

BEFORE
THE OHIO POWER SITING BOARD

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

**MEMORANDUM OF 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. IN
OPPOSITION TO THE MOTION TO STRIKE OF ANGELINA SOLAR I, LLC**

The Applicant’s motion to strike some portions of Rachael Vonderhaar’s direct and supplement direct testimony should be denied, for the reasons explained below.

**Statements of Concern about Electromagnetic Fields
(Direct Testimony, Pg. 5, Lines 13-17)**

The Applicant acknowledges that the introduction to Answer 13 of Ms. Vonderhaar’s testimony states that its subpart m. is stated to be an issue about which the Concerned Citizens are “concerned.” Nevertheless, the Applicant still insists on reading this answer out of context. Subpart . of Answer 13 is simply a statement that the Concerned Citizens are “concerned” that electromagnetic fields from solar equipment might interfere with the farmers’ signals. It is not meant to constitute expert opinion. This testimony should be admitted for the purpose of identifying the Concerned Citizens’ concern, rather than as expert testimony.

**Statements of Concern about Rising Temperatures
(Direct Testimony, Pg. 6, Lines 6-7)**

The same principle applies to the Concerned Citizens’ expression of concern about rising temperatures that might be caused by the sun’s rays on the massive array of solar panels. This

testimony should be admitted for the purpose of identifying the Concerned Citizens' concern, rather than as expert testimony.

PILOT Program (Direct Testimony, Pg. 12, Lines 11-18)

Rachael Vonderhaar's statements about PILOT payments are based on information she has learned from local government officials. While that may be hearsay, hearsay is not banned in administrative proceedings such as this one. In fact, if this testimony is struck for that reason, then much of the application and the Applicant's testimony also should be struck. Notably, Applicant's witness Douglas Herling expressed analogous opinions about PILOT payments in his direct testimony, and he has no more knowledge and experience on this topic than Ms. Vonderhaar. Consequently, the Applicant's request to strike Ms. Vonderhaar's testimony on this topic is inconsistent with its own practice.

Statements about Emergency Services (Suppl. Direct Testimony, Pg. 4, Line 15 to Pg. 5, Line 8)

As an informed resident of the Israel Township, Ms. Vonderhaar is familiar with the problems faced by the emergency services organizations that serve the area in which she lives. It is common knowledge that most emergency services personnel in that township are volunteers. The scarcity of funding for emergency personnel also is common knowledge in that community. Finally, she is entitled to express the opinion of the Concerned Citizens and its members that an emergency management plan should be required and that Angelina Solar should be required to pay for the services of a deputy sheriff to patrol the Project Area to prevent in increase in the area's crime.

Conclusion

For the reasons stated above, the Applicant's motion should be denied.

Respectfully submitted,

/s/ Jack A. Van Kley

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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 July 29, 2019, a copy of the foregoing document also is being served by electronic mail on the following: Michael Settineri at mjsettineri@vorys.com, MacDonald Taylor at mwtaylor@vorys.com, Kathryn West at kwest@prebco.org, Dylan Borchers at dborchers@bricker.com, Chad Endsley at cendsley@ofbf.org, Thaddeus Boggs at tboggs@fbtlaw.com, and Jodi Barr at Jodi.barr@ohioattorneygeneral.gov.

/s/ Jack A. Van Kley

Jack A. Van Kley

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Summary: Response to Applicant's Motion to Strike electronically filed by Mr. Jack A Van Kley on behalf of Concerned Citizens of Preble County, LLC and BRANDLY, MARJA and Black, Robert Mr. and Irwin, Michael Mr. and CAMPBELL BRANDLY FARMS LLC and Jackson, Kevin Mr. and Jackson, Tina Ms. and Vonderhaar Family ARC, LLC and Vonderhaar Farms Inc.