

BEFORE THE OHIO POWER SITING BOARD

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In the Matter of the :
Application of Yellowbud :
Solar, LLC, for a :
Certificate of :
Environmental :
Compatibility and Public : Case No. 20-972-EL-BGN
Need to Construct a 274 :
Megawatt Solar-Powered :
Electric Generating :
Facility in Ross and :
Pickaway Counties. :

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PROCEEDINGS

before Mr. Matthew Sandor and Mr. Nicholas Walstra,
Administrative Law Judges, at the Ohio Power Siting
Board, via Webex, called at 6:00 p.m. on Tuesday,
December 15, 2020.

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

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APPEARANCES:

Vorys, Sater, Seymour and Pease, LLP
By Mr. Michael Settineri
52 East Gay Street
Columbus, Ohio 43215

On behalf of the Applicant.

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1 Tuesday Evening Session,
2 December 15, 2020.

3 - - -

4 ALJ WALSTRA: Thank you, Matt.

5 Good evening, everyone, and welcome. My
6 name is Nick Walstra. With me is Matthew Sandor. We
7 are Administrative Law Judges in the Legal Department
8 of the Ohio Power Siting Board, and we have been
9 assigned by the Board to this proceeding.

10 One of the duties as the Administrative
11 Law Judge assigned by the Board includes conducting a
12 public hearing in Case No. 20-972-EL-BGN which
13 involves the application filed by Yellowbud Solar,
14 LLC, for a Certificate to Construct a Solar-Powered
15 Electric Generation Facility in Pickaway and Ross
16 Counties in Ohio.

17 Due to the COVID-19 emergency that
18 remains in effect, under Executive Order No. 2020-01D
19 which was issued by the Governor of Ohio, and
20 consistent with Amended Substitute House Bill 197,
21 today's hearing is being held through Webex which
22 enables interested persons to offer testimony on the
23 proposed project by telephone or video via the
24 internet. This hearing is also being live streamed
25 at www.youtube.com/user/pucohio.

1 Although we only have a handful of
2 witnesses registered to testify today, I would like
3 to address some preliminary issues first. If you
4 experience any technical difficulties during the
5 hearing, you have several options to address the
6 issues. If your internet connection drops at any
7 point, you can try to join Webex again by video, or
8 you can participate by phone. If those options are
9 unsuccessful, please call the Board's Legal
10 Department at (614) 466-6843 for assistance.

11 If you merely wish to listen to the
12 hearing using your phone instead of Webex, you can
13 view the live stream on the YouTube Channel, or you
14 can listen to the hearing by dialing 1-408-418-9388
15 and entering Meeting No. 1733189976.

16 More information about the Webex
17 technical information can be obtained through the
18 chat features which will be available throughout the
19 hearing. You may click on the chat button at any
20 time to obtain technical assistance or to ask
21 procedural questions during the hearing. The chat
22 feature should not be used for any other purposes
23 such as to offer comments about the proposed project
24 that is the subject of today's hearing. Please be
25 aware that chats are recorded and should not --

1 should not be considered private. Chats are also not
2 part of the official record of this case.

3 As indicated by the entry October 7,
4 2020, witnesses were to register to testify. The
5 witnesses who are registered should be ready to speak
6 when we read their name from the registration list.
7 Individuals who are commenting by video will be
8 unmuted by a Board staff member when it's their time
9 for testimony. If you are providing your testimony
10 by telephone, a Board staff member will call you at
11 the phone number you provided when it is your turn to
12 testify.

13 Please bear with us as we work to queue
14 up each individual which may take some time. If this
15 happens, please be patient and know that we are
16 working to ensure everyone has an opportunity to
17 participate today.

18 Consistent with the October 7 entry, we
19 ask that you keep your testimony to 5 minutes in
20 length to avoid unnecessary background noise. We ask
21 that you keep your microphone on mute unless you are
22 commenting. Again, if you have questions about this
23 process as the hearing goes on, please use the chat
24 function.

25 Do we have any additional questions

1 before we get started with today's proceedings?

2 I don't see any, so we'll begin with the
3 formal proceeding, and I will hand it over to my
4 colleague Judge Sandor.

5 ALJ SANDOR: Thank you, Judge Walstra.

6 The Ohio Power Siting Board has scheduled
7 for hearing at this time and place Case No.
8 20-972-EL-BGN which is captioned in the Matter of the
9 Application of Yellowbud Solar, LLC, for a
10 Certificate of Environmental Compatibility and Public
11 Need to Construct a Solar-Powered Electric Generation
12 Facility in Pickaway and Madison [sic] Counties in
13 Ohio.

14 As mentioned earlier, my name is Matt
15 Sandor, and with me is Nicholas Walstra. We are
16 Administrative Law Judges in the Board's Legal
17 Department, and we will be conducting today's
18 hearing.

19 In addition to Administrative Law Judge
20 Walstra and myself, there are other staff members
21 from the Board assisting with various aspects of the
22 hearing including Micah Schmidt, Mary Fischer, Jill
23 Coker, Matt Butler, and Brittany Waugaman who will be
24 overseeing the event on Webex and YouTube.

25 At this time we'll take the appearances

1 by counsel of the parties to this case. We will
2 begin with the Applicant.

3 MR. SETTINERI: Thank you, your Honors.
4 On behalf of Yellowbud Solar, LLC, Michael Settineri
5 with the law firm of Vorys, Sater, Seymour and Pease,
6 52 East Gay Street, Columbus, Ohio 43215.

7 ALJ SANDOR: Thank you. We have one
8 potential Intervenor in this case, the Ohio Farm
9 Bureau Federation. Hearing none. And Board Staff.
10 Hearing none as well.

11 I'll note that while counsel for Ohio
12 Farm Bureau Federation and Board Staff may not be
13 participating in this proceeding, non-counsel
14 representatives of the Farm Bureau and Board Staff
15 may be attending.

16 The subject of today's hearing is an
17 application filed by Yellowbud Solar, LLC, for the
18 purpose of constructing and operating the
19 solar-powered electric generation facility.
20 Specifically the proposed project would occupy
21 approximately 1,383 acres within a 2,040 acre project
22 area in Deerfield and Union Townships in Ross County
23 and Deer Creek and Wayne Townships in Pickaway
24 County. The project will generate 274 megawatts.
25 Yellowbud's application was filed on July 21 and

1 July 22, 2020, and was supplemented on August 28,
2 2020.

3 I would also note that the Board's Staff
4 filed a Report of Investigation on November 30, 2020.
5 This report is a recommendation from the Board's
6 Staff and does not necessarily reflect what the
7 Board's final determination in this case will be.

8 The purpose of today's public hearing is
9 to receive testimony regarding Yellowbud's
10 application from entities and persons in the local
11 community who are affected by the proposed project
12 but who are not parties to the case. The public --
13 the public hearing is not a question and answer
14 session but is an opportunity to let the Board know
15 what you think about the proposed project.

16 Today's public hearing is only one aspect
17 of the process in this case. An evidentiary hearing
18 is scheduled to begin on Tuesday, January 12, 2021,
19 through Webex. The purpose of the evidentiary
20 hearing is for the parties in this case, including
21 the Applicant, the Intervenor Ohio Farm Bureau
22 Federation, and the Board's Staff to provide
23 testimony and other evidence regarding the project.

24 Tonight's hearing is being transcribed by
25 a court reporter, Karen Gibson, from Armstrong &

1 Okey. If you plan to testify, please speak clearly
2 so that the court reporter can accurately reflect
3 your comments on the record. Please make sure that
4 you verbally respond to all questions asked in order
5 that they can be properly transcribed.

6 After I finish with this introduction, I
7 will begin by calling individuals on the registration
8 list to testify about the proposed project. Each
9 person who registered to testify will be permitted to
10 speak once about the project. We will ask you to
11 take an oath or affirmation that what you are about
12 to say is the truth. Your testimony will then be
13 considered as part of the official record in this
14 case, and it will be reviewed by the Board before a
15 final decision is made on the application.

16 Additionally, counsel for the parties in
17 this case as well as Judge Walstra and myself will be
18 permitted to ask you questions about your testimony.
19 Should you decide that you do not want to testify
20 when I call your name from the registration list, you
21 can pass to the next witness.

22 Also, once you have finished testifying
23 or if you are here merely to observe, you may leave
24 the hearing at any time that you wish. If
25 individuals wish to supplement their testimony with

1 an exhibit for the Board's consideration, a copy of
2 the document along with a reference to Case No.
3 20-972-EL-BGN must be provided to the Board no later
4 than December 22, 2020, by electronic mail to
5 contactopsb@puco.ohio.gov or by mail to Ohio Power
6 Siting Board, 180 East Broad Street, Attention
7 Docketing Division, Columbus, Ohio 43215.

8 For those of you not testifying but who
9 wish to file a public comment regarding the proposed
10 project can do so in writing on the Board's website
11 by electronic mail at contactopsb@puco.ohio.gov or by
12 mail to Ohio Power Siting Board, 180 East Broad
13 Street, Attention Docketing Division, Columbus, Ohio
14 43215. Written comments should reference Case No.
15 20-972-EL-BGN.

16 The Board appreciates your participation
17 in tonight's hearing, and we want everyone who is
18 registered to testify to have the opportunity to do
19 so. At this time we are going to begin with the
20 testimony. Both Judge Walstra and myself will
21 apologize in advance if we mispronounce your name,
22 but we'll be trying our best to get it right.

23 I believe our first registered witness is
24 Kim Davey, and Ms. Davey informed Board staff prior
25 to this proceeding that she would not be providing

1 testimony this evening. So we'll move on to the next
2 witness.

3 The next witness on the list is Dan
4 Shirey. Can the host please promote Mr. Shirey to a
5 panelist role.

6 MR. SCHMIDT: You've been promoted. You
7 can unmute your audio and enable your video.

8 ALJ SANDOR: Good evening.

9 MR. SHIREY: Good evening.

10 ALJ SANDOR: Please raise your right
11 hand.

12 (Witness sworn.)

13 ALJ SANDOR: Thank you. Please state and
14 spell your name for the record.

15 MR. SHIREY: Good evening. My name is
16 Dan Shirey. That's S-H-I-R-E-Y.

17 ALJ SANDOR: Please provide your address
18 including the township.

19 MR. JONES: I reside at 2602 Tick Ridge
20 Koenig Hill Road, Otway, Ohio, and that is Brushcreek
21 Township.

22 ALJ SANDOR: Do you reside or work within
23 the project area?

24 MS. SHIREY: I do work within the project
25 area.

1 ALJ SANDOR: All right. You may proceed
2 with your testimony.

3 MR. SHIREY: All right. Thank you, sir.
4 Good evening, everyone. As I said,
5 although I do not live in the project area, as a
6 Business Manager for IBEW Local 575, I do hope that
7 the electrical workers that I represent will get a
8 chance to work on this project.

9 In addition to around 200 good paying
10 construction jobs, Yellowbud -- Yellowbud would
11 generate an estimated \$2-1/2 million in tax revenue
12 annually for the local community.

13 Apart from the obvious positive economic
14 impact, the carbon dioxide offset from this project
15 alone is equivalent to removing 85,000 vehicles from
16 the roadway. Clean renewable energy generation is
17 also another step towards energy independence which
18 by most accounts benefits national security.

19 In summation, on behalf of the IBEW, I
20 lend my full support for the Yellowbud Solar project
21 and all of the positive impacts it would create on
22 the community, the environment, and the nation.

23 Thank you for allowing me this
24 opportunity.

25 ALJ SANDOR: Thank you. Are there any

1 questions from counsel or the Bench?

2 ALJ WALSTRA: Nothing.

3 ALJ SANDOR: Hearing none, you are
4 excused. Thank you for your testimony.

5 Judge Walstra.

6 ALJ WALSTRA: All right. Thank you.
7 Thank you, Mr. Shirey.

8 Next up we have Christopher Spangler. If
9 the host would promote Mr. Spangler, please.

10 MR. SCHMIDT: You've been promoted.
11 Please enable your audio and video.

12 ALJ WALSTRA: Welcome, Mr. Spangler.

13 MR. SPANGLER: Hello.

14 ALJ WALSTRA: Please raise your right
15 hand.

16 (Witness sworn.)

17 ALJ WALSTRA: Thank you. If you could
18 state and spell your name for the record, please.

19 MR. SPANGLER: My name is Christopher
20 Spangler, S-P-A-N-G-L-E-R.

21 ALJ WALSTRA: And would you please give
22 your address including the township.

23 MR. SPANGLER: 26075 Locust Grove Road,
24 New Holland, Ohio. That's Perry Township.

25 ALJ WALSTRA: Thank you. And do you work

1 or live within the project area?

2 MR. SPANGLER: I live within the project
3 area.

4 ALJ WALSTRA: Thank you. Go ahead with
5 your testimony.

6 MR. SPANGLER: All right. Thank you for
7 allowing my time to speak this evening.

8 As I said, I live in the projected
9 project area. I am a member of the Local
10 International Brotherhood of Electrical Workers, but
11 I have a much larger stake as a father and Castle
12 Local Fire Department.

13 This project will be slated less than 5
14 minutes down the road from where I live. It is my
15 understanding the tax revenue generated from
16 Yellowbud Solar Farm is expected to provide funding
17 to local schools. With both of my children attending
18 Westfall Local Schools, I know firsthand how the
19 additional funding could be used to benefit the
20 community and the children within it.

21 It could bring much needed jobs to an
22 impoverished area. As well as being a member of the
23 fire department, I am very passionate about the
24 revenue for essential services. The Yellowbud
25 project will provide a reliable revenue stream for

1 essential services like fire and EMS.

2 Lastly, my grandfather told me it's
3 important to return something better than the way you
4 had it. I feel like it's our responsibility to
5 provide a clean energy alternative to our future
6 generations furthering ourselves from our dependency
7 on fossil fuels.

8 I am proud to be in support of the
9 Yellowbud project and thank you for your time.

10 ALJ WALSTRA: Thank you very much,
11 Mr. Spangler.

12 Do we have any questions from counsel or
13 Judge Sandor?

14 Thank you. Hearing none, you are
15 excused, Mr. Spangler. Thank you.

16 ALJ SANDOR: All right. Our next witness
17 is Leo Poupart. If the host could please promote
18 Mr. Poupart to a panelist role.

19 MR. SCHMIDT: You've been promoted.
20 Please unmute your audio and enable your video.

21 MR. POUPART: How's it going?

22 ALJ SANDOR: Good evening. How do you
23 say your name?

24 MR. POUPART: It's Poupart, yes.

25 ALJ SANDOR: Poupart, okay. Please raise

1 your right hand.

2 (Witness sworn.)

3 ALJ WALSTRA: I think you might have
4 froze there for a second.

5 MR. POUPART: can you hear me?

6 ALJ SANDOR: Yes. Okay. Your video was
7 lagging; but, yes, I heard you. Please state and
8 spell your name for the record.

9 MR. POUPART: Joel Leo Poupart, J-O-E-L
10 L-E-O P-O-U-P-A-R-T.

11 ALJ SANDOR: Please state your address
12 including the township.

13 MR. POUPART: It is 1367 Good Hope-New
14 Holland Road in New Holland, Ohio.

15 ALJ SANDOR: And do you work or reside
16 within the project area?

17 MR. POUPART: I reside within the area.

18 ALJ SANDOR: Thank you. Go ahead with
19 your testimony.

20 MR. POUPART: Good evening. Thank you
21 for your time. Again, my name is Leo Poupart. I'm
22 the Vice President of Construction Process and
23 Innovation for the Superior Group, national
24 electrical contractor. We perform in the central
25 Ohio area mainly.

1 I do live, like I said, within the
2 vicinity of this project. I am here tonight to speak
3 in support of the project. I am a member of the IBEW
4 and that is part of Local 683. I completed that
5 apprenticeship program back in 2006 and have resided
6 in the area for the last 16 years. My children also
7 attend the Westfall Local School District. My wife
8 works at the Westfall Local School District.

9 I am in support of the Yellowbud Solar
10 Farm. I support the jobs it will provide for the
11 community as well as the revenue and the electrical
12 industry as well. I believe it will be something
13 that is of benefit to our community both in terms of
14 development as well as the ecosystem as well.

15 ALJ SANDOR: Thank you.

16 Any questions for this witness from
17 counsel or the Bench?

18 MR. SETTINERI: No, your Honor.

19 ALJ SANDOR: Thank you, sir. You may be
20 excused.

21 Well, that concludes the -- those
22 individuals who registered to provide testimony this
23 evening. The Board appreciates your participation in
24 this public hearing. I also thank all those who may
25 have witnessed the public hearing either via Webex or

1 over the phone.

2 With that this concludes today's public
3 hearing. We are adjourned.

4 (Thereupon, at 6:20 p.m., the hearing was
5 adjourned.)

6 - - -

7 CERTIFICATE

8 I do hereby certify that the foregoing is
9 a true and correct transcript of the proceedings
10 taken by me in this matter on Tuesday, December 15,
11 2020, and carefully compared with my original
12 stenographic notes.

13
14
15 Karen Sue Gibson, Registered
16 Merit Reporter.

17 (KSG-7012)

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in

Case No(s). 20-0972-EL-BGN

Summary: Transcript in the matter of the Yellowbud Solar, LLC hearing held on 12/15/20 electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.