

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Arche)	
Energy Project, LLC for a Certificate of)	
Environmental Compatibility and Public)	Case No. 20-0979-EL-BGN
Need for a Solar Facility Located in Fulton)	
County, Ohio.)	

**SUPPLEMENTAL TESTIMONY OF
CLIFF SCHER
on behalf of
Arche Energy Project, LLC**

February 16, 2021

1 **Q-1. Please state your name.**

2 **A-1.** My name is Cliff Scher.

3 **Q-2. On whose behalf are you offering testimony?**

4 **A-2.** I am testifying on behalf of the Applicant, Arche Energy Project, LLC.

5 **Q-3. Did you previously file testimony on behalf of the Applicant this case?**

6 **A-3.** Yes, I filed testimony on February 5, 2021.

7 **Q-4. What is the purpose of your supplemental testimony?**

8 **A-4.** The purpose of my testimony is to address the circumstances surrounding the Joint
9 Stipulation filed on February 11, 2021 (“Joint Stipulation”) and support its adoption by the
10 Ohio Power Siting Board (“OPSB” or “Board”). This testimony is a supplement to my
11 previously filed testimony.

12 **Q-5. Have you reviewed the Joint Stipulation?**

13 **A-5.** Yes.

14 **Q-6. Why do you believe the Board should approve the Joint Stipulation?**

15 **A-6.** The Stipulation meets the criteria for Board approval of stipulations. The Staff, the
16 Applicant, and the Intervenor Ohio Farm Bureau Foundation (“Intervenor”) are the only
17 parties in this case, and the Applicant and Intervenor have agreed to the Staff’s initial
18 recommended conditions, with only several minor changes. Specifically, the parties have
19 agreed to modifications of Conditions 7, 16, and 25, and to the addition of Condition 26.

20 As to Condition 7, the parties agreed to add the language “[t]o the extent permitted by R.C.
21 4906.13(B)” to the beginning of the clause, which makes the language consistent with the
22 same condition employed in other recent OPSB solar projects.

23 With respect to Condition 16, pertaining to field tile drainage systems, the parties have
24 agreed to only one minor clarifying change in language.

25 For Condition 25, the parties have agreed to clarifying language denoting the referenced
26 wells are water wells.

1 Condition 26 is an addition to the conditions contained in the Staff Report, and all parties
2 agreed to the inclusion of this condition, which indicates Applicant will take steps to
3 prevent establishment and/or propagation of noxious weeds during implementation of
4 pollinator-friendly plantings.

5 The Stipulation presented in this case represents the product of serious discussions between
6 the parties. Because there was general agreement with the Staff Report, it was possible to
7 reach the Stipulation via a series of emails and phone calls among the Staff and its
8 attorneys, the Applicant and its attorneys, and the Intervenor and its attorneys.
9 Additionally, the Stipulation represents a reasonable compromise that balances competing
10 positions; therefore, it does not necessarily reflect the position that either one of the parties
11 would have taken if these issues had been fully litigated.

12 **Q-7. Does the Stipulation include additional conditions that were not contained in the Staff**
13 **Report?**

14 **A-7.** Yes. Condition 26 is an additional condition that was not contained in the Staff Report.

15 **Q-8. In your opinion, does the Joint Stipulation benefit the public interest?**

16 **A-8.** Yes, it does. The Stipulation provides for clarity with respect to Conditions 7, 16, and 25
17 in the Staff Report and therefore serves the public interest. Adding Condition 26 only
18 serves to ensure the benefits of Applicant's plan for pollinator-friendly plantings is fully
19 realized, and therefore also serves the public interest. Moreover, avoidance of a more
20 lengthy contested hearing also serves the public interest.

21 More broadly the Stipulation ensures that the project will represent the minimum adverse
22 environmental impact for both construction and operation, considering the state of
23 available technology, and the nature and economics of the various alternatives, as well as
24 other pertinent considerations. The construction and operation of the facility then provides
25 benefits to the public interest.

26 The project will help meet Ohio's demand for in-state carbon free energy resources. The
27 project will generate electricity using virtually no fuels or water and with effectively zero
28 air emissions and waste generation. This project is intended to fill the need for a more
29 diverse national energy portfolio that will include a higher percentage of energy generated

1 through use of renewable resources. Public interest will also be met through the positive
2 economic impact the project will have on the local economy through construction spending
3 and jobs, and an annual service payment in lieu of taxes.

4 Finally, the parties believe that all of the provisions in the Stipulation are in harmony with
5 regulatory principles and practice, including consistency with the Board's conditions in
6 previous solar project development proceedings.

7 **Q-9. Do you have any further comments?**

8 **A-9.** It is my understanding that although a stipulation is not binding upon the Board, there is
9 court precedent that the terms of a stipulation such as is presented here, should be accorded
10 substantial weight especially when it is unopposed, signed by all the parties and resolves
11 all the issues in the proceeding. It is for all these reasons that I urge the Board to approve
12 the Stipulation.

13 **Q-10. Does this conclude your testimony?**

14 **A-10.** Yes, it does. I reserve the right to modify the testimony if the Joint Stipulation filed in
15 this case on February 11, 2021 is subsequently modified.

Respectfully submitted on behalf of
ARCHE ENERGY PROJECT, LLC



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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Supplemental Testimony of Cliff Scher was served upon the following parties of record via regular or electronic mail this 16th day of February, 2021.



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Summary: Text Supplemental Testimony of Cliff Scher on behalf of Arche Energy Project, LLC
electronically filed by Teresa Orahoud on behalf of Dylan F. Borchers