

BEFORE THE OHIO POWER SITING BOARD

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In the Matter of the :
Application of Hecate :
Energy Highland 4 LLC for :
a Certificate of :
Environmental : Case No. 20-1288-EL-BGN
Compatibility and Public :
Need to Construct a :
Solar-Powered Electric :
Generation Facility in :
Highland County, Ohio. :

- - -

PROCEEDINGS

before Mr. Jesse Davis and Mr. Michael Williams,
Administrative Law Judges, at the Public Utilities
Commission of Ohio, via Webex, called at 10:01 a.m.
on Monday, January 25, 2021.

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APPEARANCES:

Squire Patton Boggs (US) LLP
By Ms. Karen Winters
and Ms. Danielle Gagliardi
2000 Huntington Center
41 South High Street
Columbus, Ohio 43215

On behalf of the Applicant.

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

On behalf of the Ohio Farm Bureau
Federation.

Dave Yost, Ohio Attorney General
By Mr. Thomas G. Lindgren
and Mr. Robert Eubanks,
Assistant Attorneys General
Public Utilities
30 East Broad Street, 16th Floor
Columbus, Ohio 43215

On behalf of the Staff of the PUCO.

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Monday Morning Session,
January 25, 2021.

- - -

ALJ DAVIS: We are going to go on the record.

So the Ohio Power Siting Board has set for hearing at this time and place Case No. 20-1288-EL-BGN which is captioned in the Matter of the Application of Hecate Energy Highland 4 LLC for a Certificate of Environmental Compatibility and Public Need.

So as Judge Williams said, good morning. Welcome aboard. My name is Jesse Davis, and with me is Michael Williams. We are the Administrative Law Judges in the Legal Department of the Ohio Power Siting Board, and we have been assigned by the Board to this proceeding which is Case No. 20-1288-EL-BGN.

At this time we will take appearances from the parties, on behalf of the Applicant, the Ohio Farm Bureau Federation, and Board Staff.

MS. WINTERS: Appearing this morning on behalf of the Applicant Hecate Energy Highland 4 LLC is Karen Winters with the law firm of Squire Patton Boggs, and I will allow my co-counsel to introduce herself as well.

1 MS. GAGLIARDI: Yes. On behalf of the
2 Applicant Hecate Energy Highland 4 LLC, appearing is
3 Danielle Gagliardi at Squire Patton Boggs.

4 ALJ WILLIAMS: On behalf of the Farm
5 Bureau.

6 MS. MILAM: Good morning, your Honor.
7 Amy Milam on behalf of Ohio Farm Bureau Federation,
8 280 North High Street, Columbus, Ohio 43215.

9 ALJ WILLIAMS: Thank you, Ms. Milam.

10 ALJ DAVIS: On behalf of Board Staff.

11 MR. LINDGREN: Thank you, your Honor. On
12 behalf of the Board Staff, Ohio Attorney General Dave
13 Yost by Thomas Lindgren and Robert Eubanks, Assistant
14 Attorney General, 30 East Broad Street, 26th Floor,
15 Columbus, Ohio 43215.

16 ALJ DAVIS: Thank you, counsel, and thank
17 you, Judge Williams.

18 I would point out this adjudicatory
19 hearing is taking place pursuant to the parameters
20 set forth in the entry of November 18. And, of
21 course, due to the COVID-19 emergency that remains in
22 effect under Executive Order 2020-01D which was
23 issued by the Governor, today's hearing is being held
24 through Webex which enables interested parties to
25 offer testimony on the proposed project by telephone

1 or via internet; and, of course, this is how we will
2 receive witness testimony today.

3 Before we get started with the first
4 witness, I just want to address some preliminary
5 issues. So, first, if counsel or witnesses are
6 having any technical difficulties during the hearing,
7 please immediately let us know. You can contact the
8 host via the Webex chat function in the Webex window,
9 or you can call (614) 466-6843. Please be advised
10 that chats are recorded and should not be considered
11 private, and chats are not part of the official
12 record of the case and that function should strictly
13 be used for technical or process questions.

14 If your internet connection drops at any
15 point, you can try to join Webex again via video, or
16 you can call in. If these options are unsuccessful,
17 you can call the Legal Division of the Board at (614)
18 466-6843 for assistance. More information about
19 Webex, the technical option -- help options can be
20 obtained through the chat feature, you know, which is
21 going to be available throughout the hearing. You
22 may click on the chat button at any time to obtain
23 technical assistance or ask procedural questions.
24 Again, the chat feature is not really to be used for
25 any other purpose, just for technical assistance, and

1 the chats are not private.

2 So how the hearing is going to be
3 conducted today we will proceed in the same way as an
4 in person hearing occurs before the Board. However,
5 due to the remote nature of the hearing, I just
6 wanted to set the ground rules and reminders. To
7 avoid unnecessary background noise, I just want to
8 ask counsel to keep their microphones on mute unless
9 they are speaking or to be prepared to speak as
10 quickly as possible in the case of raising objections
11 during cross of a witness.

12 With respect to video, counsel should
13 have their cameras on at all times except during
14 breaks. You can also turn your video off if you need
15 to step away from the hearing if your co-counsel is
16 taking lead. Just remember that when you return,
17 please turn your camera back on. Witnesses will need
18 to turn their cameras and microphones on when it's
19 their turn to testify.

20 And, of course, probably primarily,
21 please be mindful of the court reporter. This is
22 very important. You should speak clearly and at a
23 reasonable speed so that the court reporter can
24 accurately transcribe the hearing. And as a
25 reminder, everyone should do their best to avoid

1 speaking over one another by taking proactive steps
2 to potentially allow for a pause at the end of your
3 question to the witness and generally just slow down
4 in order to allow for, you know, connectivity lags or
5 objections from counsel, things like that.

6 During their testimony witnesses will
7 have access only to their filings in this case docket
8 as well as other documents that have been identified
9 as potential exhibits that have already been
10 exchanged amongst the parties and shared with the
11 Bench. Witnesses should neither access or seek other
12 information and documents while testifying or
13 communicate through any means with any person
14 privately during their testimony.

15 Exhibits that are admitted through
16 today's proceeding should be e-mailed by tomorrow to
17 the court reporter. The e-mail address for the court
18 reporter is kspencer, S-P-E-N-C-E-R, @aando.com.

19 With the preliminaries on the record, I
20 am going to hand it over to Judge Williams to begin
21 the hearing with the presentation of our first
22 witness.

23 ALJ WILLIAMS: Thank you, Judge Davis.

24 At this time we will invite the Applicant
25 to call their first witness.

1 MS. WINTERS: The Applicant would like to
2 call Patricia Shorr -- actually, your Honor, I have
3 two issues that I would like to raise with the court
4 in advance of Ms. Shorr's testimony.

5 ALJ WILLIAMS: More than fair.

6 Karen, let's go off the record.

7 (Discussion off the record.)

8 ALJ WILLIAMS: We are back on the record.

9 We took a few preliminary matters off the
10 record, and we will go ahead and make sure those are
11 captured as part of the transcript today. So the
12 issues involved the filing or recognition by the
13 Board of confidential Exhibit 23 as well as
14 additional documents that were filed in the docket I
15 believe late Friday or maybe even over the weekend to
16 include a Supplemental Joint Stipulation as well as
17 some supplemental testimony from Witness Shorr.

18 Ms. Winters and I and the parties all
19 discussed collectively off the record that
20 confidential Exhibit 23 should be identified and
21 moved for admission, and we will consider the issues
22 regarding its admissibility. If it is admitted, it
23 will be admitted subject to the protective order
24 already outlined by the Attorney Examiners in this
25 case.

1 And we did also note that the
2 Supplemental Joint Stipulation as well as the
3 supplemental testimony from Ms. Shorr will be part of
4 the docket, do not need to be separately filed.

5 So those were the preliminary matters we
6 discussed off the record. Anything else from the
7 parties before we proceed with the first witness?

8 Seeing none, Ms. Winters, please proceed.

9 MS. WINTERS: Okay. I would like to call
10 Patricia Shorr as my first witness.

11 MR. SCHMIDT: Ms. Shorr, you have been
12 promoted to the role of panelist. If you could
13 unmute your audio and enable your video.

14 MS. SHORR: I think I've done that.

15 ALJ WILLIAMS: Good morning, Ms. Shorr.

16 MS. SHORR: Good morning.

17 ALJ WILLIAMS: I want to begin by
18 swearing you in. Would you raise your right hand.

19 (Witness sworn.)

20 ALJ WILLIAMS: Thank you.

21 Ms. Winters, please proceed.

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PATTI SHORR

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

DIRECT EXAMINATION

By Ms. Winters:

Q. Could you please state your name, title, and the company you work for for the record, please.

A. Yes. My name is Patti Shorr. I am the Vice President, Project Development, for Hecate Energy LLC located at 621 West Randolph Street, Chicago, Illinois 60661.

Q. Ms. Shorr, I am going to direct your attention to what we've marked in the documents previously circulated to both counsel in this case as well as the Judges and yourself Exhibit 21, your initial direct testimony. Can you take -- do you have that in front of you?

A. I do.

Q. Can you confirm that that is your testimony that was filed with the Board on January 22, 2021?

A. Yes, that is. I confirm it.

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

A. I confirm that.

1 Q. As well as that it's a true and accurate
2 copy of what was filed with the Board?

3 A. I confirm that as well.

4 Q. Do you have any corrections to your
5 testimony since its filing on January 22, 2021?

6 A. I do not have any corrections.

7 Q. If you were asked the same questions that
8 are currently set forth in that Applicant's Exhibit
9 No. 21, would your answers be the same?

10 A. Yes, my answers would be the same.

11 Q. Okay. Next, I am going to direct your
12 attention to what's been marked as Exhibit 24 in that
13 same set of materials that were circulated
14 electronically to counsel, the Judges in this case,
15 and yourself and ask if you can identify that
16 supplemental direct testimony.

17 A. Yes, I can identify the supplemental
18 direct testimony.

19 Q. And that was filed with the Board earlier
20 today in the proceeding?

21 A. That's correct.

22 Q. Can you confirm that the supplemental
23 testimony was prepared under your supervision and
24 direction and that it's a true and accurate copy --
25 copy of that testimony?

1 A. I can confirm that it was prepared under
2 my supervision and that it is filed correctly.

3 Q. Okay. Do you have any corrections to
4 your supplemental testimony?

5 A. I do not.

6 Q. Okay. Next, I am going to turn your
7 attention to what's been marked as Exhibit 23, the
8 unredacted portions of the application that were
9 filed with the clerk's office previously in the case.
10 Can you identify that document for us.

11 A. I can.

12 Q. Is it a true and accurate copy of the
13 unredacted portions of the application that were
14 filed previously in the case?

15 A. It is.

16 Q. Okay. Should these unredacted portions
17 of the application continue to remain confidential?

18 A. I think they should.

19 MS. WINTERS: Okay. Your Honor, I have
20 no further questions for this witness. She's
21 certainly available for cross-examination, after
22 which I will move the exhibits that she identifies in
23 her testimony, her written testimony, into evidence.

24 ALJ WILLIAMS: Okay. Any cross would be
25 friendly cross which I generally don't favor, but I

1 will look and see if anyone has any. I see no one
2 reaching for their microphones or frantically waving.

3 - - -

4 EXAMINATION

5 By ALJ Williams:

6 Q. I do have a couple questions, if I might,
7 Ms. Shorr. In regard to the supplemental filing and
8 the request to grant the certificate and then
9 immediately bifurcate, just in terms of notice of
10 those impacted by the project as amended, or as
11 supplemented is more accurate, there's no change in
12 the footprint of the overall project area, correct?

13 A. That is correct, your Honor.

14 Q. In terms of the commitments made by the
15 Applicant, the commitments are unchanged from the
16 application in regard to what would be a bifurcated
17 certification amongst the Hecate 2 and Hecate 4,
18 correct?

19 A. That is correct, your Honor.

20 ALJ WILLIAMS: Okay. Those are the only
21 questions I have.

22 Ms. Winters, why don't we go ahead and
23 identify your exhibits and move for their admission
24 before we let the witness go, if that's okay.

25 MS. WINTERS: Okay. In terms of

1 exhibits, the exhibits are listed on the back of the
2 direct testimony of Patti Shorr and that was filed on
3 Friday, January 22. It was also identified by
4 Ms. Shorr as Exhibit 21, and I will read these into
5 the record.

6 ALJ WILLIAMS: Please.

7 MS. WINTERS: Applicants exhibits are
8 Exhibit 1, motion for waiver regarding public
9 information meeting filed July 16, 2020. Exhibit No.
10 2 is the pre-application notification letter filed by
11 the Applicant to the Board. The third exhibit is the
12 proof of notice of publication for the public
13 information meeting filed August 27, 2020. The
14 fourth is the application to the Ohio Power Siting
15 Board for the certificate for New Market Solar with
16 Figures 1 through 17 and Exhibits A through L that
17 was filed on December 2, 2020.

18 ALJ WILLIAMS: Actually --

19 MS. WINTERS: 5 --

20 ALJ WILLIAMS: Ms. Winters, just to
21 clarify that was filed on September 2, 2020, I
22 believe.

23 MS. WINTERS: I'm sorry. Did I say 2020
24 or 2021?

25 ALJ WILLIAMS: You made it December, I

1 believe. So just to clarify that was filed
2 September 2 of 2020.

3 MS. WINTERS: My apologies here.

4 Exhibit No. 6, the motion for waiver of
5 Ohio Administrative Code 4906-4-08(D)(1) through (4)
6 filed September 2, 2020. Exhibit 7, the supplement
7 to the application that included cultural resource
8 reports and correspondence with the Ohio State
9 Historic Preservation Office which was filed on
10 October 15, 2020.

11 Exhibit No. 8, the reply to the Ohio
12 Power Siting Board Staff's memorandum contra
13 Applicant's motion for waiver filed October 20, 2020.
14 Exhibit 9, the supplement to the application that
15 included landmark maps within 10 -- the 10-mile
16 radius pursuant to Ohio Administrative Code 4906-4-08
17 (D)(1) through (4) filed October 20, 2020.

18 The Exhibit No. 10, the supplement to the
19 application with the preliminary geotechnical reports
20 filed October 20, 2020. Exhibit 11, the supplement
21 to the application relative to threatened and
22 endangered species surveys and correspondence with
23 U.S. Fish and Wildlife and the Ohio Department of
24 Natural Resources filed October 23, 2020.

25 Exhibit 12, the notice of proof of

1 payment and application fee filed November 2, 2020.
2 Exhibit 13, the proof of service of the accepted,
3 complete application filed November 2, 2020. No. 14,
4 the proof of compliance with the Ohio Administrative
5 Code 4906-3-07(A) and (B) filed November 2, 2020.

6 Exhibit 15, the supplement to the
7 application which included Ohio State Historic
8 Preservation Office filed concurrent to the cultural
9 resource reports filed November 10, 2020.

10 Exhibit 16, the response to the Ohio Power Board --
11 Power Siting Board's Staff first data request updated
12 noise modeling filed November 10, 2020.

13 Exhibit No. 17, the supplement to the
14 application with the request to the Ohio Power Siting
15 Board regarding bifurcation of the project filed
16 December 1, 2020. Exhibit No. 18, proof of the
17 initial public notice and publication of that initial
18 public notice filed December 14, 2020.

19 Exhibit No. 19, the response to the Ohio
20 Power Siting Board Staff's data request regarding the
21 interconnection service agreement and facilities
22 study report filed December 21, 2020. And Exhibit
23 No. 20, proof of the second public notice and its
24 publication filed January 13, 2021.

25 Exhibit No. 21, the direct testimony of

1 Patti Shorr filed January 22, 2020.

2 THE WITNESS: 1.

3 MS. WINTERS: 2021, excuse me, your
4 Honor. That's still living in 2020. The direct --
5 Exhibit No. 22, the direct testimony of Ms. Emily
6 Kosmalski, Terracon Consultants, which is --
7 actually, your Honor, I think Ms. -- Ms. Kosmalski
8 will be offering that next so let's skip that for the
9 moment.

10 20 -- Exhibit No. 23, the unredacted
11 pages of the application that are subject to the
12 protective order. Those are marked as confidential
13 and subject to protective order. Those have not been
14 included in your electronic filings but will be
15 supplemented tomorrow morning as per Judge Davis's
16 earlier -- earlier instruction. And then the final
17 of Applicant's exhibit is Exhibit No. 24, the
18 supplemental direct testimony of Patti Shorr filed
19 January 25, 2021.

20 We also are sponsoring through
21 Ms. Shorr's testimony Joint Exhibit No. 1 which is
22 the Joint Stipulation and Recommendation filed
23 January 22, 2021, and Joint Exhibit No. 2 which is
24 the Supplemental Joint Stipulation and Recommendation
25 filed January 25, 2021.

1 ALJ WILLIAMS: Thank you for adding
2 those. So I have as marked and as affixed to the end
3 of Ms. Shorr's initial testimony Exhibits 1 through
4 20 as you read into the record as well as Ms. Shorr's
5 direct testimony, Exhibit 21; unredacted pages from
6 the application, Exhibit 23; and Ms. Shorr's
7 supplemental testimony as Exhibits 24.

8 (EXHIBITS MARKED FOR IDENTIFICATION.)

9 ALJ WILLIAMS: And you have moved for the
10 admission of all of those?

11 MS. WINTERS: I do, your Honor.

12 ALJ WILLIAMS: Thank you. Anybody --
13 anything else from the rest of the parties?

14 Seeing nothing, then they will be
15 admitted as -- as so moved.

16 Karen, I guess you need to mark them
17 first, but they have been marked and admitted now.

18 (EXHIBITS ADMITTED INTO EVIDENCE.)

19 ALJ WILLIAMS: Okay. Ms. Shorr, thank
20 you for your testimony this morning. You are
21 excused.

22 THE WITNESS: Thank you, your Honor.

23 ALJ WILLIAMS: Ms. Winters, I will invite
24 you to call your next witness.

25 MS. WINTERS: The next witness will be

1 handled by my co-counsel Ms. Gagliardi.

2 ALJ WILLIAMS: Ms. Gagliardi.

3 MS. GAGLIARDI: Yes, your Honor. I would
4 like to call Ms. Emily Kosmalski.

5 MR. SCHMIDT: Ms. Kosmalski, you've been
6 promoted. If you can enable your audio and video.

7 ALJ WILLIAMS: Good morning,
8 Ms. Kosmalski. I am going to ask you to raise your
9 right hand.

10 (Witness sworn.)

11 ALJ WILLIAMS: Thank you.

12 Please proceed, Ms. Gagliardi.

13 MS. GAGLIARDI: Thank you, your Honor.

14 - - -

15 EMILY KOSMALSKI

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

18 DIRECT EXAMINATION

19 By Ms. Gagliardi:

20 Q. Ms. Kosmalski, please state your name,
21 title, and the company you work for for the record.

22 A. I am Emily Kosmalski. I am a principal
23 with Terracon Consulting, an environmental
24 engineering and consulting firm located at 2105
25 Newpoint Place, Lawrenceville, Georgia 30019.

1 Q. Thank you. Do you have what's been
2 marked before you as Exhibit 22 which was circulated
3 to the counsel at the Board which is your direct
4 testimony?

5 A. I do.

6 Q. Okay. Is that a true and accurate copy
7 of your testimony that would -- was filed with the
8 Board on January 22, 2021?

9 A. It is.

10 Q. Can you confirm that the testimony marked
11 as Exhibit 22 was prepared under your supervision and
12 your direction?

13 A. It was.

14 Q. And do you have any corrections to your
15 testimony at this time?

16 A. I do have one that I gave the
17 wrong -- the ZIP Code for my company is actually
18 30043. I don't know how relevant that is. I
19 actually gave my home ZIP Code, so I apologize. I
20 completely didn't realize it until I said it out
21 loud.

22 Q. Okay. That's part of the record now so.
23 And if you were asked the same questions that are
24 currently under Applicant's Exhibit 22, would your
25 answers be the same say for the ZIP Code?

1 A. They would be, yes.

2 MS. GAGLIARDI: Your Honor, I have no
3 further questions for this witness. She's available
4 for cross-examination, and following I'll move for
5 the testimony marked as Exhibit 22 into evidence.

6 ALJ WILLIAMS: Thank you, Ms. Gagliardi.
7 Again, I am not a fan of friendly cross. I will
8 invite the parties to wave frantically to grab my
9 attention if they have anything they need to ask the
10 witness.

11 Seeing nothing, Judge Davis, any
12 questions for the witness?

13 ALJ DAVIS: No. Thank you, Judge
14 Williams.

15 ALJ WILLIAMS: Thank you. I also don't
16 have any questions for you, Ms. Kosmalski, so thank
17 you for joining us here today. I will let your
18 attorney move to admit your exhibit, and then we will
19 let you go.

20 MS. GAGLIARDI: Okay. Thank you, your
21 Honor.

22 THE WITNESS: Thank you, your Honor.

23 MS. GAGLIARDI: Your Honor, I would like
24 to move into evidence Exhibit 22 which is the direct
25 testimony of Emily Kosmalski filed on January 22,

1 2021.

2 ALJ WILLIAMS: Thank you, Ms. Gagliardi.
3 Any objections?

4 Seeing none, Exhibit 22 is marked and
5 admitted into the evidence.

6 (EXHIBIT MARKED AND ADMITTED INTO
7 EVIDENCE.)

8 ALJ WILLIAMS: Thank you, Ms. Kosmalski.
9 You are excused.

10 Ms. Gagliardi, Ms. Winters, I believe
11 that is the entirety of your witnesses, correct?

12 MS. WINTERS: That's correct, your Honor.

13 ALJ WILLIAMS: All right. We will let
14 Staff then deal with admitting the identified Joint 1
15 and Joint 2.

16 With that, Mr. Lindgren, do you want to
17 call your first witness?

18 MR. LINDGREN: Yes, thank you, your
19 Honor. The Staff calls Robert Holderbaum to the
20 stand.

21 MR. SCHMIDT: Mr. Holderbaum, you have
22 been promoted. If you can enable your audio and
23 video.

24 ALJ WILLIAMS: Good morning,
25 Mr. Holderbaum.

1 MR. HOLDERBAUM: Good morning.

2 ALJ WILLIAMS: I am going to ask you to
3 raise your right hand.

4 (Witness sworn.)

5 ALJ WILLIAMS: Thank you.

6 Please proceed, counsel.

7 MR. LINDGREN: Thank you.

8 - - -

9 ROBERT HOLDERBAUM

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

12 DIRECT EXAMINATION

13 By Mr. Lindgren:

14 Q. Good morning, Mr. Holderbaum. Could you
15 please state your full name for the record.

16 A. Sure. Robert Holderbaum.

17 Q. Thank you. And what is your business
18 address?

19 A. 180 East Broad Street, Columbus, Ohio
20 43215.

21 Q. Thank you. Did you prepare prefiled
22 testimony for this proceeding?

23 A. I did.

24 Q. And have you reviewed your testimony that
25 was docketed with the Commission on January 22, 2021?

1 A. I have.

2 Q. Is that a true and accurate copy of the
3 testimony that you prepared for this matter?

4 A. It is.

5 Q. Are there any changes or corrections you
6 would like to make to your testimony?

7 A. No changes.

8 Q. Thank you. If I were to ask you the same
9 questions that are asked in your prefiled testimony,
10 would your answers be the same?

11 A. They would.

12 MR. LINDGREN: Thank you. I would ask
13 Mr. Holderbaum's testimony be marked as Staff Exhibit
14 1, please.

15 ALJ WILLIAMS: So marked.

16 (EXHIBIT MARKED FOR IDENTIFICATION.)

17 Q. (By Mr. Lindgren) Mr. Holderbaum, are you
18 familiar with the Joint Stipulation that was filed
19 and adopted by the parties in this matter on
20 January 22 of 2021?

21 A. Yes.

22 Q. And does Staff support approval of the
23 Stipulation or adoption of the Stipulation by the
24 Board?

25 A. Yes.

1 Q. Thank you. And is that the document that
2 has been marked as Joint Exhibit 1?

3 A. I am not sure.

4 Q. Okay. Thank you. Are you also familiar
5 with the Supplemental Stipulation that has been
6 docketed and filed by the parties?

7 A. I am.

8 Q. And does Staff support adoption of that
9 Supplemental Stipulation as well?

10 A. Yes, we do.

11 Q. Thank you. Mr. Holderbaum, are you
12 familiar with the Staff Report of Investigation that
13 was filed in this docket on January 4 of 2021?

14 A. I am.

15 Q. And what was your role with respect to
16 the preparation of this Staff Report?

17 A. My role was the Staff lead for that Staff
18 investigation.

19 Q. Thank you. And is the document that has
20 been filed with the Docketing Division, is that a
21 true and accurate copy of the Staff Report that you
22 helped them prepare?

23 A. Yes, it is.

24 MR. LINDGREN: Your Honor, I would ask
25 that the Staff Report be marked as Staff Exhibit 2.

1 ALJ WILLIAMS: So marked.

2 (EXHIBIT MARKED FOR IDENTIFICATION.)

3 MR. LINDGREN: Thank you, your Honor.
4 Subject to cross-examination, I would move for the
5 admission of Staff Exhibits 1 and 2.

6 ALJ WILLIAMS: As well as the joint
7 exhibits, I assume?

8 MR. LINDGREN: Yes, your Honor.

9 ALJ WILLIAMS: Thank you. Okay.

10 Any questions from any of the other
11 parties?

12 MS. WINTERS: No questions on behalf of
13 the Applicant, your Honor.

14 ALJ WILLIAMS: Thank you.

15 - - -

16 EXAMINATION

17 By ALJ Williams:

18 Q. I just have a couple quick questions,
19 Mr. Holderbaum. These are aimed at the Supplemental
20 Joint Stipulation and the request to issue a
21 certification that immediately bifurcates that
22 certification as part of the Board's same entry. Is
23 it your understanding that request doesn't change the
24 footprint of the project, correct?

25 A. That's my understanding, correct.

1 Q. Moreover, it doesn't change the
2 commitment of the Applicant nor Hecate 2 nor Hecate 4
3 in regard to the construction or operation of the
4 facility as proposed, correct?

5 A. Correct, your Honor.

6 ALJ WILLIAMS: Thank you. Those are the
7 only questions I have.

8 Judge Davis, anything?

9 ALJ DAVIS: No, nothing from me. Thank
10 you, Judge Williams.

11 ALJ WILLIAMS: Thank you.

12 In light of my questions, anything in
13 terms of need for redirect?

14 MR. LINDGREN: No, thank you, your Honor.

15 ALJ WILLIAMS: All right. I'll -- I
16 believe you've moved to admit the exhibits?

17 MR. LINDGREN: Yes, your Honor.

18 ALJ WILLIAMS: All right. So we will
19 admit -- I guess I will invite the parties, does
20 anybody have any questions or concerns?

21 Seeing none --

22 MS. WINTERS: Your Honor, this is Karen
23 Winters for the Applicant. I just -- I'm not sure
24 where -- where we are with respect to the joint
25 exhibits and wondered whether those were going to be

1 admitted as part of -- part of Tom's admission here
2 with respect to the Board Staff testimony.

3 ALJ WILLIAMS: I believe he's moved to
4 admit those, and I'm inclined to admit those into the
5 record, but I will let you address that if you want
6 to address it further. No?

7 Okay. So we've marked Joint Stip --
8 Joint 1 and Joint 2 as the Joint Stipulation and
9 Supplemental Joint Stipulation. We've marked Staff 1
10 as Mr. Holderbaum's testimony and Staff 2 as the
11 Staff Report of Investigation. Those have been moved
12 and are admitted into the record in this case.

13 (EXHIBITS ADMITTED INTO EVIDENCE.)

14 ALJ WILLIAMS: Mr. Lindgren, anything
15 else on behalf of Staff?

16 MR. LINDGREN: Nothing further, your
17 Honor.

18 ALJ WILLIAMS: Thank you.
19 Anything else from any of the parties?
20 Okay. Judge Davis, anything else you
21 need?

22 ALJ DAVIS: No, thank you, Judge
23 Williams.

24 ALJ WILLIAMS: Okay. We will take the
25 case under advisement, and we are adjourned. Thanks,

1 everyone.

2 (Thereupon, at 10:35 a.m., the hearing
3 was adjourned.)

4 - - -

5 CERTIFICATE

6 I do hereby certify that the foregoing is
7 a true and correct transcript of the proceedings
8 taken by me in this matter on Monday, January 25,
9 2021, and carefully compared with my original
10 stenographic notes.

11
12
13 Karen Sue Gibson, Registered
14 Merit Reporter.

15 (KSG-7029)

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Case No(s). 20-1288-EL-BGN

Summary: Transcript January 25, 2021

In the Matter of the Application of Hecate Energy Highland 4 LLC for a Certificate of Environmental Compatibility and Public Need to Construct a Solar-Powered Electric Generation Facility in Highland County, Ohio. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.