

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of **Powell Creek**)
Solar, LLC for a Certificate of Environmental)
Compatibility and Public Need for a Solar Facility) Case No. 20-1084-EL-BGN
Located in Putnam County, Ohio.)

DIRECT TESTIMONY OF

JEFFREY REINKEMEYER, P.E., C.E.M.

on behalf of

Powell Creek Solar, LLC

April 5, 2021

1 **Q-1. Please state your name, title, and business address.**

2 **A-1.** My name is Jeffrey Reinkemeyer, P.E. (IN, IL, WI, MO, KY, TN, SC, NC, NE), C.E.M.,
3 and I am the Director of Eastern Renewables Development, for Avangrid Renewables,
4 LLC (“Avangrid”). Avangrid’s address is 1125 NW Couch Street, Suite 700, Portland, OR,
5 97209. Applicant Powell Creek Solar, LLC (“Powell Creek”) is a subsidiary of Avangrid.

6 **Q.2. What are your duties as Director of Eastern Renewables Development at Avangrid?**

7 **A-2.** My duties consist of developing energy infrastructure projects in the clean energy space. I
8 have worked in this area since 2007. Currently, my duties and experience include
9 identifying project opportunities in the Eastern region of the United States (the PJM
10 interconnect) and leading work across the project development lifecycle for solar power
11 projects, including but not limited to Powell Creek. These efforts include market analysis,
12 site screening, landowner outreach, permitting and late-stage development until transition
13 to our construction team. While at Avangrid, I have led the development of more than 650
14 MW of solar power projects in development. I have developed renewable energy projects
15 in multiple states, and utilize this experience to lead Avangrid’s renewable development
16 activity in the Eastern region of the United States.

17 **Q.3. What is your education and professional background?**

18 **A-3.** I received a Bachelor of Science Degree in 1990 from Missouri University of Science and
19 Technology in Mechanical Engineering (known back then as University of Missouri-
20 Rolla). I then received a Master’s of Business Administration, focusing on Sustainable
21 Business, in 2013 from Marylhurst University. I became a Licensed Professional Engineer
22 (in Kentucky) in 1994, and a Certified Energy Manager in 2012.

1 I have worked with Avangrid since 2007 as the Director of Eastern Renewables
2 Development. Prior to Avangrid, I was Manager of the CM Project Management Group
3 for IEA Construction (known back then as RMT) for five years, where I was responsible
4 for project development, design engineering/engineering oversight, estimating, and project
5 management. Prior to this role, I was a project mechanical engineer with Owens Corning,
6 Project Design/Engineering/Management Consultant with Gresham, Smith, and Partners,
7 a rubber mixing Mechanical Engineer with Bridgestone/Firestone, and a Project/Process
8 Engineer with a Petrochemical manufacturer of Chlorine, Ethylene, and other intermediate
9 products necessary for the production of PVC.

10 **Q.4. On whose behalf are you offering testimony?**

11 **A-4.** I am offering testimony on behalf of Powell Creek.

12 **Q.5. What is the purpose of your testimony?**

13 **A-5.** The purpose of my testimony is to provide a summary of the Powell Creek Solar Project
14 (“Project”) and a description of the process that led to the Joint Stipulation and
15 Recommendation (“Stipulation”), which was filed to the docket on April 5, 2021, and is
16 being offered in this proceeding as Joint Exhibit 1. I will sponsor admission of the
17 Stipulation into evidence in this case, along with the Applicant’s exhibits listed in the
18 Stipulation, which include the Application, as supplemented and modified and with all
19 exhibits thereto, the Applicant’s responses to data requests from the Board’s Staff,
20 certificates of service, proofs of publication, and correspondence. My testimony will
21 explain the background of the Stipulation and the reasons why I believe it should be
22 adopted by the Board. In additional, my testimony will confirm that the Stipulation
23 complies with the Board’s three-part test for evaluating stipulations.

1 **Q.6 Are the Powell Creek Solar Plant Application, Exhibits, and responses to Staff Data**
2 **Requests true and accurate to the best of your knowledge and belief?**

3 **A-6.** Yes, the Application and Exhibits, as supplemented and modified (Applicant Exhibit 1),
4 and all of Powell Creek’s Responses to the Staff Data Requests (Applicant Exhibit 2) are
5 true and accurate and were prepared under my direction.

6 **Q.7. Were copies of the accepted Application served on local public officials and libraries**
7 **in accordance with OAC Rule 4906-3-07(A)?**

8 **A-7.** Yes, such service was made. Applicant Exhibit 3 is proof of service of the Application.

9 **Q.8. Did Powell Creek file and serve a copy of the letter sent to property owners and**
10 **tenants with the plan or contiguous to the plan site pursuant to OAC Rule 4906-3-**
11 **03(B)?**

12 **A-8.** Yes. A letter was sent to property owners and tenants within the plan site or contiguous to
13 the plan site on July 7, 2020 announcing that the Public Informational Meetings would be
14 held on July 29 and July 30, 2020. (Applicant Exhibit 4.)

15 **Q.9. Did Powell Creek cause notice of the Public Informational Meetings, the Application,**
16 **and the hearing dates to be published in the local newspaper?**

17 **A-9.** Yes. Such notices were published in the Putnam County Sentinel at the appropriate times.
18 Proofs of publications in this newspaper were filed on the docket on March 16 and 18,
19 2021. (Applicant Exhibit 5.)

20 **Q.10. Please list all consultants Powell Creek retained to prepare its Application and**
21 **Exhibits, including for each the respective areas of responsibility.**

22 **A-10.** Under my direction and supervision, Powell Creek worked with Environmental Design &
23 Research, Landscape Architecture, Engineering & Environmental Services, D.C.P.

1 (“EDR”) as the lead consultant on the Application. EDR assisted in coordinating the studies
2 used in the Application and Exhibits. I directed and supervised consultants in the following
3 areas of responsibility:

- 4 • Cardno, Inc.:Vegetation Management and Protection Plan (Applicant Exhibit
5 1, at Exhibit B); Ecological Assessment (Applicant Exhibit 1, at Exhibit J);
6
- 7 • Westwood: Route/Traffic Study (Applicant Exhibit 1, at Exhibit E);
8 Groundwater, Hydrogeological and Geotechnical Desktop Review (Applicant
9 Exhibit 1, at Exhibit F); Hydrology Study (Applicant Exhibit 1, at Exhibit G);
10
- 11 • Mott MacDonald: Geotechnical Report (Applicant Exhibit 1, at Exhibit H);
- 12 • EDR: Socioeconomic Report (Applicant Exhibit 1, at Exhibit I); Phase
13 IA Cultural Resources Survey (Applicant Exhibit 1, at Exhibit K); Public
14 Information Meeting Questions and Answers (Applicant Exhibit 1, at Exhibit
15 M); Complaint Resolution Plan (Applicant Exhibit 1, at Exhibit O); BMP
16 Typicals (Applicant Exhibit 1, at Exhibit Q); Reconnaissance-Level Historic
17 Resources Survey (Applicant Exhibit 1, at Exhibit T); Visual Resources
18 Assessment (Applicant Exhibit 1, at Exhibit V);
19
- 20 • Stantec Consulting Services, Inc.: Decommissioning Plan (Applicant Exhibit
21 1, at Exhibit P);
22
- 23 • Capitol Airspace Group: Glint & Glare Analysis (Applicant Exhibit 1, at
24 Exhibit R);
25
- 26 • The Mannik & Smith Group, Inc.: Archaeological Survey, Interim Report
27 (Applicant Exhibit 1, at Exhibit U);
28
- 29 • Jacobs: Sound Assessment (Applicant Exhibit 1, at Exhibit X).

30 **Q.11. What is the general purpose of the Project?**

31 **A-11.** The general purpose of the Project is to produce solar-powered electricity that will
32 maximize energy production from solar resources to deliver clean, renewable energy to the
33 Ohio bulk power transmission system to serve the needs of electric utilities and their
34 customers. The electricity generated by the Project will be transferred to the transmission

1 grid operated by PJM Interconnection, LLC (“PJM”) for sale at wholesale to the grid or
2 under a power purchase agreement.

3 **Q.12. Would you describe the proposed Project, the Project Area, and the power generation**
4 **potential of the solar farm?**

5 **A-12.** The Project is a 150 MW solar-powered electric generating facility for which Powell Creek
6 has applied for a certificate to construct in Palmer and Liberty Townships in Putnam
7 County, Ohio. The Project would occupy approximately 888 acres within an approximate
8 2,013-acre project area comprised of private land secured by Powell Creek through
9 agreements with the landowners. The Project location is just outside the Village of Miller
10 City. By a minor modification filed on March 2, 2021, Powell Creek proposed to remove
11 a block of PV panels, which reduced the size of the Project Area on the eastern side by
12 approximately 29 acres and resulted in the removal of one access road, 316 feet of
13 transmission line, and one inverter. This modification lessened the overall impacts of the
14 Project based on feedback by nonparticipating landowners.

15 The Project will be located on rural, previously disturbed land that has been mostly cleared
16 for agriculture and is generally flat. The facility will consist of large arrays of photovoltaic
17 (PV) panels (known as solar panels), which will be ground-mounted on a tracking rack
18 system. The racking includes steel posts driven five to ten feet into the ground. Depending
19 on the PV module selected, the facility will include approximately 460,000 panels. The
20 solar panel arrays will be fenced with gated entrances and electronic security systems.

21 The Project also includes access roads, electric collection lines, a collection substation, a
22 138 kV transmission line to the Point of Interconnect (“POI”) substation, a laydown area
23 for construction staging, an operation and maintenance (O&M) building, and

1 pyranometers. The energy generated at the facility will deliver power from the proposed
2 POI substation to the existing East Leipsic-Richland 138 kV transmission line owned by
3 AEP.

4 **Q.13. Do you believe the Project will have a positive impact on the local community?**

5 **A-13.** Yes. As also noted in the March 16, 2021 Staff Report of Investigation (“Staff Report”),
6 the Project is expected to create approximately 680 construction jobs for the State of Ohio
7 during the construction period and 6 long-term operational jobs for the State of Ohio.

8 Additionally, the Project would generate an approximately \$1.05 million annually based
9 on a payment in lieu of taxes (“PILOT”) plan. To this end, on March 12, 2020, the Putnam
10 County Commissioners passed a resolution approving a real and personal property tax
11 abatement for the Project and adopting a PILOT. Through the PILOT, Powell Creek will
12 make payments of \$7,500/MW for years 1-5 of commercial operation, \$8,000/MW for
13 years 6-10 of commercial operation, \$8,500/ MW for years 11-15 of commercial operation,
14 and \$9,000/MW for years 16 and after of commercial operation.

15 The PILOT will result in over \$38 million in payments to Putnam County and other local
16 taxing units. The Miller City-New Cleveland School District’s annual income from this
17 Project will be more than \$500,000, and the Ottawa Glandorf School District’s annual
18 income from the Project will be more than \$20,000. In addition to the PILOT, Powell Creek
19 entered into a voluntary Capital Improvements Agreement with Putnam County. Under the
20 agreement, Powell Creek will make additional contributions to the County totaling more
21 than \$3.5 million over the life of the Project. The agreement requires that these funds are
22 used “for the purposes of improving public infrastructure and helping the local economy.”

1 Further, the Project is consistent with agricultural industry support, as the facility will
2 provide supplemental income to farmers, and the land can be returned to agricultural
3 production after decommissioning.

4 **Q.14. How will the Project uniquely benefit the Village of Miller City?**

5 **A-14.** Currently, the Village of Miller City has been unable to grow due to the need for a new
6 wastewater treatment system. But without additional growth, Miller City has been unable
7 to finance this needed infrastructure, which will cost approximately \$3.14 million. Miller
8 City has needed, but unable to afford, a wastewater treatment system for roughly two
9 decades. For nearly two years prior to the submission of this Application, Powell Creek
10 has worked closely with the Putnam County Commissioners, the Village of Miller City,
11 the Palmer Township Board of Trustees, and the Miller City-New Cleveland School
12 District to identify how the Project may be able to benefit the Village of Miller City. As an
13 illustration of this stakeholder engagement, Project representatives attended fifteen
14 meetings with the Miller City Council and its Development staff, eight meetings with the
15 Miller City-New Cleveland School District; and sixteen meetings with Palmer and Liberty
16 Townships.

17 As a result of this intensive community engagement – initiated by Powell Creek – the
18 stakeholders identified a solution to enable Miller City to finance and construct a new
19 wastewater treatment system. Specifically, Miller City, Palmer and Liberty Townships are
20 entering into an annexation agreement whereby property within Palmer and Liberty
21 Townships that will be part of the Project will be annexed to become part of Miller City.
22 The result of the annexation will enable a portion of the annual PILOT payments to be
23 distributed to Miller City. This distribution will total more than \$2 million over the life of

1 the Project. Entirely separate from the PILOT or the Capital Improvements Contribution
2 Agreement, Powell Creek will voluntarily contribute an additional estimated \$540,000 to
3 a fund supporting Miller City's financing of a new wastewater treatment facility. By
4 working for nearly two years with local governments and other community stakeholders,
5 Powell Creek was able to identify how to maximize the economic benefit of the Project
6 and solve a long-term challenge for Miller City.

7 **Q.15. Did you attend the local public hearing held on March 31, 2021?**

8 **A-15.** Yes.

9 **Q.16. What has Powell Creek done to address and respond to the comments raised at the**
10 **local public hearing?**

11 **A-16.** Sixteen individuals offered sworn testimony during the local public hearing. None of the
12 testimonials opposed the Project in its entirety. However, one witness expressed concerns
13 about noise, aesthetics, and notification about the Project. Another group of family
14 members requested consideration about safety concerns related to the intersection of at
15 intersection St. Rt. 613 and St. Rt. 108.

16 Testimony from Anna Mae Wenzlick raised a variety of issues related to the Project. This
17 includes concerns about: 1) not receiving notice of the Project and the maps used to notify
18 nearby property owners, 2) aesthetic impacts, and 3) noise impacts from the Project. As a
19 preliminary matter, the Project notes that Ms. Wenzlick and her husband have entered into
20 a Good Neighbor Agreement with the Project and have signed an underground electric line
21 easement. Through these negotiations, the Project met with Mr. and Ms. Wenzlick on
22 multiple occasions beginning in August 2018. Between April 2019 and June 2020, Project
23 representatives met with Mr. and Mrs. Wenzlick nine times to discuss the Project. During

1 each of these meetings, Mr. and Ms. Wenzlick were provided updates about the Project.
2 Mr. and Ms. Wenzlick were also among the landowners that received notice of the Public
3 Information Meeting (Applicant Exhibit 4). As discussed in greater detail in my testimony
4 below, the Project's Sound Assessment confirms that operational noise from the Project
5 will be inaudible to neighbors, and the Project's Visual Resource Assessment addresses
6 the aesthetic impact of the Project.

7 Testimony from Ken, Scott, and Tyler Niese expressed concerns with regard to visibility
8 for motorists at the intersection of SR 108 and SR 613 in the Project Area due to the module
9 height and perimeter fencing, along with an assertion that the intersection is particularly
10 dangerous. In previous correspondence with the Project on this issue, Mr. Niese suggested
11 a 300 ft. setback of the Project from the intersection. In his testimony at the local public
12 hearing, he recommended a 400 ft. setback. The Project is not aware of any technical basis
13 for Mr. Niese's setback recommendations. In response to learning of Mr. Niese's concerns,
14 the Project contacted the Ohio Department of Transportation ("ODOT") to advise ODOT
15 of the module and fencing height, as well as the Project's intention to employ a 100-ft.
16 setback from state routes and highways, including at the intersection of SR 108 and SR
17 613. ODOT informed the Project that its recommended setback to reduce visual hazard is
18 30 ft. and confirmed that the Project's 100 ft. setback "far exceeds" ODOT's
19 recommendation. Accordingly, ODOT indicated it has no concerns with the visibility and
20 safety at the intersection of SR 108 and SR 613. ODOT also indicated that there were only
21 two collisions at the intersection from 2018-2020 and concluded that the intersection is
22 operating as expected and does not warrant additional safety improvements. Copies of the
23 correspondence with ODOT on this issue is attached hereto as Applicant Exhibit 6.

1 Multiple residents and public officials testified at the local public hearing in favor of the
2 Project. For example, Miller City Mayor Jim Erford testified that he is “a strong supporter”
3 of the Project, citing the influx of PILOT revenue and fact that the Project will help Miller
4 City to build a new sanitary sewer. (Transcript of Local Public Hearing (“Tr.”), at 28:11-
5 30:12.) Resident Greg Kuhlman testified that the Project helps to set up a good plan for
6 future generations, who will benefit for years to come. (Tr. at 31:15-32:12.) Putnam County
7 Director of Economic Development Amy Sealts testified that the Project will open the
8 opportunity for new commercial and residential development in the area. (Tr. at 39:9-38:1.)
9 Multiple other residents, including Jacki Verhoff, Richard Dobmeyer, Palmer Township
10 Fiscal Office Roger Niese, Palmer Township Trustees David Niese and Gary Kuhlman,
11 Jean Forster, Former Miller City-New Cleveland Board of Education member Leroy Kahle,
12 and Terry Short all testified about the benefits of additional revenue and the ability for
13 Miller City to build a new sanitary sewer as a result of the Project. (Tr. 33:23-35:3, 38:22-
14 51:11, 55:22-56:22, 61:3-62:2.) Similarly, Miller City-New Cleveland School District
15 Superintendent Kerry Johnson spoke strongly in support of the Project, stating that the
16 Project provides an opportunity for growth, development, and support of the schools and
17 community. (Tr. 53:3-55:7.)

18 **Q.17. Has Powell Creek modified the Project Area to address potential concerns from non-**
19 **adjacent property owners?**

20 **A-17.** Yes. In addition to entering into Good Neighbor Agreements with a number of neighboring
21 property owners, Powell Creek voluntarily reduced the size of the Project Area through a
22 filing made to the Board on March 2, 2021. Specifically, as a result of conversations with
23 landowners in the vicinity of the Project, Powell Creek removed one block of PV panels

1 from the Project layout. This section of PV panels was approximately 29 acres in size,
2 located at the eastern edge of the Project, south of State Route 613 and west of County
3 Route 12. The removal of this block also resulted in the removal of one access road
4 (approximately 550 feet in length), 316 feet of collection line, and one inverter. In addition
5 to decreasing the Project's vicinity to a number of non-participating neighbors, the
6 modification also results in a reduction of potential impacts.

7 **Q.18. Are you aware that the OPSB must make certain determinations under Ohio Revised**
8 **Code ("R.C.") 4906.10 before issuing the certificate for which Powell Creek has**
9 **applied?**

10 **A-18.** Yes. I have been advised there are eight criteria considered by the OPSB in making its
11 decision whether or not to issue a certificate.

12 **Q.19. Does the Application meet Powell Creek's obligation to make the required showings**
13 **under R.C. 4906.10?**

14 **A-19.** Yes. The Stipulation and Exhibits thereto enable the OPSB to determine Powell Creek has
15 met each of the eight criteria under R.C. 4906.10.

16 **Q.20. Has the Project been designed to achieve minimum impacts?**

17 **A-20.** Yes. From the inception of the Project through the studies completed in connection with
18 the Application, Powell Creek has been working with landowners, consultants, and the
19 community to minimize or eliminate the impacts of construction and operation of the
20 Project.

21 With respect to construction, activities are expected to have typical and relatively limited
22 impacts as they are temporary, intermittent, subject to time-of-day restrictions, and Powell
23 Creek will use best management practices. Increased traffic during construction will be

1 managed with no expected road closures and will end when the Project is operational.

2 Powell Creek will obtain all required permits and authorizations.

3 With respect to operations, on behalf of Powell Creek, I engaged, directed, and supervised
4 consultants to study the potential environmental, ecological, cultural, and visual impacts of
5 the Projects. (Applicant Exhibit 1, at Exhibits F-H, J, T-V.)

6 Among these, Powell Creek requested study of the Project Area to determine the presence
7 of threatened or endangered species. The study revealed only that the Project Area includes
8 the historical range and presence of the Indiana bat and the northern long-eared bat and is
9 not of concern for other listed species. Powell Creek will avoid impacts to these bat species
10 by minimizing and seasonally limiting tree-clearing activities during the proscribed
11 months.

12 Powell Creek's Sound Assessment resulted in a finding that any noise impacts will be
13 limited to construction. Construction noise will be minimized by practices such as limiting
14 hours of work, locating staging away from sensitive receptors, and controlling vehicle
15 movement to prevent backup alarms. Once operational, the ambient noise level will be
16 higher than the Project operational noise. As a result, the Project will be essentially
17 inaudible for participating and non-participating residences.

18 Visual impacts of the Project were studied by EDR within a five-mile radius of the Project
19 Area and determined to be minimal. Visual impacts of the Project are mitigated by the flat
20 terrain, low profile of the solar panels, efforts to preserve existing vegetation, and by adding
21 vegetative screening, including the use of pollinator habitat in landscaping.

22 Additionally, Powell Creek's studies determined that there are no impacts to wetlands and
23 surface waters. Similarly, the Project will generate no wastewater, no air emissions, and

1 minimal solid waste. With respect to aviation, the nearest public-use airports, Ruhe Airport
2 and Putnam County Airport, are two and seven miles, respectively, from the Project Area.
3 The Agner and Hiltner airstrips are nearby but no longer in use. All four airports were
4 analyzed for glint and glare, with the result that there are no predicted issues with the
5 approaches to any of these four airports' runways from the Project.

6 To the extent there are concerns, Powell Creek will implement a complaint resolution
7 procedure to ensure any complaints regarding construction and operation of the Project are
8 appropriately investigated and addressed.

9 **Q.21. How did Powell Creek decide to locate the Project in Putnam County?**

10 **A-21.** Powell Creek selected the Project site using data and considering a number of factors.

11 These include strong solar resources, manageable access to the bulk power transmission
12 system, sufficiently low population density, positive feedback from local landowners and
13 officials, highly-compatible land-use characteristics, and few environmentally sensitive
14 areas. The opportunity to provide the Village of Miller City with enhanced benefits and the
15 community's positive reception to this opportunity was also an important consideration
16 when deciding to develop the Project in this location. Data from the National Renewable
17 Energy Laboratory's ("NREL") U.S. National Solar Radiation Database, along with site
18 visits and capacity analysis shows that this region of Ohio, including Putnam County, has
19 suitable solar resources. Additionally, existing bulk transmission lines are located within
20 the vicinity of the facility in Putnam County. Land use in Putnam County is primarily
21 agricultural and characterized by open spaces suitable for hosting a utility-scale solar
22 project. The Project Area is bounded and traversed by roads appropriate for transportation
23 purposes.

1 **Q.22. Will the Project adversely impact cultural historic resources?**

2 **A-22.** Few cultural or historic resource impacts are anticipated, and those have been minimized.

3 Powell Creek enlisted and directed EDR to gather information and complete a cultural
4 resources review for a 2-mile radius around the Project. Powell Creek’s historical study
5 resulted in a finding that no previously identified historic or archaeological resources are
6 located within the Project Area. Five Ohio Historic Inventory properties and five Ohio
7 Genealogical Society cemeteries were identified within the Cultural Resources Study Area.
8 No NRHP-listed properties, NRHP Determination of Eligibility, properties, National
9 Historic Landmarks, ODOT historic bridges, Ohio Archaeological Inventory sites, or
10 previous cultural resource surveys were located within the Cultural Resource Survey Area.
11 On October 23, 2020, Powell Creek filed correspondence on the docket stating concurrence
12 had been obtained from the Ohio Historic Preservation Office (“OHPO”) and attaching
13 OHPO’s October 3, 2020 letter to Powell Creek, in which was contained OHPO’s
14 determination that there are no adverse effects on historic properties, resulting in no
15 additional required mitigation.

16 **Q.23. How will the Project protect existing drain tile in the Project Area?**

17 **A-23.** With assistance from Avangrid, Powell Creek has developed and included as Exhibit W to
18 its Application a Tile Maintenance Plan that will aid protection of existing drain tile in the
19 Project Area. Powell Creek has also agreed to repair or replace drain tiles damaged during
20 construction with modern, functional equivalent systems and to restore land temporarily
21 impacted during construction to its original use. Powell Creek has consulted with
22 landowners and studied records and GIS data to determine the location of drain tile mains,

1 and has committed to trying to locate drain tiles as accurately as possible prior to
2 construction.

3 **Q.24. How will Powell Creek address viewshed concerns?**

4 **A-24.** At my direction and supervision, EDR performed a Visual Impact Assessment (Applicant
5 Exhibit 1, at Exhibit V). The visual impact of the Project is relatively modest, as the area
6 is flat and the solar panels are low-profile. Powell Creek will also take additional steps to
7 minimize visual impact. These include avoiding removing existing vegetation when
8 possible and using best practices in designing a landscaping plan. To the extent there is a
9 visual impact to an adjacent, non-participating parcel containing a residence with a direct
10 line of sight, Powell Creek will use landscape management and vegetative buffers to
11 mitigate effects.

12 **Q.25. Will the Project comply with applicable safety and equipment standards?**

13 **A-25.** Yes. With regard to safety, Powell Creek plans to use warning signs, gates, and fencing to
14 restrict access to potential hazards within the Project Area. As addressed earlier in this
15 testimony, Powell Creek has also proactively coordinated with ODOT to address concerns
16 raised by a nearby resident concerning visibility for motorists at the intersection of SR 108
17 and SR 613.

18 **Q.26. Have you reviewed the Staff Report issued on March 16, 2021 and does Powell Creek
19 have any concerns with or proposed revisions to any of the Conditions recommended
20 by the Staff in the Staff Report?**

21 **A-26.** Yes, I reviewed the Staff Report. Powell Creek was generally satisfied with and amenable
22 to the Recommended Conditions, with the minor modification reflected to Condition 6 in
23 the Stipulation.

1 **Q-27. Have you reviewed the Joint Stipulation?**

2 **A-27.** Yes.

3 **Q-28. Why do you believe the Board should approve the Joint Stipulation?**

4 **A-28.** The Stipulation meets the criteria for Board approval of stipulations. The Staff, Powell
5 Creek, and OFBF are the only parties in this case, and all have agreed to Staff’s initial
6 recommended conditions, with only minor changes. Powell Creek proposed the addition
7 of the italicized language below to Condition 6. The proposed addition is consistent with
8 language to which Staff and other solar projects have previously stipulated and clarifies
9 Staff’s intent with this condition. See, e.g., Arche Solar Joint Stipulation, Case No. 20-979-
10 EL-BGN; Yellowbud Solar Joint Stipulation, Case No. 20-972-EL-BGN; Big Plain Solar
11 Joint Stipulation, Case No. 19-18323-EL-BGN; Hecate Energy Highland Joint Stipulation,
12 Case No. 20-1288-EL-BGN.

13 *To the extent permitted by R.C. 4906.13(B), [t]he certificate authority provided*
14 *in this case shall not exempt the facility from any other applicable and lawful*
15 *local, state, or federal rules or regulations nor be used to affect the exercise of*
16 *discretion of any other local, state, or federal permitting or licensing authority*
17 *with regard to areas subject to their supervision or control.*
18

19 The Stipulation presented in this case represents the product of serious discussions between
20 the parties. Because there was general agreement with the Staff Report, it was possible to
21 reach agreement by a series of e-mails among Staff, Powell Creek, OFBF and their
22 respective attorneys.

23 Additionally, the Stipulation represents a reasonable compromise that balances competing
24 positions; therefore, it does not necessarily reflect the position that either one of the parties
25 would have taken if these issues had been fully litigated.

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

4 **Q-29. Does the Stipulation include additional conditions that were not contained in the Staff**
5 **Report?**

6 **A-29.** No.

7 **Q-30. In your opinion, does the Joint Stipulation benefit the public interest?**

8 **A-30.** Yes. In my opinion, the Stipulation provides for clarity with respect to Condition 6 in the
9 Staff Report, and, therefore serves the public interest. In addition, avoidance of a more
10 lengthy contested hearing also serves the public interest. The parties believe that all of the
11 provisions in the Stipulation are in harmony with regulatory principles and practice. More
12 broadly the Stipulation ensures that the Project will represent the minimum adverse
13 environmental impact for both construction and operation, considering the state of
14 available technology, and the nature and economics of the various alternatives, as well as
15 other pertinent considerations.

16 The Project will help meet Ohio's demand for in-state carbon free energy resources. The
17 Project will generate electricity using virtually no fuels or water and with effectively zero
18 air emissions and waste generation. This Project is intended to fill the need for a more
19 diverse national energy portfolio that will include a higher percentage of energy generated
20 through use of renewable resources. Public interest will also be met through the positive
21 economic impact the Project will have on the local economy through construction spending
22 and jobs, and an annual service payment in lieu of taxes.

1 **Q-31. Do you have any further comments?**

2 **A-31.** It is my understanding that although a Stipulation is not binding upon the Board, there is
3 court precedent that the terms of a stipulation such as is presented here should be accorded
4 substantial weight especially when it is unopposed, signed by all the parties, and resolves
5 all the issues in the proceeding. It is for all these reasons that I urge the Board to approve
6 the Stipulation.

7 **Q-32. Does this conclude your direct testimony?**

8

9 **A-32.** Yes, it does. However, I reserve the right to offer supplemental testimony if necessary.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Direct Testimony of Jeffrey Reinkemeyer was served upon the parties of record listed below this 5th day of April, 2021.



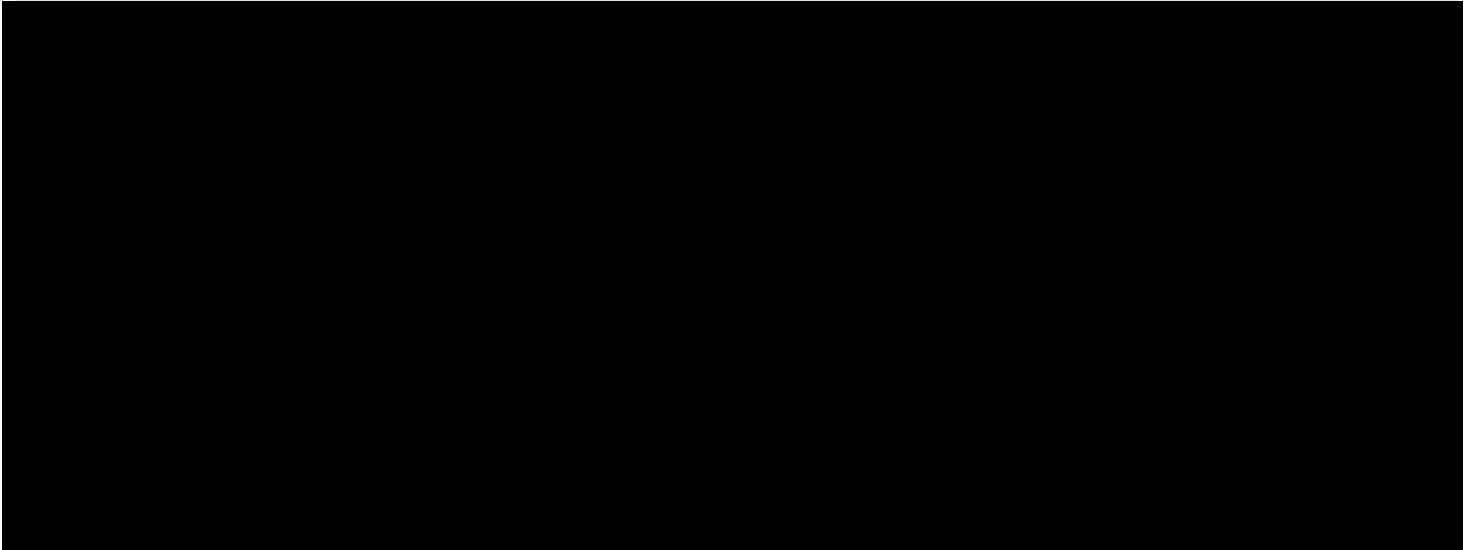
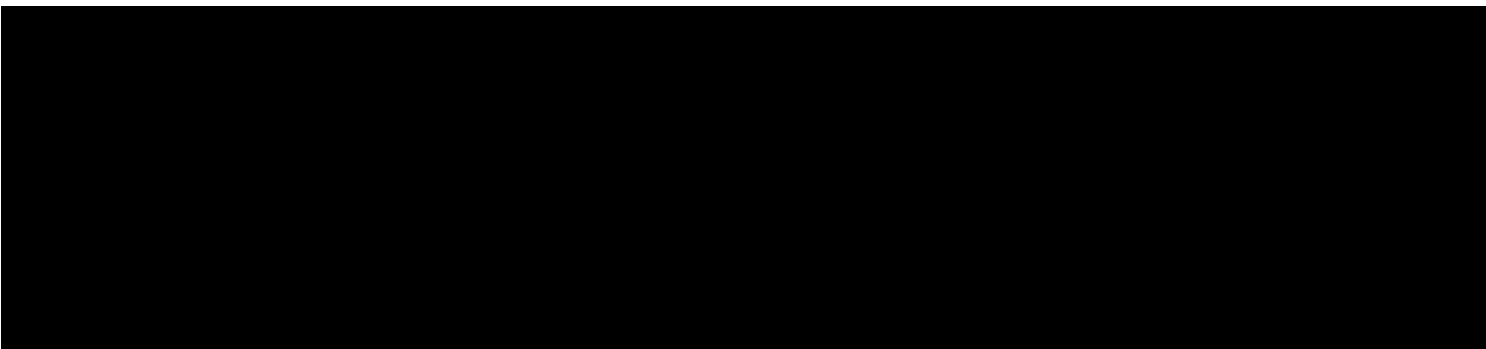
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From: Rod.Nuveman@dot.ohio.gov
Sent: Friday, March 26, 2021 3:40 PM
To: martin.kuhlman@yahoo.com
Subject: Perimeter Fencing

Martin;

You called today and asked about any restrictions ODOT might have for the location of perimeter fencing in relation to the ODOT state route right-of-way. The only definitive regulation we have is that any privately owned fence shall be constructed completely outside of the existing ODOT right-of way. However, I would add the following recommendations for privately constructed perimeter fencing:

- Should be built in such a manner as to not be a sight hazard for motorists on any roadway system as well for those individuals utilizing private driveways
- Should be constructed outside the maximum highway clear zone of 30'
 - o Note: the clear zone is measure from the edge of pavement so a highway with a 12' travel lane would have a clear zone at 42' off the centerline of the highway pavement

You had indicated in our phone call that currently the site developer intends to construct their perimeter fence @ 100' off the highway right-of-way which in my opinion far exceeds the requirements and recommendations I have listed above. If you need anything else feel free to contact me.

Rodney Nuveman, P.E.
Highway Management Administrator
ODOT District One

1885 North McCullough Street, Lima, Ohio 45801

(p) 419-999-6891 (m) 419-615-3387

transportation.ohio.gov



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From: Rod.Nuveman@dot.ohio.gov
Sent: Tuesday, March 30, 2021 2:49 PM
To: martin.kuhlman@yahoo.com
Subject: SR 108 / SR 613 Accident Rate

Martin,

The Crash Analysis Module (CAM tool) for the SR 613 & SR 108 intersection indicated there were only 2 crashes from 2018-2020. Both of these accidents were classified as minor angle type crashes with injuries. In addition, when comparing this intersection to others of the same type using the Economic Crash Analysis Tool (ECAT), it looks like the intersection is operating as expected and thus does not warrant any additional safety improvements at this time. Let me know if you need anything else.

Rod

Rodney Nuveman, P.E.

Highway Management Administrator

ODOT District One

1885 North McCullough Street, Lima, Ohio 45801

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From: Rod.Nuveman@dot.ohio.gov
Sent: Friday, April 2, 2021 1:33 PM
To: Martin Kuhlman <martin.kuhlman@yahoo.com>
Subject: FW: SR 108 / SR 613 Accident Rate

Martin;

The panel height and fence height you listed in your attachment is not a concern for ODOT because everything is well outside our right-of-way and the intersection sight lines. If you any further concerns please feel to contact me.

Rod

Rodney Nuveman, P.E.
Highway Management Administrator
ODOT District One
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From: Martin Kuhlman <martin.kuhlman@yahoo.com>
Sent: Friday, April 2, 2021 1:26 PM
To: Nuveman, Rodney <Rod.Nuveman@dot.ohio.gov>
Subject: RE: SR 108 / SR 613 Accident Rate

From: Rod.Nuveman@dot.ohio.gov
Sent: Tuesday, March 30, 2021 2:49 PM
To: martin.kuhlman@yahoo.com
Subject: SR 108 / SR 613 Accident Rate

Martin,

The Crash Analysis Module (CAM tool) for the SR 613 & SR 108 intersection indicated there were only 2 crashes from 2018-2020. Both of these accidents were classified as minor angle type crashes with injuries. In addition, when comparing this intersection to others of the same type using the Economic Crash Analysis Tool (ECAT), it looks like the

intersection is operating as expected and thus does not warrant any additional safety improvements at this time. Let me know if you need anything else.

Rod

Rodney Nuveman, P.E.

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Case No(s). 20-1084-EL-BGN

Summary: Testimony of Jeffrey Reinkemeyer on behalf of Powell Creek Solar, LLC electronically filed by Teresa Orahood on behalf of Dylan F. Borchers