

BEFORE THE OHIO POWER SITING BOARD

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In the Matter of the :
Application of Fox :
Squirrel Solar, LLC, for a :
Certificate of :
Environmental : Case No. 20-931-EL-BGN
Compatibility and Public :
Need to Construct a :
Solar-Powered Electric :
Generation Facility in :
Madison County, Ohio. :

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PROCEEDINGS

before Mr. Nicholas Walstra and Mr. David Hicks,
Administrative Law Judges, at the Ohio Power Siting
Board, via Webex, called at 10:00 a.m. on Tuesday,
April 13, 2021.

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- - -

APPEARANCES:

Dickinson Wright PLLC
By Ms. Christine M.T. Pirik
and Mr. Will Vorys
150 East Gay Street, 24th Floor
Columbus, Ohio 43215

On behalf of the Applicant.

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

On behalf of the Ohio Farm Bureau
Federation.

Dave Yost, Ohio Attorney General
Mr. John Jones, Section Chief
By Mr. Robert Eubanks,
Assistant Attorney General
Public Utilities
30 East Broad Street, 26th Floor
Columbus, Ohio 43215

On behalf of the Staff of the PUCO.

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APPLICANT EXHIBIT IDENTIFIED ADMITTED

10 Certificate of Service of the
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11 Proof of Service and Proof of
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12 Proof of Second Service and
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13 Prefiled Direct Testimony of
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STAFF EXHIBIT IDENTIFIED ADMITTED

1 Staff Report of Investigation
Docketed on March 15, 2021 14 15

2 Prefiled Testimony of Grant
Zeto Docketed on April 3, 2021 14 15

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JOINT EXHIBIT IDENTIFIED ADMITTED

1 April 6, 2021, Stipulation
Signed on Behalf of the
Applicant, OFBF, and Staff 9 15

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Tuesday Morning Session,
April 13, 2021.

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ALJ HICKS: We will go on the record.

The Ohio Power Siting Board has set for hearing at this time and place Case No. 20-931-EL-BGN which is captioned in the Matter of the Application of Fox Squirrel Solar, LLC, for a Certificate of Environmental Compatibility and Public Need to Construct a Solar-Powered Electric Generation Facility in Madison County, Ohio.

My name is David Hicks and with me is Nick Walstra, and we are the Administrative Law Judges assigned by the Board to hear this case.

I'll first note that this evidentiary hearing is taking place pursuant to the parameters set forth in the entry issued on January 22, 2021, in this case docket.

To get started here, we will go ahead and take appearances of the parties beginning with the Applicant.

MS. PIRIK: Thank you, your Honor. On behalf of Fox Squirrel Solar, LLC, the law firm of Dickinson Wright by Christine Pirik and Will Vorys, 150 East Broad Street -- or East Gay Street, Suite

1 2400, Columbus, Ohio 43215.

2 ALJ HICKS: Thank you. And on behalf of
3 Staff.

4 MR. EUBANKS: Thank you, your Honor.
5 Robert Eubanks, Assistant Attorney General,
6 representing Staff, 30 East Broad Street.

7 ALJ HICKS: Is that coming through for
8 you, Karen? I am seeing a low bandwidth.

9 COURT REPORTER: I don't hear him anymore
10 either.

11 ALJ WALSTRA: Do you want to go to maybe
12 just audio if he's still there?

13 MR. EUBANKS: Can everyone hear me?

14 ALJ HICKS: I can. Maybe just take it
15 from the top because I don't know what came through
16 for the court reporter.

17 MR. EUBANKS: Okay. Robert Eubanks,
18 Assistant Attorney General, representing Staff, 30
19 East Broad Street, Columbus, Ohio 43215, 26th Floor.

20 ALJ HICKS: Okay. I think that came
21 through clearly on my end, so I think we're good.

22 And then on behalf of the Intervenor.

23 MS. MILAM: Good morning, your Honor.
24 Amy Milam on behalf of Ohio Farm Bureau Federation,
25 280 North High Street, Columbus, Ohio 43215.

ALJ HICKS: Thank you. I believe that's all of our participants that we are expecting today. Let's move along and I will just note due to the COVID-19 emergency that remains in effect under Executive Order No. 2020-01D issued by Governor DeWine in March of 2020, today's hearing is being held through Webex which enables the parties to participate via video conference while also affording public access to listen in by telephone or watch the video over the internet.

I know all of us have been involved in these Webex hearings previously, so we are somewhat pros at it. To the extent that anyone has any issues staying logged on, anything like that, there is the chat function available to get the attention of -- of us on the Bench, or Micah Schmidt of our office is also on controlling things behind the scenes. So hopefully no issues but just go with whatever you've done before to try to get ahold of someone to the extent that there is an issue as we -- as we move along here.

With that I don't -- if you -- I don't think there is anything else to cover. If anyone has any questions, go ahead and raise them now. But I'm seeing some head nods of no issues. And if not, we

1 will go ahead and proceed.

2 ALJ WALSTRA: If Ms. Pirik, if you would
3 like to call your first witness.

4 MS. PIRIK: Thank you, your Honor. Would
5 you like us to mark our exhibits before? There is a
6 Stipulation between the Applicant, the OPSB Staff,
7 and the Farm Bureau.

8 ALJ WALSTRA: That would be great.

9 MS. PIRIK: Then I will go through the
10 list for the court reporter. Applicant Exhibit 1 we
11 would like marked is the Application filed on
12 October 14, 2020.

13 Applicant Exhibit 2 is the Supplement to
14 the Application filed on November 2, 2020.

15 Applicant Exhibit 3 is the Response to
16 the First Data Request filed on December 8, 2020.

17 Applicant Exhibit 4 is the Response to
18 the Second Data Request filed on December 9, 2020.

19 Applicant Exhibit 5 is the Supplemental
20 Response to the Second Data Request filed on
21 December 16, 2020.

22 Applicant Exhibit 6 is the Response to
23 the Third Data Request filed on February 18, 2020.

24 Applicant Exhibit 7 is the Response to
25 the Fourth Data Request filed on March 1, 2021.

Applicant Exhibit 8 is a Certificate of Service of the public information meeting filed on July 1, 2020.

Applicant 9 is the Proof of Publication for the public information meeting filed on July 20, 2020.

Applicant Exhibit 10 is a Certificate of Service for the Application filed on December 16, 2020.

Applicant Exhibit 11 is the Proof of Service and publication that was filed on March 1, 2021.

Applicant Exhibit 12 is the Proof of Service and publication for the second proof that was filed on March 25, 2021.

And then Joint Exhibit 1 is the April 5, 2021, Stipulation that was filed on behalf of the Applicant, the OPSB Staff, and the Ohio Farm Bureau.

ALJ WALSTRA: Thank you. Those will all be so marked.

(EXHIBITS MARKED FOR IDENTIFICATION.)

MS. PIRIK: Thank you, your Honor. The Applicant would call Andrew Dahlen to the stand.

MR. SCHMIDT: Mr. Dahlen, you've been promoted. If you can enable your audio and video.

1 MR. DAHLEN: Okay. Good morning. Thank
2 you, your Honor.

3 ALJ WALSTRA: Good morning. If you could
4 raise your right hand.

5 (Witness sworn.)

6 ALJ WALSTRA: Thank you.

7 Go ahead, Ms. Pirik.

8 - - -

9 ANDREW DAHLEN

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

12 DIRECT EXAMINATION

13 By Ms. Pirik:

14 Q. Good morning, Mr. Dahlen.

15 A. Good morning.

16 Q. Mr. Dahlen, please state your name, the
17 spelling, title, and the name of the company that you
18 work for for the record.

19 A. My name is Andrew Dahlen spelled
20 A-N-D-R-E-W, last name is D as in David A-H-L-E-N. I
21 am a project developer with EDF Renewables.

22 Q. Thank you. And do you have before you
23 what's been marked as Applicant Exhibit 13?

24 A. I do.

25 Q. Is this your prefiled testimony that was

1 filed on April 6, 2021?

2 A. It is.

3 MS. PIRIK: Your Honor, we would ask that
4 the witness's testimony be marked as Applicant
5 Exhibit 13.

6 ALJ WALSTRA: So marked.

7 (EXHIBIT MARKED FOR IDENTIFICATION.)

8 Q. (By Ms. Pirik) Mr. Dahlen, can you
9 confirm that this testimony was prepared under your
10 supervision and direction?

11 A. I can confirm, yes.

12 Q. And do you have any corrections to your
13 testimony?

14 A. I do not.

15 Q. If you were asked the same questions that
16 are currently in Applicant Exhibit 13, would your
17 answers be the same?

18 A. Yes.

19 Q. And do you have before you what's been
20 marked as Joint Exhibit 1?

21 A. I do.

22 Q. Is this the Joint Stipulation and
23 Recommendation that was entered into between Fox
24 Squirrel, the OPSB Staff, and the Ohio Farm Bureau
25 Federation?

1 A. It is, yes.

2 MS. PIRIK: Thank you. Your Honor, we
3 have no further questions for the witness, and he is
4 available for cross-examination.

5 ALJ WALSTRA: Thank.

6 You. Any questions from Staff or Farm
7 Bureau?

8 MR. EUBANKS: No questions from Staff,
9 your Honor.

10 MS. MILAM: No questions, your Honor.

11 ALJ WALSTRA: All right. Thank you.

12 You are excused, Mr. Dahlen, and thank
13 you for your time.

14 THE WITNESS: Thank you, your Honor.

15 ALJ WALSTRA: Ms. Pirik, at this time if
16 you would like to move your exhibits.

17 MS. PIRIK: Yes, your Honor. We would
18 like to move for admission of Applicant Exhibits 1
19 through 13 in the record.

20 ALJ WALSTRA: Any objections?

21 MR. EUBANKS: No objections from Staff,
22 your Honor.

23 MS. MILAM: No objection, your Honor.

24 ALJ WALSTRA: All right. Thank you.

25 Exhibits 1 through 13 will be admitted to

1 the record.

2 (EXHIBITS ADMITTED INTO EVIDENCE.)

3 ALJ WALSTRA: Any other witnesses from
4 Fox Squirrel?

5 MS. PIRIK: No, your Honor.

6 MR. EUBANKS: Your Honor, I would move
7 the joint exhibit as well, have it admitted.

8 ALJ WALSTRA: If Ms. Pirik wants to move
9 that or if she is going to wait for Staff to move
10 that, I wasn't sure.

11 MS. PIRIK: Yes, your Honor. I didn't
12 know whether you wanted to ask if there were any
13 witnesses for Staff. The Applicant has -- has stated
14 that they have no questions for Staff Witness
15 Mr. Zeto, so if that is the conclusion, then we would
16 move for admission of Joint Exhibit 1.

17 ALJ WALSTRA: Thank you. I'll let Staff
18 speak to their exhibits, and then we can deal with
19 Joint Exhibit 1 at that time.

20 MR. EUBANKS: Okay.

21 ALJ WALSTRA: Mr. Eubanks, go ahead.

22 MR. EUBANKS: Yes, your Honor. I would
23 like to have marked as Staff's Exhibit 1 the Staff
24 Report that was docketed on March 15, 2021. I would
25 like to have marked as Staff's Exhibit 2 Grant Zeto's

1 prefiled testimony docketed on April 3, 2021.

2 ALJ WALSTRA: Thank you. So marked.

3 (EXHIBITS MARKED FOR IDENTIFICATION.)

4 MR. EUBANKS: And I would also like to
5 ask for the parties to stipulate to the admission of
6 both Staff Exhibit 1 and Staff Exhibit 2.

7 ALJ WALSTRA: Is that the understanding
8 of Fox Squirrel and Farm Bureau?

9 MS. PIRIK: Yes, your Honor. We have no
10 questions for the witness, and we would stipulate to
11 his testimony.

12 MS. MILAM: Yes, your Honor. Farm Bureau
13 will also stipulate to the testimony.

14 ALJ WALSTRA: Thank you.

15 MR. EUBANKS: And with the exhibits being
16 admitted, Staff has no witnesses to call to the
17 stand. At this time Staff will on the behalf of all
18 the parties ask for the Joint Exhibit 1, the
19 Stipulation, to also be admitted into the record.

20 ALJ WALSTRA: Thank you.

21 Any objections to the Exhibit -- to the
22 admission of Staff Exhibits 1 and 2 as well as Joint
23 Exhibit 1?

24 MS. PIRIK: No objections, your Honor.

25 MS. MILAM: No objections, your Honor.

1 ALJ WALSTRA: Thank you. We will admit
2 Staff Exhibits 1 and 2 as well as Joint Exhibit 1.

3 (EXHIBITS ADMITTED INTO EVIDENCE.)

4 ALJ WALSTRA: Anything further from any
5 of the parties?

6 MS. PIRIK: Nothing from the Applicant,
7 your Honor.

8 MR. EUBANKS: Nothing from Staff, your
9 Honor.

10 MS. MILAM: Nothing, your Honor.

11 ALJ WALSTRA: All right. Well, thank
12 you, guys.

13 Ms. Milam, are you running double duty
14 right now with the other hearing going on?

15 MS. MILAM: Actually my colleague is
16 handling that one so.

17 ALJ WALSTRA: Okay. I think they should
18 both be equally as quick here.

19 But all right. Thank you, guys, for
20 coming in as much as we can this morning. And the
21 Board will take this under consideration.

22 Other than that, pending anything further
23 we are adjourned.

24 (Thereupon, at 10:17 a.m., the hearing
25 was adjourned.)

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, April 13,
2021, and carefully compared with my original
stenographic notes.

Karen Sue Gibson, Registered
Merit Reporter.

(KSG-7061)

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in

Case No(s). 20-0931-EL-BGN

Summary: Transcript April 13, 2021

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