24 Obermeyer. I live at 2050 Bethel Maple  
25 Road, Hamersville, Ohio. I live

1 three-tenths of a mile from the project.  
2 I've resided at this location for four  
3 years.

4 So my question is probably pertaining  
5 to you. I have a creek that runs through my  
6 property, and it's a pretty good size creek  
7 across from the Burke property.

8 Anyway, I am concerned about the  
9 watershed running off from the solar panels.  
10 From what I read online, a lot of times  
11 there's broken solar panels that can  
12 extrude, you know, harmful chemicals or  
13 pollution into our system.

14 And I see where they have filed an  
15 application with the Brown Soil And Water  
16 Conservation District.

17 Have those been approved and looked  
18 into and so forth at this point?

19 And that's one of my main concerns,  
20 yes. And I am a little concerned, too,  
21 about the road construction in our area,  
22 that it's a lot of heavy equipment that's  
23 going to be operating at this facility when  
24 putting the project in.

25 And we've suffered a lot of damages to

1 our road, you know, in the past year. I  
2 just wonder if the counties are going to  
3 take that into consideration as far as, you  
4 know, repairing the roads after the project  
5 and during the project until completion and  
6 it's done.

7 So that's my main concern, the  
8 environmental impact on my property.

9 So that's all I have to say.

10 MS. SANYAL: Okay. Thank you.

11 Do you plan on staying after the  
12 hearing? Because I do think staff could  
13 speak to some of your concerns.

14 MS. OBERMEYER: Okay, and address my  
15 issues.

16 Thank you very much.

17 MS. SANYAL: Okay.

18 I have Terri Daugherty.

19 MS. DAUGHERTY: I reserve my right to  
20 testify later.

21 Thank you.

22 MS. SANYAL: Okay.

23 And then I have Kate and James Powers.

24 And you can go together or one by one,  
25 whichever works for you.

1 Will you just be testifying together?

2 MS. POWERS: We both have questions for  
3 specifically before and after.

4 MS. SANYAL: Okay.

5 So as I mentioned earlier, you know,  
6 this is not intended to be a question/answer  
7 session.

8 So why don't we do this? Why don't you  
9 just tell us your concerns. We can write it  
10 down on the transcript.

11 And then, after the hearing, Mr. Jordan  
12 and you guys can pow-wow, with Mr. Jordan.

13 How does that sound?

14 MS. POWERS: Okay. She can probably  
15 answer a couple of our questions. Also we  
16 have questions about the environment as  
17 well.

18 MS. MERTZ: So --

19 MR. SETTINERI: Your Honor?

20 MS. SANYAL: Yes.

21 MR. SETTINERI: Mr. Jordan and I will  
22 be available after the hearing if anyone has  
23 questions as well.

24 MS. SANYAL: Okay.

25 MS. POWERS: Is that going to go on the

1 record?

2 MS. SANYAL: No, it's not, because this  
3 is not intended -- the part of -- the  
4 hearing part is not intended to be a  
5 question and answer session.

6 It's just a way for you to voice your  
7 concerns, which is why I mentioned why don't  
8 we just put your concerns on the record.

9 And then, when we close the hearing for  
10 the day, you can ask your questions to  
11 Mr. Jordan.

12 Does that work?

13 MS. POWERS: Sure.

14 MS. SANYAL: Okay.

15 So are both of you testifying together  
16 or just one of you?

17 MS. POWERS: Yeah, both of us. We have  
18 questions.

19 MS. SANYAL: Well, then we'll do a dual  
20 swearing in.

21 MS. POWERS: Okay.

22 MS. SANYAL: Do both of you solemnly  
23 swear or affirm that the testimony you are  
24 about to provide is the whole truth?

25 MS. POWERS: Yes.

1 MR. POWERS: Yes.

2 MS. SANYAL: And then will each of you  
3 state your name and your address?

4 And then, you know, let's do it one  
5 person by one person.

6 MS. POWERS: Okay. I am Kate Powers.

7 I live at 2033 Bethel Maple Road in  
8 Hamersville, and this is my son James.

9 And we are going to be directly next to  
10 part of the solar panels. And you can  
11 literally see -- you will be able to see the  
12 solar panels from my house.

13 And I would like to know how it's going  
14 to affect my property value. Because I  
15 don't know about anybody else, but my house  
16 is my biggest asset that I have right now.  
17 And if my property value is going to  
18 decline, I don't want the solar panels  
19 anywhere near us.

20 Thank you.

21 MS. SANYAL: Anything else?

22 MR. POWERS: I would like to know the  
23 impact it will have on our creek that we  
24 have that runs onto our property, and on the  
25 local wildlife in the area.

1 MS. SANYAL: Thank you.

2 Any other issues?

3 MS. POWERS: No.

4 MS. SANYAL: Okay.

5 Thank you very much.

6 MS. POWERS: Thank you.

7 MS. SANYAL: Okay.

8 I have Tim Trester.

9 MR. TRESTER: I apologize. I didn't  
10 realize the sign-up sheet was to testify.

11 MS. SANYAL: Well, if you want to  
12 change your mind and offer some --

13 MR. TRESTER: I am fine.

14 Thank you.

15 MS. SANYAL: Okay.

16 And then I have John McManus.

17 Mr. McManus, if you will raise your  
18 right hand.

19 Do you solemnly swear or affirm that  
20 the testimony you are about to provide is  
21 the whole truth?

22 MR. McMANUS: I do.

23 MS. SANYAL: Okay.

24 MR. McMANUS: My name is John McManus.  
25 I am the administrator for the Clermont



1 County Soil and Water Conservation District.  
2 The address is 1000 Locust Street,  
3 Owensville, Ohio.

4 We appreciate the opportunity to review  
5 the application. We really only have one  
6 comment regarding the soil and water  
7 management on the site.

8 The application included mention of  
9 sediment conservation control practices  
10 and that they would be applying for a  
11 construction general permit through the Ohio  
12 EPA, which is good.

13 In the application there didn't seem to  
14 be any intent to provide post-construction  
15 stormwater management facilities. We  
16 believe post-construction stormwater  
17 management should be put in place.

18 Even though the ground underneath the  
19 solar panels is open, the water that is on  
20 the solar panels will likely concentrate and  
21 flood.

22 And given it's along that road and the  
23 soils on the site, we think  
24 post-construction stormwater management is  
25 necessary.

1           It's our recommendation that the site  
2 adhere to the water management and the  
3 sediment control regulations for Clermont  
4 County, as well as Ohio EPA's construction  
5 general permit.

6           MS. SANYAL: Okay.

7           Thank you very much.

8           I am at the end of my list.

9           Are there any other people who would  
10 like to testify today?

11           I am going to give you like 30 seconds  
12 to think about it, and then I would also  
13 like to put on the record that I received  
14 written comments from Mr. Roland Franke at  
15 2211 Oak Corner Road, Hamersville, Ohio  
16 45130.

17           And I will be submitting those to the  
18 Power Siting Board.

19           Yes, sir?

20           MR. HAVENS: I would like to comment.

21           MS. SANYAL: Okay.

22           Would you like to come down here?

23           And may I have your full name first so  
24 I can put it on the sign-in sheet?

25           MR. HAVENS: Yeah, it's Aaron Havens,

1 A-a-r-o-n H-a-v-e-n-s.

2 MS. SANYAL: Okay.

3 Mr. Havens, will you please raise your  
4 right hand?

5 Do you solemnly swear or affirm that  
6 the testimony you are about to provide is  
7 the whole truth?

8 MR. HAVENS: Yes.

9 MS. SANYAL: Okay. Thank you.

10 And then if you will give us your  
11 address.

12 MR. HAVENS: Yes. It's 1206 Leonard  
13 Road, Hamersville, Ohio 45130.

14 MS. SANYAL: And I am sorry.

15 What was the name of the road?

16 MR. HAVENS: Leonard.

17 MS. SANYAL: Leonard. Thank you.

18 Go ahead with your testimony.

19 MR. HAVENS: Okay. I don't have any  
20 questions. It's basically a statement.

21 We had a question and -- you know, a  
22 question and answer that we did in November.  
23 When we asked questions, they could not  
24 answer anything. When I would ask  
25 questions, they would give me four different

1 answers.

2 We have still not heard anything from  
3 them. It's sort of like they are sliding  
4 this in on us. We don't have answers.

5 You know, it's been brought up about  
6 the concern about the watershed. It's been  
7 brought up about the toxic.

8 I asked four different people about  
9 landscaping, what are they going to do to  
10 protect it, you know, to keep it away from  
11 us.

12 Nestlewood has never answered any of  
13 these questions.

14 I have serious concerns about the  
15 construction. I can't get a Clark Township  
16 trustee to come down our road, let alone  
17 to this meeting. I can't get a Brown County  
18 commissioner to come to this meeting.

19 I mean, I really have concerns about  
20 all of this, and nothing is getting  
21 answered, so I no longer have any questions.  
22 I am totally against this and it's sort of  
23 underhanded the way this is shaking down.

24 I am speaking for myself. A few of my  
25 immediate neighbors, I guarantee they feel

1 the same way.

2 MS. SANYAL: Thank you.

3 MR. HAVENS: Thank you.

4 MS. SANYAL: I would like you to know  
5 that Mr. Jordan is here. So if you are okay  
6 with staying after the hearing, I hope you  
7 will take the opportunity to chat with  
8 him.

9 MR. HAVEN: He was here last time, and  
10 I didn't get any answers.

11 Why would I waste my time this time?

12 MS. SANYAL: Thank you for noting your  
13 concerns.

14 Ms. Daugherty, would you --

15 MS. DAUGHERTY: I am good, I think.

16 MS. SANYAL: Okay.

17 Anyone else?

18 UNIDENTIFIED SPEAKER: On the first  
19 part, if you said Franklin Township, it's  
20 Tate Township, when you introduced.

21 MS. SANYAL: I was under the impression  
22 it's Franklin and Tate Township.

23 I may have misspoken.

24 UNIDENTIFIED SPEAKER: That's all I  
25 just wanted to say.

1 MS. SANYAL: Okay. Thank you.

2 UNIDENTIFIED SPEAKER: It's hard to  
3 hear.

4 MS. SANYAL: I'm sorry. I am trying to  
5 scream as loudly as I can.

6 Do we have any other people who want to  
7 testify?

8 (No response)

9 MS. SANYAL: Okay.

10 Seeing that there are no other  
11 individuals who want to testify, I want to  
12 thank you for coming out today.

13 This will conclude the public hearing  
14 portion of the evening, but I hope you will  
15 stay and speak to the representative from  
16 Nestlewood and the Power Siting Board Staff.  
17 We are here to answer your questions. I  
18 know you have questions, and hopefully we  
19 can get some of them answered.

20 And, you know, we are happy to stay as  
21 long as we need to get some of those  
22 questions answered.

23 So thank you again. Have a nice  
24 evening. If you have additional comments  
25 after this hearing, you can always go online

1 on our website and file them under the case  
2 number, which is 18-1546-EL-BGN.

3 So we will go off the record now, but  
4 we will be here to answer more questions.

5 Thank you and have a great evening.

6

7 - - -

8 HEARING ADJOURNED AT 6:30 P.M.

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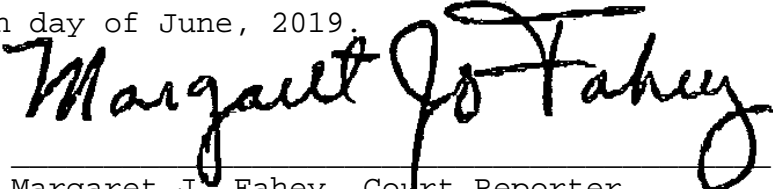
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C E R T I F I C A T E

STATE OF OHIO :  
: SS  
COUNTY OF HAMILTON :

I, Margaret J. Fahey, the undersigned,  
a duly qualified and commissioned notary public  
within and for the State of Ohio, do certify that  
the foregoing is the hearing given at said time  
and place; and that I am neither a relative of  
nor employee of any of the parties or their  
counsel, and have no interest whatever in the  
result of the action.

IN WITNESS WHEREOF, I hereunto set my hand  
and official seal of office at Cincinnati, Ohio,  
this 5th day of June, 2019.



\_\_\_\_\_  
Margaret J. Fahey, Court Reporter  
Notary Public - State of Ohio  
My commission expires March 27th, 2024



<b>1</b>
<b>1000</b> 16:2
<b>10:00</b> 6:12
<b>1206</b> 18:12
<b>13th</b> 6:12
<b>14th</b> 5:4
<b>15th</b> 6:18
<b>18-1546-EL-BGN</b> 2:5 22:2
<b>180</b> 6:14
<b>2</b>
<b>2018</b> 5:4
<b>2019</b> 5:19 6:12,18
<b>2020</b> 5:21
<b>2033</b> 14:7
<b>2050</b> 9:24
<b>2211</b> 17:15
<b>236</b> 9:3
<b>280</b> 4:19
<b>3</b>
<b>30</b> 17:11
<b>4</b>
<b>43215</b> 4:7,20
<b>45130</b> 17:16 18:13
<b>5</b>
<b>52</b> 4:6
<b>6</b>
<b>610</b> 5:10
<b>6:30</b> 22:8
<b>8</b>
<b>80</b> 5:5
<b>A</b>
<b>A-A-R-O-N</b> 18:1
<b>a.m.</b> 6:12
<b>Aaron</b> 17:25
<b>ability</b> 8:2
<b>able</b> 14:11
<b>accurately</b> 7:1
<b>acres</b> 5:10
<b>additional</b> 21:24

<b>address</b> 9:2,22 11:14 14:3 16:2 18:11
<b>adhere</b> 17:2
<b>ADJOURNED</b> 22:8
<b>adjudicatory</b> 6:10
<b>Administrative</b> 2:13
<b>administrator</b> 15:25
<b>affect</b> 14:14
<b>affirm</b> 8:22 9:17 13:23 15:19 18:5
<b>affirmation</b> 7:16
<b>ahead</b> 3:23 9:1 18:18
<b>Anna</b> 2:12
<b>answer</b> 3:18 6:2 8:1 12:15 13:5 18:22,24 21:17 22:4
<b>answered</b> 3:22 19:12,21 21:19,22
<b>answers</b> 19:1,4 20:10
<b>anybody</b> 14:15
<b>Anyway</b> 10:8
<b>apologize</b> 15:9
<b>appearance</b> 4:24
<b>appearances</b> 3:24
<b>application</b> 2:6 3:19 5:3, 13 6:1,5,8,22 7:22 10:15 16:5,8,13
<b>applying</b> 16:10
<b>appreciate</b> 3:4 8:10 16:4
<b>approved</b> 10:17
<b>approving</b> 6:22
<b>approximately</b> 5:10,11
<b>area</b> 5:17 10:21 14:25
<b>Arnold</b> 4:15,16,21
<b>arrived</b> 7:8
<b>asked</b> 18:23 19:8
<b>aspect</b> 6:7
<b>asset</b> 14:16
<b>assigned</b> 2:4,13
<b>available</b> 3:18 12:22

**B**

<b>basically</b> 18:20
<b>behalf</b> 3:24 4:4,13
<b>believe</b> 16:16
<b>best</b> 8:1
<b>Bethel</b> 9:4,24 14:7
<b>biggest</b> 14:16
<b>board</b> 2:3,14,17 3:8,11 6:4,13,20,21 7:20,21 17:18 21:16
<b>board's</b> 6:16
<b>brief</b> 8:15
<b>briefly</b> 5:22

<b>Broad</b> 6:15
<b>broken</b> 10:11
<b>brought</b> 19:5,7
<b>Brown</b> 2:10 5:7 10:15 19:17
<b>Bureau</b> 4:13,18
<b>Burke</b> 10:7

**C**

<b>calling</b> 7:12 8:17
<b>captioned</b> 2:6
<b>case</b> 2:5 6:9 7:19,23 22:1
<b>Certificate</b> 2:7
<b>change</b> 15:12
<b>chat</b> 20:7
<b>chemicals</b> 10:12
<b>Clark</b> 5:7 19:15
<b>cleaner</b> 9:7
<b>clear</b> 6:18
<b>clearly</b> 6:25
<b>Clermont</b> 2:10 5:8 15:25 17:3
<b>close</b> 13:9
<b>coal</b> 9:8
<b>Collins</b> 3:10
<b>Columbus</b> 4:7,19 6:14,15
<b>come</b> 7:13 17:22 19:16,18
<b>coming</b> 21:12
<b>comment</b> 16:6 17:20
<b>comments</b> 2:21 3:1 5:25 7:1 17:14 21:24
<b>Commission</b> 3:9,17
<b>commissioner</b> 19:18
<b>company</b> 3:25
<b>Compatibility</b> 2:8
<b>completion</b> 11:5
<b>concentrate</b> 16:20
<b>concern</b> 11:7 19:6
<b>concerned</b> 10:8,20
<b>concerning</b> 3:19
<b>concerns</b> 10:19 11:13 12:9 13:7,8 19:14,19 20:13
<b>conclude</b> 21:13
<b>conservation</b> 10:16 16:1,9
<b>considerate</b> 8:13
<b>consideration</b> 11:3
<b>considers</b> 6:21
<b>construct</b> 2:9 5:5
<b>construction</b> 5:18 10:21 16:11 17:4 19:15
<b>control</b> 16:9 17:3
<b>copy</b> 7:6
<b>Corner</b> 17:15

counties 2:10 11:2  
**County** 5:7,8 16:1 17:4  
 19:17  
**couple** 12:15  
**court** 6:24  
**creek** 10:5,6 14:23

---

### D

---

**Dale** 4:16  
**damages** 10:25  
**Daugherty** 11:18,19  
 20:14,15  
**day** 13:10  
**December** 5:4  
**decide** 8:3  
**decision** 7:21  
**decline** 14:18  
**Dennis** 9:14,23  
**Department** 2:18  
**Derek** 3:10  
**desire** 4:23  
**different** 18:25 19:8  
**directly** 14:9  
**Director** 2:18,20 3:6,7  
 4:17  
**District** 10:16 16:1  
**downtown** 6:14  
**dual** 13:19

---

### E

---

**earlier** 7:25 12:5  
**East** 4:6 6:14 9:3  
**electric** 2:9 5:6  
**electricity** 5:15  
**Elisar** 3:15  
**Energy** 4:17  
**environment** 12:16  
**environmental** 2:8 11:8  
**EPA** 16:12  
**EPA's** 17:4  
**equipment** 10:22  
**especially** 7:23  
**evening** 21:14,24 22:5  
**evening's** 5:2,24  
**everyone's** 8:13  
**expected** 5:19  
**extrude** 10:12

---

### F

---

**facilities** 16:15  
**facility** 2:10 5:6,18 10:23

**factors** 6:21  
**far** 11:3  
**Farm** 4:13,18  
**favor** 9:6  
**Federation** 4:14  
**feel** 19:25  
**file** 22:1  
**filed** 5:3 6:17 10:14  
**final** 7:21  
**fine** 15:13  
**finish** 7:10  
**firm** 4:5  
**first** 3:25 8:19 17:23 20:18  
**flood** 16:21  
**formal** 4:23  
**forth** 10:18  
**forward** 2:25 7:12 8:18  
**four** 10:2 18:25 19:8  
**fracking** 9:8  
**Franke** 17:14  
**Franklin** 5:8 20:19,22  
**full** 17:23

---

### G

---

**Gay** 4:6  
**general** 16:11 17:5  
**generate** 5:15  
**generating** 2:9 5:6  
**getting** 19:20  
**give** 8:14 17:11 18:10,25  
**given** 16:22  
**giving** 7:17  
**go** 2:2 3:23,25 9:1 11:24  
 12:25 18:18 21:25 22:3  
**going** 10:23 11:2 12:25  
 14:9,13,17 17:11 19:9  
**good** 10:6 16:12 20:15  
**Government** 4:18  
**grateful** 8:11  
**great** 22:5  
**grid** 5:16  
**ground** 16:18  
**guarantee** 19:25  
**guys** 12:12

---

### H

---

**H-A-V-E-N-S** 18:1  
**Hamersville** 5:12 9:25  
 14:8 17:15 18:13  
**hand** 8:22 9:16 15:18 18:4  
**hang** 3:20  
**happy** 21:20

**hard** 21:2  
**harmful** 10:12  
**HAVEN** 20:9  
**Havens** 17:20,25 18:3,8,  
 12,16,19 20:3  
**hear** 21:3  
**heard** 19:2  
**hearing** 2:4,15,25 3:20,21  
 5:3,24 6:7,10,23 8:11  
 11:12 12:11,22 13:4,9  
 20:6 21:13,25 22:8  
**heavy** 10:22  
**helpful** 7:6  
**Herbolt** 8:20,25 9:3  
**High** 4:19  
**home** 2:24  
**Honor** 4:3,15 12:19  
**hope** 20:6 21:14  
**hopefully** 21:18  
**Hornets** 2:25  
**house** 14:12,15

---

### I

---

**immediate** 19:25  
**impact** 11:8 14:23  
**impression** 20:21  
**included** 16:8  
**individuals** 21:11  
**intended** 6:1 12:6 13:3,4  
**intent** 16:14  
**interconnect** 5:15  
**introduced** 7:24 20:20  
**introduction** 7:11  
**investigation** 6:17  
**issues** 11:15 15:2

---

### J

---

**James** 11:23 14:8  
**Jill** 3:14  
**Joe** 4:8  
**John** 15:16,24  
**Jordan** 4:8,12 12:11,12,21  
 13:11 20:5  
**Judge** 2:13  
**June** 5:19 6:12

---

### K

---

**Kate** 11:23 14:6  
**keep** 8:15 19:10  
**know** 6:4,6 7:3 8:5,7 10:12  
 11:1,4 12:5 14:4,13,15,22  
 18:21 19:5,10 20:4 21:18,

20  
**Kocher** 3:15

---

**L**

---

**land** 5:11  
**landscaping** 19:9  
**law** 2:13 4:5  
**left** 7:7  
**Leonard** 18:12,16,17  
**let alone** 19:16  
**let's** 2:2 3:25 5:1 8:19 14:4  
**Lewis** 5:6  
**list** 17:8  
**literally** 14:11  
**little** 10:20  
**live** 9:24,25 14:7  
**LLC** 2:7 4:4  
**LLP** 4:6  
**local** 2:15 4:17 14:25  
**located** 5:9 6:14  
**location** 10:2  
**Locust** 16:2  
**long** 7:11 21:21  
**longer** 19:21  
**look** 2:25  
**looked** 10:17  
**lot** 10:10,22,25  
**loudly** 21:5

---

**M**

---

**main** 6:21 9:5 10:19 11:7  
**Mains** 3:15  
**management** 16:7,15,17,  
 24 17:2  
**manager** 4:9  
**Maple** 9:24 14:7  
**Mary** 2:17  
**Matt** 3:14  
**matter** 2:6 5:2  
**Mcmanus** 15:16,17,22,24  
**mean** 19:19  
**meeting** 19:17,18  
**megawatt** 5:5  
**member** 2:17  
**mention** 16:8  
**mentioned** 5:22 12:5 13:7  
**Mertz** 2:17,20,23 3:6,7  
 12:18  
**Mike** 4:1,5  
**mile** 10:1  
**miles** 5:11  
**mind** 15:12

**misspoken** 20:23  
**move** 5:1

---

**N**

---

**name** 2:12 4:16 9:2,22,23  
 14:3 15:24 17:23 18:15  
**Natural** 2:18  
**near** 14:19  
**necessary** 16:25  
**need** 2:9 21:21  
**neighbors** 19:25  
**Nestlewood** 2:7 4:4 5:4,13  
 19:12 21:16  
**Nestlewood's** 5:25  
**never** 19:12  
**nice** 21:23  
**North** 4:19  
**note** 6:16  
**noting** 20:12  
**November** 18:22  
**number** 2:5 22:2

---

**O**

---

**Oak** 17:15  
**oath** 7:15  
**Obermeyer** 9:15,20,23,24  
 11:14  
**offer** 15:12  
**offered** 7:8  
**offices** 6:13  
**official** 7:19  
**Ohio** 2:3,11,14,16,18 3:9,  
 10,17 4:7,13,18,19 5:12  
 6:3,13,15 9:4,25 16:3,11  
 17:4,15 18:13  
**okay** 5:1 9:12,21 11:10,14,  
 17,22 12:4,14,24 13:14,21  
 14:6 15:4,7,15,23 17:6,21  
 18:2,9,19 20:5,16 21:1,9  
**older** 9:9  
**online** 10:10 21:25  
**open** 16:19  
**operating** 10:23  
**opportunity** 3:4 6:3 7:9  
 8:9 16:4 20:7  
**Owensville** 16:3  
**owned** 5:11

---

**P**

---

**P-R-O-C-E-E-D-I-N-G-S**  
 2:1  
**P.M.** 22:8

**panels** 10:9,11 14:10,12,18  
 16:19,20  
**part** 7:18 13:3,4 14:10  
 20:19  
**participation** 8:10  
**parties** 3:25 4:23 7:23  
**pass** 8:5  
**Pease** 4:6  
**people** 3:8 17:9 19:8 21:6  
**permit** 16:11 17:5  
**person** 8:19 9:14 14:5  
**pertaining** 10:4  
**place** 2:5 6:11 16:17  
**plan** 6:24 11:11  
**Plane** 9:4  
**please** 3:20 6:25 8:13 18:3  
**pleased** 2:24  
**point** 4:24 10:18  
**Policy** 4:18  
**pollution** 10:13  
**portion** 21:14  
**possible** 8:16  
**post-construction** 16:14,  
 16,24  
**pow-wow** 12:12  
**power** 2:3,14,16 3:8,11  
 5:17 6:3,13,20 17:18  
 21:16  
**powered** 5:5  
**Powers** 11:23 12:2,14,25  
 13:13,17,21,25 14:1,6,22  
 15:3,6  
**practices** 16:9  
**prepared** 7:4  
**preside** 2:14  
**pretty** 10:6  
**privately** 5:10  
**probably** 10:4 12:14  
**proceeding** 6:11  
**process** 3:20 6:8  
**project** 4:9 5:9,14 9:6  
 10:1,24 11:4,5  
**property** 10:6,7 11:8  
 14:14,17,24  
**proposal** 3:3  
**proposals** 6:5  
**proposed** 5:9  
**protect** 19:10  
**provide** 8:23 9:18 13:24  
 15:20 16:14 18:6  
**public** 2:4,8 3:1,16 5:3,24  
 6:7 21:13  
**purpose** 5:14,23  
**put** 13:8 16:17 17:13,24

putting 10:24

---

**Q**

---

**quarter** 5:21

**question** 6:2 10:4 13:5  
18:21,22

**question/answer** 12:6

**questions** 3:19,22 7:25 8:1  
9:13 12:2,15,16,23 13:10,  
18 18:20,23,25 19:13,21  
21:17,18,22 22:4

---

**R**

---

**Rachael** 3:15

**raise** 8:21 9:16 15:17 18:3

**Ralph** 8:20 9:3

**read** 10:10

**realize** 15:10

**really** 16:5 19:19

**receive** 5:24

**received** 17:13

**recommendation** 6:19  
17:1

**record** 2:2 5:23 7:2,19 9:2,  
22 13:1,8 17:13 22:3

**reflect** 7:1

**regarding** 5:25 16:6

**regional** 5:16

**regulations** 17:3

**repairing** 11:4

**report** 6:17,19

**reporter** 6:24

**representative** 21:15

**reserve** 11:19

**resided** 10:2

**Resources** 2:19

**response** 4:25 21:8

**review** 16:4

**reviewed** 7:20

**Rick** 3:12

**right** 8:21 9:16 11:19  
14:16 15:18 18:4

**road** 9:25 10:21 11:1 14:7  
16:22 17:15 18:13,15  
19:16

**roads** 11:4

**Roland** 17:14

**Ross** 3:16

**running** 10:9

**runs** 10:5 14:24

---

**S**

---

**safer** 9:8

**Sanyal** 2:2,12 3:6 4:11,21  
8:21 9:1,11,21 11:10,17,  
22 12:4,20,24 13:2,14,19,  
22 14:2,21 15:1,4,7,11,15,  
23 17:6,21 18:2,9,14,17  
20:2,4,12,16,21 21:1,4,9

**Sarah** 3:16

**Sater** 4:6

**scheduled** 5:20 6:11

**Schilling** 3:14

**Scott** 3:15

**scream** 21:5

**second** 5:21

**seconds** 17:11

**sediment** 16:9 17:3

**see** 8:19 10:14 14:11

**Seeing** 21:10

**serious** 19:14

**service** 5:20

**session** 6:2 12:7 13:5

**Settineri** 4:1,3,5,11 7:24  
12:19,21

**Seymour** 4:6

**shaking** 19:23

**share** 3:2

**sheet** 8:8 15:10 17:24

**sign** 7:9 8:6

**sign-in** 17:24

**sign-up** 8:8 15:10

**signed** 8:4

**sir** 17:19

**site** 16:7,23 17:1

**Siting** 2:3,14,16 3:8,11  
6:4,13,20 17:18 21:16

**size** 10:6

**sliding** 19:3

**soil** 10:15 16:1,6

**soils** 16:23

**solar** 2:7 4:4 5:5 9:7 10:9,  
11 14:10,12,18 16:19,20

**solemnly** 9:17 13:22 15:19  
18:5

**son** 14:8

**sorry** 18:14 21:4

**sort** 19:3,22

**sound** 12:13

**speak** 6:25 11:13 21:15

**SPEAKER** 20:18,24 21:2

**speaking** 19:24

**specifically** 12:3

**staff** 3:11 6:16,19 11:12  
21:16

**state** 7:16 9:1,21 14:3

**statement** 7:4 18:20

**statements** 7:5 8:14,15

**states** 5:13

**stay** 21:15,20

**staying** 11:11 20:6

**stormwater** 16:15,16,24

**Street** 4:7,19 6:15 9:4 16:2

**subject** 5:2

**submitting** 17:17

**suffered** 10:25

**supply** 5:16

**sure** 8:8 9:13 13:13

**swear** 7:14 8:22 9:17  
13:23 15:19 18:5

**swearing** 13:20

**system** 10:13

---

**T**

---

**table** 7:10

**take** 3:24 6:11 11:3 20:7

**Tate** 5:7 20:20,22

**technologies** 9:9

**technology** 9:7

**tell** 12:9

**Terri** 11:18

**testify** 6:25 7:9 8:4,9 11:20  
15:10 17:10 21:7,11

**testifying** 12:1 13:15

**testimony** 7:17,18 8:23  
9:18 13:23 15:20 18:6,18

**thank** 3:6,13 4:2,3,10,11,  
15,21 9:11,12 11:10,16,21  
14:20 15:1,5,6,14 17:7  
18:9,17 20:2,3,12 21:1,12,  
23 22:5

**thing** 9:5

**think** 6:4 9:6 11:12 16:23  
17:12 20:15

**thoughts** 3:2

**three** 5:11

**three-tenths** 10:1

**Tim** 15:8

**time** 2:4,20 3:23 4:22,24  
8:14,17 20:9,11

**times** 10:10

**today** 2:16 3:5 17:10 21:12

**tonight** 4:8

**tonight's** 6:23 8:11

**totally** 19:22

**Township** 5:7 19:15  
20:19,20,22

**Townships** 5:8  
**toxic** 19:7  
**transcribed** 6:23  
**transcript** 12:10  
**transmission** 5:16  
**Trester** 15:8,9,13  
**trustee** 19:16  
**truth** 7:18 8:24 9:19 13:24  
 15:21 18:7  
**try** 7:25 8:14  
**trying** 21:4

---

**U**

---

**underhanded** 19:23  
**underneath** 16:18  
**UNIDENTIFIED** 20:18,  
 24 21:2  
**Utilities** 3:9,16  
**Utility** 4:17

---

**V**

---

**value** 14:14,17  
**voice** 13:6  
**Vorys** 4:5

---

**W**

---

**want** 3:12 6:18 8:3 9:5  
 14:18 15:11 21:6,11  
**wanted** 6:6 9:12 20:25  
**waste** 20:11  
**water** 10:15 16:1,6,19 17:2  
**watershed** 10:9 19:6  
**wave** 3:12  
**way** 13:6 19:23 20:1  
**we'll** 8:8 13:19  
**we've** 10:25  
**website** 22:1  
**went** 5:23  
**west** 5:11  
**whichever** 11:25  
**wildlife** 14:25  
**witness** 8:6  
**witnesses** 8:18  
**wonder** 11:2  
**work** 13:12  
**works** 11:25  
**write** 12:9  
**written** 7:4,5 17:14

---

**Y**

---

**Yeah** 13:17 17:25  
**year** 11:1  
**years** 10:3

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