

BEFORE THE OHIO POWER SITING BOARD

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In the Matter of the :  
Application of Atlanta :  
Farms Solar Project, LLC :  
for a Certificate of :  
Environmental Compatibility : Case No. 19-1880-EL-BGN  
and Public Need to Construct:  
a Solar-Powered Electric :  
Generation Facility in :  
Pickaway County, Ohio. :

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PROCEEDINGS

before Greta See and Matthew Sandor, Administrative  
Law Judges, conducted via WebEx video conference,  
called at 10:00 a.m. on Wednesday, November 4, 2020.

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ARMSTRONG & OKEY, INC.  
222 East Town Street, 2nd Floor  
Columbus, Ohio 43215-5201  
(614) 224-9481 - (800) 223-9481

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APPEARANCES:

Dickinson Wright PLLC  
By Ms. Christine M.T. Pirik  
and Mr. William Vorys  
150 East Gay Street, Suite 2400  
Columbus, Ohio 43215

On behalf of the Applicant, Atlanta Farms  
Solar Project, LLC.

Dave Yost, Ohio Attorney General  
John H. Jones, Section Chief  
By Mr. Thomas G. Lindgren  
Assistant Attorney General,  
Public Utilities Section  
30 East Broad Street, 16th Floor  
Columbus, Ohio 43215

On behalf of the Staff of the Ohio Power  
Siting Board.

Ohio Farm Bureau Federation  
By Ms. Amy M. Milam  
280 North High Street, 6th Floor  
Columbus, Ohio 43215

On behalf of the Ohio Farm Bureau  
Federation.

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Wednesday Morning Session,  
November 4, 2020.

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ALJ SANDOR: The Ohio Power Siting Board  
has set for hearing at this time and place Case  
No. 19-1880-EL-BGN which is captioned In the Matter  
of the Application of Atlanta Farms Solar Project,  
LLC, for a Certificate of Environmental Compatibility  
and Public Need to Construct a Solar-Powered Electric  
Generation Facility in Pickaway County, Ohio.

Good morning, everyone. My name is  
Matthew Sandor and with me is Greta See. We are the  
Administrative Law Judges assigned by the Board to  
hear this case.

At this time we will take the appearances  
of the parties. First, on behalf of the Applicant.

MS. PIRIK: Thank you, Your Honor. On  
behalf of Atlanta Farms Solar Project, LLC, the law  
firm of Dickinson Wright, by Christine Pirik and  
William Vorys, 150 East Gay Street, Suite 2400,  
Columbus, Ohio 43215.

ALJ SANDOR: Thank you.

Next, counsel on behalf of Intervenor,  
Ohio Farm Bureau Federation.

MS. MILAM: Good morning, Your Honor.

Amy Milam on behalf of Ohio Farm Bureau Federation,  
280 North High Street, Columbus, Ohio 43215.

ALJ SANDOR: Thank you.

Next, counsel on behalf of Board Staff.

MR. LINDGREN: Thank you. On behalf of  
the Board Staff, Ohio Attorney General Dave Yost, by  
Thomas G. Lindgren, Assistant Attorney General. The  
address is 30 East Broad Street, 16th floor,  
Columbus, Ohio 43215.

ALJ SANDOR: Thanks.

I note that this evidentiary hearing is  
taking place pursuant to parameters set forth in the  
Entry issued on August 31st, 2020. Due to the  
COVID-19 emergency that remains in effect pursuant to  
Executive Order 2020-01D issued by the Governor of  
the State of Ohio, and consistent with Amended  
Substitute House Bill 197, this hearing is being held  
via WebEx which enables parties to participate by  
video conference while also affording the public  
access to the hearing by telephone or video over the  
internet.

Before we call the first witness, I would  
like to address some preliminary matters. First, if  
counsel or witnesses experience technical  
difficulties during the hearing, please immediately

1 let the Administrative Law Judges know by phone or  
2 e-mail. You can also contact our event host by  
3 calling (614)466-6843 or via the WebEx chat function.  
4 Another option if you need technical assistance is to  
5 use the "raise your hand" function in WebEx.

6 Please be aware that chats are recorded  
7 and should not be considered private. Chats are also  
8 not part of the official record of this case. For  
9 those of you watching or listening as an attendee,  
10 while you may observe the hearing, your microphones  
11 will be muted.

12 Let's talk about how this hearing will be  
13 conducted. In many respects this virtual hearing  
14 will proceed in much the same way as an in-person  
15 hearing before the Board. However, due to the remote  
16 nature of the hearing, here are some general ground  
17 rules and reminders for the hearing.

18 First, to avoid unnecessary background  
19 noise, I would ask that counsel keep their  
20 microphones on mute unless they are speaking or to be  
21 prepared to speak quickly as is the case with raising  
22 objections during the cross-examination of a witness.  
23 The microphones of witnesses will be kept on mute  
24 until it is their time to testify.

25 With respect to your video, counsel



1 should leave their cameras on at all times except  
2 during breaks. You may turn your video off if you  
3 need to step away from the hearing when your  
4 co-counsel is taking the lead. Just remember to turn  
5 your camera back on when you return. Witnesses will  
6 need to turn on their cameras and microphones when  
7 they begin their testimony.

8 Please be mindful of the court reporter.  
9 You should speak clearly and at a reasonable pace so  
10 that the court reporter can accurately transcribe the  
11 hearing. As a reminder, everyone should do their  
12 best to avoid speaking over each other by taking  
13 proactive steps like intentionally allowing for a  
14 pause at the end of questions to the witness and  
15 generally slowing down in order to allow for  
16 connectivity lags and objections from counsel.

17 During their testimony, witnesses will  
18 have access only to the filings in this case docket  
19 as well as other documents that have been identified  
20 as potential exhibits previously exchanged amongst  
21 the parties and shared with the Bench. Witnesses  
22 should not access or seek other information and  
23 documents while testifying, nor should they  
24 communicate through any means with anyone privately  
25 during their testimony.

Exhibits admitted into the record, which have not been previously docketed with the Board, should be e-mailed by the next day to the court reporter. The e-mail address is kspencer@aando.com.

Does counsel have any questions about the ground rules? Okay. Seeing head nods. Are there any preliminary matters that the parties wish to address at this time? All right. Hearing none, the Applicant, you are up and you may call your first witness.

MS. PIRIK: Thank you, Your Honor. Would you like us to mark our exhibits at this time or would you like us to call our witness? We have 19 Applicant Exhibits and one Joint Exhibit.

ALJ SANDOR: Let's go ahead and mark the exhibits.

MS. PIRIK: Okay. Okay. All of these exhibits, Your Honor, have been filed in the docket.

With regard to Applicant Exhibit 1, it is the Application filed on January 31, 2020.

Applicant Exhibit 2 is the Supplement to the Application filed on March 3, 2020.

Applicant Exhibit 3 is the Application Figures 08-7 through 08-8 filed on March 17, 2020.

Applicant Exhibit 4 is a Response to the

1 First Data Request filed on March 27, 2020.

2 Applicant Exhibit 5 is the Response to  
3 the Second Data Request filed on April 27, 2020.

4 Applicant Exhibit 6 is a Response to the  
5 Third Data Request filed on May 15, 2020.

6 Applicant Exhibit 7 is the Supplemental  
7 Response to the Third Data Request filed on June 16,  
8 2020.

9 Applicant Exhibit 8 is the Second  
10 Supplemental Response to the Third Data Request filed  
11 on June 23, 2020.

12 Applicant Exhibit 9 is the Third  
13 Supplemental Response to the Third Data Request filed  
14 on July 6, 2020.

15 Applicant Exhibit 10 is the Response to  
16 the Fourth Data Request filed on August 31, 2020.

17 Applicant Exhibit 11 is the Supplemental  
18 Response to the Fourth Data Request filed on  
19 September 15, 2020.

20 Applicant Exhibit 12 is the Response to  
21 the Fifth Data Request filed on September 18, 2020.

22 Applicant Exhibit 13 is the Response to  
23 the Sixth Data Request filed on September 25, 2020.

24 Applicant Exhibit 14 is the Proof of  
25 Service that was filed on October 23, 2019.

1           Applicant Exhibit 15 is the Proof of  
2           Publication that was filed on October 28, 2019.

3           Applicant Exhibit 16 is the Proof of  
4           Service that was filed on July 14, 2020.

5           Applicant Exhibit 17 is the Proof of  
6           Service and Publication filed on September 18, 2020.

7           Applicant Exhibit 18 is the Proof of  
8           Service and Publication filed on October 19, 2020.

9           Applicant Exhibit 19 is the testimony --  
10          the Prefiled Testimony of Emily Truebner that was  
11          filed on October 29, 2020.

12          And finally, Joint Exhibit 1 is the  
13          October 29, 2020, Stipulation that was signed on  
14          behalf of the Applicant, the Ohio Farm Bureau  
15          Federation, and the OPSB Staff.

16          ALJ SANDOR: They are so marked.

17          (EXHIBITS MARKED FOR IDENTIFICATION.)

18          ALJ SANDOR: And actually I'll ask real  
19          quick, Mr. Lindgren, would you like to go ahead and  
20          mark your exhibits?

21          MR. LINDGREN: Yes. Thank you, Your  
22          Honor. I have two exhibits that have also been filed  
23          in the docket.

24          First, I would ask to have marked as  
25          Staff Exhibit 1, the Staff Report of Investigation

1 that was filed on October 7th of 2020.

2 Then I would ask to have marked as Staff  
3 Exhibit 2, the Prefiled Testimony of Grant Zeto that  
4 was filed on October 30th of 2020.

5 ALJ SANDOR: They are so marked. Thank  
6 you.

7 (EXHIBITS MARKED FOR IDENTIFICATION.)

8 MR. LINDGREN: Thank you.

9 ALJ SANDOR: Okay. Ms. Pirik, go ahead  
10 with the witness.

11 MS. PIRIK: Thank you, Your Honor. We  
12 would like to call Emily Truebner.

13 ALJ SANDOR: If the host could please  
14 promote Ms. Truebner to a panelist.

15 MR. SCHMIDT: Ms. Truebner has been  
16 promoted.

17 ALJ SANDOR: Let's see here.

18 Ms. Truebner, could you please raise your  
19 right hand.

20 (Witness sworn.)

21 ALJ SANDOR: Thank you.

22 Ms. Pirik.

23 MS. PIRIK: Thank you, Your Honor.

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EMILY TRUEBNER

being first duly sworn, as prescribed by law, was  
examined and testified as follows:

DIRECT EXAMINATION

By Ms. Pirik:

Q. Ms. Truebner, would you please state your  
name and spelling, title, and the company name for  
the record.

A. Yes. My name is Emily Truebner. That's  
T-r-u-e-b-n-e-r. I am Vice President of Permitting  
and Environmental for Savion, LLC.

Q. Thank you. And do you have in front of  
you what has been marked as Applicant Exhibit 19?

A. I do.

Q. Is that your prefiled testimony that was  
filed on October 29, 2020?

A. It is.

Q. And can you confirm that the testimony  
was prepared under your supervision and direction?

A. I confirm that it was.

Q. Thank you. And do you have any  
corrections to your testimony?

A. I do not.

Q. If you were asked the same questions that  
are currently responsive in Applicant Exhibit 19,

1 would your answers be the same?

2 A. They would be.

3 Q. Thank you.

4 Also, do you have in front of you what's  
5 been marked as Joint Exhibit 1?

6 A. I do.

7 Q. And is that the Stipulation that was  
8 filed by the stipulating parties in this case?

9 A. It is.

10 MS. PIRIK: Thank you.

11 Your Honor, we have no further questions  
12 for this witness and she's available for examination.

13 ALJ SANDOR: Any questions from other  
14 counsel or the Bench for Ms. Truebner?

15 MR. LINDGREN: I have no questions, Your  
16 Honor.

17 ALJ SANDOR: All right. Hearing none,  
18 Ms. Truebner, you are excused.

19 THE WITNESS: Thank you very much.

20 ALJ SEE: ALJ Sandor.

21 ALJ SANDOR: Yes, yes.

22 ALJ SEE: ALJ Sandor, I believe Ms. Milam  
23 was going to indicate whether or not she had  
24 questions for this witness.

25 MS. MILAM: Yes. None, Your Honor.

1 ALJ SEE: And the Bench doesn't have any  
2 questions for the witness either. Thank you.

3 ALJ SANDOR: Thank you, ALJ See.

4 With that, Ms. Truebner, you are excused.

5 THE WITNESS: Thank you.

6 ALJ SANDOR: Ms. Pirik.

7 MS. PIRIK: Yes, Your Honor. We'd like  
8 to move for the admission of Applicant Exhibits 1  
9 through 19.

10 ALJ SANDOR: Any objections to their  
11 admission from Staff?

12 MR. LINDGREN: Staff has no objections,  
13 Your Honor.

14 ALJ SANDOR: From the Federation?

15 MS. MILAM: No objection, Your Honor.

16 ALJ SANDOR: All right. Thank you. So  
17 Applicant Exhibit 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11,  
18 12, 13, 14, 15, 16, 17, 18, and 19 are admitted.

19 (EXHIBITS ADMITTED INTO EVIDENCE.).

20 ALJ SANDOR: Ms. Pirik, anything further?

21 MS. PIRIK: We do still have the Joint  
22 Exhibit 1, but if you would prefer that we wait until  
23 after the Staff witness, we could move the admission  
24 at that time. It would really be up to you.

25 ALJ SANDOR: Okay. Let's -- we'll wait



1 until after Staff's witness. I'll give it back to  
2 you to move at the end. So, if that's the case,  
3 anything further, Ms. Pirik?

4 MS. PIRIK: No. No, Your Honor.

5 ALJ SANDOR: All right. Mr. Lindgren.

6 MR. LINDGREN: Thank you, Your Honor.

7 The Staff calls Grant Zeto to the stand.

8 ALJ SANDOR: If the host could please  
9 promote Mr. Zeto to the panelist position.

10 MR. SCHMIDT: Mr. Zeto has been promoted.

11 THE WITNESS: Hello.

12 ALJ SANDOR: Hello. Mr. Zeto, could you  
13 please raise your right hand.

14 (Witness sworn.)

15 ALJ SANDOR: Thank you.

16 Mr. Lindgren.

17 MR. LINDGREN: Thank you.

18 - - -

19 GRANT ZETO

20 being first duly sworn, as prescribed by law, was  
21 examined and testified as follows:

22 DIRECT EXAMINATION

23 By Mr. Lindgren:

24 Q. Good morning, Mr. Zeto.

25 A. Good morning.

1           Q.    Please state your full name and business  
2 address for the record.

3           A.    My full name is Grant Zeto.  My business  
4 address is 180 East Broad Street, Columbus, Ohio  
5 43215.

6           Q.    And where are you employed, sir?

7           A.    The Public Utilities Commission of Ohio  
8 as Staff of the Ohio Power Siting Board.

9           Q.    Thank you.  Did you file testimony in  
10 this proceeding?

11          A.    Yes, I did.

12          Q.    Do you have a copy of that testimony  
13 before you?

14          A.    Yes, I do.

15          Q.    Thank you.  Did you prepare this  
16 yourself?

17          A.    Yes.

18          Q.    Thank you.  And do you have any  
19 corrections to that testimony?

20          A.    No, I do not.

21          Q.    Thank you.  Is that testimony the  
22 document that has been marked as Staff Exhibit 1?

23          A.    I believe that the testimony is Staff  
24 Exhibit 2.

25          Q.    I'm sorry.  You are correct.  Thank you.

1 A. Thanks.

2 Q. If I were to ask you all those questions  
3 today, would your answers be the same?

4 A. Yes, they would.

5 MR. LINDGREN: Thank you. I have no  
6 further questions -- or, excuse me, I do.

7 Q. Do you have a copy of the Staff Report  
8 that has been marked as Staff Exhibit 1?

9 A. Yes, I do.

10 Q. And are you familiar with its contents?

11 A. Yes, I am.

12 Q. And does it accurately reflect the  
13 results of Staff's investigation in this case?

14 A. Yes, it does.

15 Q. Thank you.

16 ALJ SEE: Mr. Lindgren, this is Greta  
17 See. Could you hold on for a minute. I think we  
18 might need to take a brief recess. I note that  
19 the Applicant -- we have lost the connection with  
20 counsel for the Applicant. Thank you.

21 MS. PIRIK: It's okay, Your Honor. I  
22 have -- I can still hear. I think I was just frozen.

23 ALJ SEE: Okay. Thank you very much.

24 Go ahead, Mr. Lindgren.

25 MR. LINDGREN: Thank you.

1           Q.     (By Mr. Lindgren) Once again, Mr. Zeto,  
2     does the Staff Report accurately reflect the results  
3     of Staff's investigation?

4           A.     Yes, it does.

5           MR. LINDGREN: Thank you.

6           I have no further questions for this  
7     witness.

8           ALJ SANDOR: Thank you, Mr. Lindgren.

9           Does the Applicant have any questions for  
10    Mr. Zeto?

11          MS. PIRIK: No questions, Your Honor.

12          ALJ SANDOR: Does the Farm Bureau?

13          MS. MILAM: No, Your Honor.

14          ALJ SANDOR: Thank you. Or the Bench? I  
15    don't.

16          ALJ SEE: I do not have any questions for  
17    Mr. Zeto. Thank you.

18          ALJ SANDOR: Thank you.

19          Mr. Zeto, you are excused.

20          Mr. Lindgren.

21          MR. LINDGREN: Thank you, Your Honor. I  
22    would like to move for the admission of Staff  
23    Exhibits 1 and 2.

24          ALJ SANDOR: Any objection from  
25    Applicant?

1 MS. PIRIK: No objection.

2 ALJ SANDOR: The Farm Bureau?

3 MS. MILAM: No objection, Your Honor.

4 ALJ SANDOR: Thank you.

5 Staff Exhibit 1 and Staff Exhibit 2 will  
6 be admitted.

7 (EXHIBITS ADMITTED INTO EVIDENCE.).

8 ALJ SANDOR: So, finally, Ms. Pirik,  
9 would you like to move for Joint Exhibit 1?

10 MS. PIRIK: Yes, Your Honor. We would  
11 like to move for admission of Joint Exhibit 1.

12 ALJ SANDOR: Any objections from Staff?

13 MR. LINDGREN: No objections, Your Honor.

14 ALJ SANDOR: Or the Farm Bureau?

15 MS. MILAM: None, Your Honor.

16 ALJ SANDOR: All right. Joint Exhibit 1  
17 is admitted.

18 (EXHIBIT ADMITTED INTO EVIDENCE.)

19 ALJ SANDOR: So, at this point, is there  
20 anything else we need to address before adjourning  
21 today?

22 MS. PIRIK: Nothing from the Applicant,  
23 Your Honor.

24 MR. LINDGREN: Nothing from Staff, Your  
25 Honor.

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ALJ SANDOR: Farm Bureau?

MS. MILAM: Nothing further, Your Honor.

ALJ SANDOR: All right. Thank you very much. We are adjourned.

(Thereupon, the proceedings concluded at 10:20 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, November 4, 2020, and carefully compared with my original stenographic notes.

\_\_\_\_\_  
Carolyn M. Burke, Registered  
Professional Reporter, and  
Notary Public in and for the  
State of Ohio.

My commission expires July 17, 2023.

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

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**in**

**Case No(s). 19-1880-EL-BGN**

Summary: Transcript November 4, 2020

IMO: Application of Atlanta Farms Solar Project, LLC for a Certificate of Environmental Compatibility and Public Need to Construct a Solar-Powered Electric Generation Facility in Pickaway County, Ohio electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Burke, Carolyn