

BEFORE THE OHIO POWER SITING BOARD

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In the Matter of the :
Application of Arche :
Energy Project, LLC, for a :
Certificate of :
Environmental : Case No. 20-979-EL-BGN
Compatibility and Public :
Need to Construct a :
Solar-Powered Electric :
Generation Facility in :
Fulton County, Ohio. :

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PROCEEDINGS

before Ms. Patricia Schabo and Mr. David Hicks,
Administrative Law Judges, and Ms. Beth Trombold,
Chairman, at the Ohio Power Siting Board, via Webex,
called at 6:11 p.m. on Tuesday, January 26, 2021.

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- - -

1 APPEARANCES:

2 Bricker & Eckler, LLP
3 By Ms. Sommer L. Sheely
4 100 South Third Street
5 Columbus, Ohio 43215-4291

6 On behalf of the Applicant.

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Tuesday Evening Session,
January 26, 2021.

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ALJ SCHABO: We will go on the record.

Good evening and welcome, everyone. My name is Patricia Schabo. With me is David Hicks. We are the Administrative Law Judges in the Legal Department of the Ohio Power Siting Board and are assigned by the Board to this proceeding which is Case No. 20-979-EL-BGN.

One of our duties as the assigned Administrative Law Judges is conducting a public hearing in this case which involves the application filed by Arche Energy Project, LLC, for a Certificate to Construct a Solar-Powered Electric Generation Facility in Fulton County, Ohio.

Due to the COVID-19 emergency that remains in effect under Executive Order No. 2020-01D issued by the Governor of Ohio in March of 2020, tonight's hearing is being held through Webex which enables interested persons to offer testimony on the proposed project by telephone or video via the internet. The hearing is also being live streamed at www.youtube.com/user/pucohio.

Before we get started with the hearing, I

would like to address some preliminary issues.

First, if you experience technical difficulties, there are several options to choose from. If your internet connection drops at any point, you can try to join Webex again by video, or you can participate by phone. If those options are unsuccessful, please call the Board's Legal Department at (614) 466-6843 for assistance.

Finally, if you merely wish to listen to the hearing using your phone, you can view the live stream on -- sorry. You can view the live stream on the YouTube Channel I mentioned, or you can listen to the hearing by dialing 1-408-418-9388 and entering the meeting No. 1739296368. For more information about the Webex technical help, options can be obtained through the chat feature which will be available throughout the hearing.

You may click on the chat button at any time to obtain technical assistance or to ask procedural questions during the hearing. The chat feature should not be used for any other purposes such as to offer comments about the proposed project that is the subject of tonight's hearing. You should also be aware that the chats are recorded but are not considered private and are not part of the official

1 record of the case.

2 As indicated by the entry of October 30,
3 2020, witnesses were -- were to register to testify.
4 Individuals who have registered to provide testimony
5 should be ready to speak when their name is called
6 from the registration list. Individuals who are
7 commenting by video will be unmuted by Board staff
8 when it is time for their testimony. If you are
9 providing your testimony by telephone, a Board staff
10 member will call you at the phone number you provided
11 when it is your turn.

12 Please bear with us as we work to queue
13 up each individual and find them which may -- which
14 may take some time. It may also divert our attention
15 at times to what is happening such as in the
16 beginning of this hearing.

17 Consistent with the entry of October 30,
18 2020, we ask that you help us to avoid unnecessary
19 background noise and keep your microphones on mute
20 unless you are commenting. Again, if you have any
21 questions about this process as the hearing proceeds,
22 please use the chat function.

23 Are there any questions or any news from
24 our technical staff before we officially get started
25 with today's proceeding?

1 Okay. Seeing and hearing none, I will
2 hand this over to my Co-ALJ David Hicks.

3 ALJ HICKS: Thank you. The Ohio Power
4 Siting Board has scheduled for hearing at this time
5 and place Case No. 20-979-EL-BGN which is captioned
6 In the Matter of the Application of Arche Energy
7 Project, LLC, for a Certificate of Environmental
8 Capability and Public Need.

9 As mentioned earlier, my name is David
10 Hicks, and I am Co -- Co-Administrative Law Judge
11 with Patricia Schabo. We work in the Board's Legal
12 Department and will be conducting today's hearing.
13 Also want to mention that presiding with us today is
14 Ohio Power -- Ohio Power Siting Board Chair Beth
15 Trombold.

16 And, Chair Trombold, I didn't know if you
17 had any comments that you might want to make before
18 we move ahead with the hearing.

19 CHAIRMAN TROMBOLD: Thank you. I just
20 wanted to say good evening, everyone. We appreciate
21 those of you that have joined us. We know this isn't
22 necessarily ideal or what you are looking -- used to
23 in terms of a public hearing if you have ever
24 attended one. We tend to like to do those in person
25 but because of the pandemic this is the best we can

1 do and we want to hear from you.

2 We appreciate those of you that have
3 signed up to testify, and I am here today to listen
4 and take back that information as we proceed with
5 this case. So I will turn it back to Judge Hicks and
6 Judge Schabo and appreciate all the PUCO staff that
7 have come out today to also listen in and hear what
8 the constituents out there have to say. Thank you.

9 ALJ HICKS: Thank you. And as Chair
10 Trombold mentioned, I will just point out there are
11 some other folks on the call in addition to Chair
12 Trombold and myself and Judge Schabo, staff members
13 from the Board assisting in various aspects of the
14 hearing and Webex including Micah Schmidt, Matt
15 Butler, Anna Perry, among others are on overseeing
16 the event on Webex and YouTube.

17 And with that at this time we will go
18 ahead and take appearances by counsel of parties in
19 the case and will begin with the Applicant.

20 MS. SHEELY: Good evening, everyone. My
21 name is Sommer Sheely. I am making an appearance on
22 behalf of the Applicant Arche Energy Project, LLC,
23 for the certificate for the Arche Solar Farm.

24 ALJ HICKS: Thank you. Next on behalf of
25 Board Staff. I don't believe they are on.

1 And hearing none, we do have one
2 Intervenor in this case, the Ohio Farm Bureau. I
3 would open it up now to take appearance. Hearing
4 none from -- from them as well. I will note though
5 that while counsel for Board Staff and the Ohio Farm
6 Bureau may not be participating this evening, there
7 may be other non-counsel representatives from those
8 entities attending the public hearing.

9 So the subject of today's hearing is an
10 application filed by Arche Energy Project, LLC, for
11 the purpose of developing, constructing, and
12 operating a 107 megawatt solar-powered electric
13 generation facility. Specifically the proposed
14 project would occupy approximately 600 acres within a
15 1,000 acre project area in Gorham Township, Fulton
16 County, Ohio.

17 Arche Energy Project's application was
18 filed on July 30, 2020, and was supplemented on
19 September 11, 2020. On January 11, 2021, Board Staff
20 filed a Report of Investigation. This report is a
21 recommendation from the Board Staff and does not
22 necessarily reflect what the Board's final
23 determination in the case will be.

24 The purpose of today's public hearing is
25 to receive testimony regarding Arche Energy Project's

1 application from entities and persons in the local
2 community who are affected by the proposed project
3 but who are not parties to the case.

4 I will point out that the public hearing
5 is not a question and answer session but is an
6 opportunity to let the Board know what you think
7 about the proposed project.

8 Today's public hearing is only one aspect
9 of the process in this case. On February 17, 2021,
10 there will be an evidentiary hearing in this case
11 which will also be conducted via Webex and the
12 purpose of that evidentiary hearing is for the
13 parties in the case including the Applicant, any
14 Intervenors, and Board Staff to provide testimony and
15 other evidence regarding the project.

16 I will also point out that tonight's
17 hearing is being transcribed by a court reporter,
18 Karen Gibson from Armstrong & Okey. So to anyone
19 that testifies or is speaking, I would just ask that
20 you speak clearly so that the court reporter can
21 accurately reflect your comments on the record and to
22 verbally respond to any questions that may be asked
23 so that those responses can be properly transcribed
24 as well.

25 After I finish with this introduction, I

1 will begin calling individuals on the registration
2 list, and hopefully we will be locating these
3 individuals on the registration list to testify about
4 the proposed project. Each person registered to
5 testify will be permitted to speak once about the
6 project. We will ask the witnesses to take an oath
7 or affirmation that what they are about to say is the
8 truth, and your testimony will then be considered as
9 part of the official record in the case and will be
10 reviewed by the Board before a final decision is made
11 on the application.

12 Additionally, counsel for the Applicant
13 as well as Judge Schabo and myself will be permitted
14 to ask questions about your testimony, and should
15 anyone decide that they do not want to testify when
16 their name is called, they are free to pass to the
17 next witness. Once you have finished testifying or
18 anyone that is on merely observing the public hearing
19 is certainly free to leave the hearing at any time
20 that they wish.

21 If individuals wish to supplement their
22 testimony with an exhibit for the Board's
23 consideration, a copy of that document along with a
24 reference to the case number, which again is
25 20-979-EL-BGN, should be provided to the Board no

1 later than February 2, 2021, and that can be sent via
2 e-mail to contactopsb@puco.ohio.gov and that's
3 C-O-N-T-A-C-T-O-P-S-B @puco.ohio.gov or by mail to
4 the Ohio Power Siting Board, 180 East Broad Street,
5 Attention Docketing Division, Columbus, Ohio 43215.

6 For anyone that is not testifying today
7 but wishes to file a public comment regarding the
8 proposed project, you can do that in writing on the
9 Board's website, or you can send it via e-mail to
10 that same e-mail address I just provided,
11 contactopsb@puco.ohio.gov, or again by mail to Ohio
12 Power Siting Board, 180 East Broad Street, Attention
13 Docketing Division, Columbus, Ohio 43215. And again,
14 on those written public comments, they should
15 reference the Case No. 20-979-EL-BGN.

16 I will just reiterate what others have
17 already said. We appreciate everyone's participation
18 in tonight's hearing. Hopefully those that
19 registered to testify will have the opportunity to do
20 so.

21 And now would typically be the time where
22 we would begin calling those from the witness list.
23 I'm not sure if we have been able to contact our two
24 witnesses that registered to testify. So if anyone,
25 Matt or Micah, I don't know if either one of you want

1 to chime in as to whether we have been able to get
2 either of them?

3 ALJ SCHABO: I think efforts -- I am not
4 sure who is trying to talk. I think efforts to this
5 date have been -- or to this time have been
6 unfruitful. Again, I am going to harken back to the
7 good ole days when we were all in the same room, and
8 I am going to give the court reporter a break and go
9 off the record.

10 (Recess taken.)

11 ALJ SCHABO: It is now 6:29. We took a
12 small break from the record to make a last attempt,
13 if you will, to contact the two witnesses that
14 registered to testify this evening. We were
15 unsuccessful in doing so.

16 And my screen just went blank. Okay.
17 Back up. Sorry. We were unsuccessful in finding our
18 witnesses. I did want to state on the record and
19 otherwise that there can be an opportunity at the
20 beginning of the evidentiary hearing for tonight's
21 witnesses to appear and give testimony at the
22 beginning of that hearing. I will need our
23 witnesses -- if they would like to take advantage of
24 this possibility, I will need Cathy Cowan Becker and
25 Angela Belcher to contact us here at the Board prior

1 to the evidentiary hearing, that is again scheduled
2 for February 17, and explain -- I'm sorry, for lack
3 of a better phrase, why they weren't able to connect
4 with us this evening. And with demonstration of good
5 cause, we will permit their testimony at the
6 beginning of the evidentiary hearing scheduled for
7 February 17. I hope everything is okay with our
8 witnesses.

9 In the meantime I would just like to
10 thank everyone that has been with us and stepped
11 through our minefield of this evening's public
12 hearing. So thank you very much.

13 With that we are adjourned.

14 (Thereupon, at 6:31 p.m., the hearing was
15 adjourned.)

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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 Tuesday, January 26,
2021, and carefully compared with my original
stenographic notes.

Karen Sue Gibson, Registered
Merit Reporter.

(KSG-7031)

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This foregoing document was electronically filed with the Public Utilities

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2/4/2021 10:13:42 AM

in

Case No(s). 20-0979-EL-BGN

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