

BEFORE THE OHIO POWER SITING BOARD

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In the Matter of the Application:

of Ross County Solar, LLC for : Case No.

Certificate of Environmental : 20-1380-EL-BGN

Compatibility and Public Need. :

- - -

PROCEEDINGS

Before Jay Agranoff and Jesse Davis,

Administrative Law Judges, held via Webex, on

Tuesday, April 27, 2021, at 10:00 A.M.

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Armstrong & Okey, Inc.  
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Columbus, Ohio 43215  
(614) 224-9481 - (800) 223-9481

- - -

APPEARANCES:

Armstrong & Okey, Inc., Columbus, Ohio (614) 224-9481

Vorys, Sater, Seymour and Pease, LLP  
By Mr. Michael J. Settineri  
Ms. Anna Sanyal  
Mr. Mark A. Hylton  
52 East Gay Street  
Columbus, Ohio 43216

On behalf of the Applicant.

Mr. Thomas Lindgren  
Assistant Attorney General  
30 East Broad Street, 26th Floor  
Columbus, Ohio 43215

On behalf of the Staff of the  
Ohio Power Siting Board.

Ms. Amy M. Milam  
280 North High Street  
Columbus, Ohio 43218

On behalf of the Ohio Farm Bureau  
Federation.

Mr. Jeffrey C. Marks  
Ross County Prosecutors Office  
33 West Main Street, Suite 200  
Chillicothe, Ohio 45601

On behalf of Buckskin Township and  
the Paint Township Board of  
Trustees.

- - -

Tuesday Morning,

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April 27, 2021.

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ALJ DAVIS: The Ohio Power Siting Board has set for hearing at this time and place Case No. 20-1380-EL-BGN which is captioned In the Matter of the Application of Ross County Solar, LLC, for a Certificate of Environmental Compatibility and Public Need.

Good morning, everyone. Welcome aboard. My name is Jesse Davis, with me is Jay Agranoff, we are Administrative Law Judges in the Legal Department of OPSB, the Ohio Power Siting Board. And we have been assigned to this proceeding by the Board, which is Case No. 20-1380-EL-BGN.

At this time we will take appearances of the parties. On behalf of the Applicant.

MR. SETTINERI: Yes. Good morning, Your Honor. On behalf of Ross County Solar, LLC, Michael Settineri, Anna Sanyal, and Mark Hylton, with the law firm of Vorys, Sater, Seymour and Pease, 52 East Gay Street, Columbus, Ohio 43215.

ALJ DAVIS: Thank you, counsel. On

1       behalf of the Farm Bureau Federation.

2                       MS. MILAM:   Good morning, Your  
3       Honor.   Amy Milam on behalf of the Ohio Farm  
4       Bureau Federation, 280 North High Street,  
5       Columbus, Ohio 43215.

6                       ALJ DAVIS:   Thank you, counsel.   On  
7       behalf of the intervenors, Buckskin and Paint  
8       Townships.

9                       MR. MARKS:   Good morning, Your  
10      Honor.   Jeffrey Marks, Ross County Prosecuting  
11      Attorney, 33 West Main Street, Suite 200,  
12      Chillicothe, Ohio 45601.

13                      ALJ DAVIS:   Thank you, counsel.  
14      And on behalf of Board staff.

15                      MR. LINDGREN:   Thank you, Your  
16      Honor.   On behalf of the Board Staff, Ohio  
17      Attorney General Dave Yost, by Thomas Lindgren  
18      and Charles Fletcher, Assistant Attorneys  
19      General.   The address is 30 East Broad, 26th  
20      Floor, Columbus, Ohio 43215.

21                      ALJ DAVIS:   Thank you, counsel.   I  
22      would point out that this hearing is taking  
23      place pursuant to the parameters set forth in  
24      the entry of April 21st, 2021, which the joint  
25      motion for a continuance of the case was

1 granted. Due to the Covid 19 emergency that  
2 remains in effect under Executive Order 2020-01D  
3 issued by the Governor of Ohio, today's hearing  
4 is being held through Webex which enables  
5 interested persons to offer testimony on the  
6 proposed project by telephone or video by the  
7 internet.

8 And with the preliminaries out of  
9 the way, my understanding is that the parties  
10 have been in communication, and, Mr. Settineri,  
11 do you have an update for us concerning the  
12 potential future dates?

13 MR. SETTINERI: I think that would  
14 be a conversation, Your Honor, we should have  
15 amongst the parties with you. And if we can do  
16 that off the record that may be preferable for  
17 starters.

18 Currently I think the original in  
19 our motion was to have a May 7th filing of the  
20 stipulation. The parties are engaged in  
21 settlement discussions, and I think we can  
22 represent there is progress being made there.

23 And we had planned to come back for  
24 hearing I believe the week of May 17th. At this  
25 point in time though I don't have -- I think we

1 need to have a conversation, probably off  
2 the record, just to talk about the timing and  
3 the ability of certificate parties to meet and  
4 either review or approve or decide what to do  
5 with the stipulation.

6 So I will stop there and hopefully  
7 gave you enough information for starters.

8 ALJ DAVIS: Thank you. Judge  
9 Agranoff, do you have anything you want to add?

10 ALJ AGRANOFF: Not at this time,  
11 other than are the parties to this point in  
12 agreement with what Mr. Settineri represented?  
13 I will take silence as a yes.

14 Okay. If it would be preferable  
15 that we have that discussion off the record,  
16 then let's go off the record at this time. And  
17 have counsel take the lead in our discussions.

18 (DISCUSSION OFF THE RECORD)

19 ALJ AGRANOFF: Let's go back on the  
20 record. We have had a conversation off the  
21 record regarding the potential for establishing  
22 a schedule going forward in this matter. And,  
23 Mr. Settineri, if you would please kind of give  
24 us a synopsis to where those conversations have  
25 resulted?

1                   MR. SETTINERI: Yes. Thank you,  
2 Your Honor, for allowing us to have those  
3 conversations off the record.

4                   Again, we had initially expected a  
5 May 7th filing for a stipulation to the extent  
6 one is reached. Given the timing and the  
7 ability of all parties to meet and evaluate a  
8 stip and decide on whether to join the stip, we,  
9 the parties, I will represent have discussed  
10 that and believe that May 11th would be an  
11 appropriate deadline to file a stipulation in  
12 this proceeding. We think that would give  
13 the parties enough time to consider and evaluate  
14 and decide what to do on the stipulation.

15                   If a stipulation is reached and  
16 filed we would expect that testimony supporting  
17 a stipulation will be filed by May 14th, Friday.  
18 And we would then, assuming that there is no  
19 opposing testimony to the stipulation, then we  
20 would come back to hearing on the week of May  
21 17th, potentially May 19th or May 20th, and that  
22 would be subject to confirmation of witness  
23 availability.

24                   ALJ AGRANOFF: Okay. And then as  
25 part of that potential schedule in terms of

1 the filing of staff and/or intervenor testimony,  
2 that would be coincident to the filing of the  
3 sponsoring testimony?

4 MR. SETTINERI: I will defer to  
5 Staff and Mr. Marks on that question, but that  
6 would be something that work quite well.

7 MR. LINDGREN: That is my  
8 understanding as well, Your Honor.

9 ALJ AGRANOFF: Okay.

10 MR. MARKS: Me also, Your Honor.

11 ALJ AGRANOFF: So we have May 14th  
12 as the date for the filing of sponsoring and/or  
13 intervenor and Staff testimony. And then  
14 subject to the communications between  
15 the parties just confirming the availability of  
16 witnesses, once that has been provided to  
17 the Bench then at that point in time we will put  
18 out an entry that will memorialize the schedule  
19 we just discussed as well as establishing the  
20 date certain for the hearing date.

21 Okay. Any other questions?

22 MR. SETTINERI: No, Your Honor.

23 Thank you.

24 ALJ AGRANOFF: Okay. If not, Judge  
25 Davis, will you dismiss us?



1                   ALJ DAVIS:  So we are sure we are  
2   good?

3                   ALJ AGRANOFF:  Yes.

4                   ALJ DAVIS:  Okay.  And with that we  
5   are adjourned.

6                   ALJ AGRANOFF:  Thank you.

7                   MR. SETTINERI:  Thank you, everyone.  
8   Have a good day.

9                   (At 10:24 A.M. the hearing was  
10  concluded)

11                                 - - -

CERTIFICATE

I do hereby certify that the foregoing  
is a true and correct transcript of the  
proceedings taken by me in this matter on April  
27, 2021, and carefully compared with my  
original stenographic notes.

\_\_\_\_\_  
Michael O. Spencer,  
Registered Professional  
Reporter.

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**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 20-1380-EL-BGN**

Summary: Transcript April 27th, 2021

In the Matter of the Application of Ross County Solar, LLC for Certificate of Environmental Compatibility and Public Need. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr.