

BEFORE THE OHIO POWER SITING BOARD

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In the Matter of the :
Application of Clearview :
Solar I, LLC, for a :
Certificate of :
Environmental :
Compatibility and Public : Case No. 20-1362-EL-BGN
Need to Construct a :
Solar-Powered Electric :
General Facility in :
Champaign County, Ohio. :

- - -

PROCEEDINGS

before Mr. David Hicks, Administrative Law Judge, at
the Ohio Power Siting Board, 180 East Broad Street,
Room 11-C, Columbus, Ohio, called at 10:02 a.m. on
Wednesday, September 1, 2021.

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- - -

APPEARANCES:

Dickinson Wright PLLC
By Ms. Christine M.T. Pirik
and Mr. Matthew C. McDonnell
150 East Gay Street, Suite 2400
Columbus, Ohio 43215

On behalf of the Applicant.

Ohio Farm Bureau Federation
By Ms. Amy Milam
280 North High Street, 6th Floor
Columbus, Ohio 43215

On behalf of the Ohio Farm Bureau
Federation.

Champaign County Prosecutor's Office
By Ms. Jane A. Napier,
Assistant Prosecutor
200 North Main Street
Urbana, Ohio 43078

On behalf of the Champaign County Board
of Commissioners.

Dave Yost, Ohio Attorney General
By Ms. Jodi Bair,
Assistant Attorney General
Public Utilities Section
30 East Broad Street, 26th Floor
Columbus, Ohio 43215

On behalf of the Staff of the OPSB.

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8	Cross-Examination by Ms. Napier		
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10	APPLICANT EXHIBIT	IDENTIFIED	ADMITTED
11	1 Application Filed on		
12	December 18, 2020	8	14
13	2 Response to the First Data		
14	Request Filed on February 10,		
15	2021	8	14
16	3 Supplemental Response to the		
17	First Data Request Filed on		
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20	to the First Data Request Filed		
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APPLICANT EXHIBIT		IDENTIFIED	ADMITTED
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11 Second Supplemental Response to the Fourth Data Request Filed on May 20, 2021	9		14
12 Third Supplemental Response to the First Data Request Filed on May 20, 2021	9		14
13 Fourth Supplemental Response to the First Data Request Filed on August 17, 2021	9		14
14 Certificate of Service of the Public Information Meetings Filed in the Docket on September 17, 2020	9		14
15 Proof of Publication of the Public Information Meetings Filed in the Docket on October 2, 2020	9		14
16 Proof of Service on Public Officials and Libraries Filed on March 1, 2021	9		14
17 Proof of Service and Publication Filed in the Docket on March 30, 2021	9		14
18 Proof of Service and Publication Filed in the Docket on June 2, 2021	9		14
19 Second Proof of Service and Publication Filed in the Docket on August 17, 2021	9		14
20 Direct Testimony of Douglas Herling	11		14

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STAFF EXHIBIT

IDENTIFIED ADMITTED

1	Prefiled Testimony of		
	Andrew Conway Filed on		
	August 27, 2021	15	19
2	Staff Report of Investigation		
	Filed on May 24, 2021	15	19

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JOINT EXHIBIT

IDENTIFIED ADMITTED

1	Stipulation and Recommendation	10	19
1A	Signature Page for the		
	Champaign County Board of		
	Commissioners to the		
	Stipulation and Recommendation	10	19

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1 Wednesday Morning Session,
2 September 1, 2021.

3 - - -

4 ALJ HICKS: Go on the record.

5 The Ohio Power Siting Board has set for
6 hearing at this time and place Case No.
7 20-1362-EL-BGN which is captioned in the Matter of
8 the Application of Clearview Solar I, LLC, for a
9 Certificate of Environmental Compatibility and Public
10 Need. This concerns Clearview's proposed 144
11 megawatt solar-powered electric generation facility
12 in Adams Township, Champaign County.

13 Good morning, everyone. I am David
14 Hicks, the Administrative Law Judge assigned by the
15 Board to hear this case.

16 At this time we will go ahead and take
17 appearances of the parties starting with the
18 Applicant Clearview Solar.

19 MS. PIRIK: Thank you, your Honor. On
20 behalf of the Applicant Clearview Solar I, LLC, the
21 law firm of Dickinson Wright, Christine Pirik and
22 Matt McDonnell, 150 East Gay Street, Columbus, Ohio
23 43215.

24 ALJ HICKS: Thank you. We can just go
25 around the table.

MS. MILAM: Well, good morning, your Honor. Amy Milam on behalf of Ohio Farm Bureau Federation, 280 North High Street, 6th Floor, Columbus, Ohio 43215.

MS. BAIR: Thank you, your Honor. On behalf of the Staff of the Public Utilities Commission Power Siting Department, Jodi Bair, Assistant Attorney General, 30 East Broad Street, Columbus, Ohio 43215.

MS. NAPIER: Jane Napier on behalf of the Champaign County Board of Commissioners. I am an Assistant Prosecutor with the Champaign Prosecutor's Office, 200 North Main Street, Urbana, Ohio 43078.

ALJ HICKS: Thank you.

I'll also just note for the record no members of the public here to offer testimony, had another opportunity here.

So with nothing else, I think we can go ahead and turn it over to you, Ms. Pirik, to go ahead and proceed.

MS. PIRIK: Thank you, your Honor. Would it be okay at this time if we mark our exhibits?

ALJ HICKS: Sure.

MS. PIRIK: Okay. I will just go through the list. All of the exhibits have been filed in the

docket.

ALJ HICKS: Okay.

MS. PIRIK: Applicant Exhibit 1 is the Application filed on December 18, 2020.

Applicant Exhibit 2 is the Response to the First Data Request filed on February 10, 2021.

Applicant Exhibit 3 is the Supplemental Response to the First Data Request filed on February 16, 2021.

Applicant Exhibit 4 is the Second Supplemental Response to the First Data Request filed on March 25, 2021.

Applicant Exhibit 5 is the Response to the Second Data Request filed on April 15, 2021.

Applicant Exhibit 6 is the Response to the Third Data Request filed on April 22, 2021.

Applicant Exhibit 7 is the Response to the Fourth Data Request filed on May 3, 2021.

Applicant Exhibit 8 is the Response to the Fifth Data Request filed on May 11, 2021.

Applicant Exhibit 9 is the Supplemental Response to the Second and the Fourth Data Request filed on May 14, 2021.

Applicant Exhibit 10 is the Response to the Sixth Data Request filed on May 17, 2021.

1 Applicant Exhibit 11 is the Second
2 Supplemental Response to the Fourth Data Request
3 filed on May 20, 2021.

4 Applicant Exhibit 12 is the Third
5 Supplemental Response to the First Data Request filed
6 on May 20, 2021.

7 Applicant Exhibit 13 is the Fourth
8 Supplemental Response to the First Data Request that
9 was filed on August 17, 2021.

10 Applicant Exhibit 14 is the Certificate
11 of Service of the public information meetings that
12 was filed in the docket on September 17, 2020.

13 Applicant Exhibit 15 is the Proof of
14 Publication of the public information meetings that
15 was filed in the docket on October 2, 2020.

16 Applicant Exhibit 16 is the Proof of
17 Service on public officials and libraries that was
18 filed on March 1, 2021.

19 Applicant Exhibit 17 is the Proof of
20 Service and Publication that was filed in the docket
21 on March 30, 2021.

22 Applicant Exhibit 18 is the Proof of
23 Service and Publication that was filed in the docket
24 on June 2, 2021.

25 Applicant Exhibit 19 is the Second Proof

of Service and Publication filed in the docket on August 17, 2021.

Your Honor, I would also like to mark Joint Exhibit 1 which is the Stipulation that has been signed on behalf of the Applicant, the Board of County Commissioners of Champaign County, Ohio Farm Bureau Federation, and the Staff of the Ohio Power Siting Board.

In addition, yesterday the parties filed a Joint Exhibit 1A which is an additional signature page for the Board of County Commissioners of Champaign County.

ALJ HICKS: Okay. So Applicant Exhibits 1 through 19 will be marked as described and Joint Exhibit 1 and Joint Exhibit 1A will be so marked.

(EXHIBITS MARKED FOR IDENTIFICATION.)

MS. PIRIK: Thank you, your Honor. We would like to call our first witness, Doug Herling.

ALJ HICKS: Good morning. Please raise your right hand.

(Witness sworn.)

ALJ HICKS: Please go ahead.

MS. PIRIK: Your Honor, we would like to mark Mr. Herling's testimony as Applicant Exhibit 20.

1 It was filed in the docket on August 25, 2021.

2 ALJ HICKS: It will be so marked.

3 (EXHIBIT MARKED FOR IDENTIFICATION.)

4 - - -

5 DOUGLAS HERLING

6 being first duly sworn, as prescribed by law, was
7 examined and testified as follows:

8 DIRECT EXAMINATION

9 By Ms. Pirik:

10 Q. Mr. Herling, would you please state your
11 name, address, and title for the record.

12 A. Sure. My name is Douglas Campbell
13 Herling. I am Vice President of Development for Open
14 Road renewables, 1105 Navasota Street, Austin, Texas
15 78702.

16 Q. And do you have before you what's been
17 marked as Applicant Exhibit 20?

18 A. Yes, I do.

19 Q. And is that your prefiled testimony that
20 was filed on August 25, 2021?

21 A. Yes, it is.

22 Q. Can you confirm that this testimony was
23 prepared by you and under your supervision?

24 A. It was.

25 Q. Do you have any corrections to your

1 testimony?

2 A. I do not at this time.

3 Q. If you were asked the same questions that
4 are in Applicant Exhibit 20, would your answers be
5 the same?

6 A. They would.

7 Q. Do you have before you what's been marked
8 as Joint Exhibits 1 and 1A?

9 A. I do.

10 Q. Okay. Is that the Joint Stipulation and
11 the additional signature page for the Stipulation
12 that was entered into between Clearview Solar, the
13 Ohio Power Siting Board Staff, the Board of County
14 Commissioners for Champaign County, and the Ohio Farm
15 Bureau Federation?

16 A. Yes, Joint Exhibit 1 and 1A, yes.

17 MS. PIRIK: Okay. Your Honor, we have no
18 other questions for this witness, and he is available
19 for cross-examination.

20 ALJ HICKS: Okay. Just go around the
21 table. Anything from the Farm Bureau?

22 MS. MILAM: No, your Honor.

23 MS. BAIR: No questions.

24 ALJ HICKS: Ms. Napier?

25 MS. NAPIER: No, your Honor.

ALJ HICKS: I just have -- this is just a clarifying question on the testimony. The exhibits make this clear, but on page 6, question 16, line 25, it just starts with "The Board of County Commissioners of Champaign County also has participated in the discussions regarding the Stipulation and currently is evaluating it through its normal decision-making process." Just to clarify it's your understanding that they have signed the Stipulation.

THE WITNESS: Yes. My understanding is that yesterday they voted to sign the Stipulation.

ALJ HICKS: Okay. I have no other questions unless that -- I assume that doesn't raise any questions from anyone else, but I will open it up. And take silence as a no.

MS. PIRIK: No questions, your Honor.

ALJ HICKS: Okay. With that, Mr. Herling, thank you and you are excused.

THE WITNESS: Thank you, your Honor.

MS. PIRIK: Your Honor, we would like to move for admission into the record of Applicant Exhibits 1 through 20.

ALJ HICKS: Any objections from any of the other parties?

1 MS. BAIR: No objections.

2 MS. MILAM: No objections.

3 MS. NAPIER: No objections.

4 ALJ HICKS: Okay. Then Applicant's
5 Exhibits No. 1 -- Nos. 1 through 20 will be admitted
6 into the record.

7 (EXHIBITS ADMITTED INTO EVIDENCE.)

8 MS. PIRIK: And we can wait if you would
9 like or we can move for the Joint exhibits but.

10 ALJ HICKS: Yeah. We will just hold off
11 and let the other folks do their part, and then we
12 can move it in.

13 MS. PIRIK: Sounds good.

14 ALJ HICKS: So nothing further from
15 Staff -- I'm sorry, from the Applicant?

16 MS. PIRIK: Nothing further, your Honor.

17 ALJ HICKS: Okay. I believe next we will
18 turn it over to Ms. Bair.

19 MS. BAIR: Thank you, your Honor. Staff
20 would like to call Andrew Conway to the stand,
21 please.

22 ALJ HICKS: Okay.

23 (Witness sworn.)

24 ALJ HICKS: Thank you.

25 MS. BAIR: And, your Honor, at this time

I would like to have Mr. Conway's testimony filed on August 21 marked as Staff Exhibit 1 and as Staff Exhibit 2 the Staff Report of Investigation that was docketed on May 24, 2021.

ALJ HICKS: The exhibits will be so marked.

(EXHIBITS MARKED FOR IDENTIFICATION.)

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ANDREW CONWAY

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

DIRECT EXAMINATION

By Ms. Bair:

Q. Mr. Conway, could you please state your name and tell us your position.

A. My name is Andrew Conway, and I am an engineering -- or Utility Specialist II.

Q. And do you see before you what is marked as Staff Exhibit 1?

A. Yes, I do.

Q. And could you please tell me what that is.

A. This is my prefiled testimony.

Q. Was that prepared by you or under your direction?

1 A. Yes, it was.

2 Q. Do you have any changes to make to Staff
3 Exhibit 1 at this time?

4 A. No.

5 Q. Thank you. And you also have before you
6 what is marked as Staff Exhibit 2?

7 A. Yes.

8 Q. And what is that document?

9 A. That is the Staff Report of Investigation
10 in this case.

11 Q. And what was your role in the preparation
12 of Staff Exhibit 2?

13 A. I was the lead project analyst on this
14 case, and I coordinated the investigation.

15 Q. And I forgot to ask you about Staff
16 Exhibit 1. If I were to ask you the questions
17 contained in Staff Exhibit 1, your testimony, would
18 your answers be the same today?

19 A. Yes.

20 Q. Thanks. And do you have any changes to
21 make to Staff Exhibit 2?

22 A. No.

23 MS. BAIR: Thank you, your Honor.
24 Mr. Conway is available for cross-examination.

25 ALJ HICKS: Any questions from the

1 Applicant?

2 MS. PIRIK: No questions, your Honor.

3 ALJ HICKS: Farm Bureau?

4 MS. MILAM: None, your Honor.

5 ALJ HICKS: Ms. Napier?

6 MS. NAPIER: I just have one.

7 - - -

8 CROSS-EXAMINATION

9 By Ms. Napier:

10 Q. When was the testimony filed for you? It
11 would be a general question.

12 MS. BAIR: I should have given you a
13 copy.

14 MS. NAPIER: Thank you. I didn't see it
15 in the -- thank you.

16 A. August 27.

17 ALJ HICKS: 27th. I think it's noted on
18 what Ms. Bair just gave you.

19 MS. NAPIER: Yes. If I may have just a
20 moment?

21 ALJ HICKS: Sure.

22 Q. (By Ms. Napier) As the Staff
23 representing -- Staff representative overseeing this
24 project, you believe that the stipulations that have
25 been placed as a Joint exhibit meet the Staff's

1 expectations for -- for the construction of the
2 project?

3 A. Yes. Staff supports the Joint
4 Stipulation and Recommendation.

5 Q. And this was filed on August 27, correct?

6 A. Yes. My testimony was filed August 27.

7 Q. And -- and that date was after two public
8 hearings in Champaign County or on remote access that
9 was available to the residents of Champaign County;
10 is that correct?

11 A. That's correct. There was one virtual
12 public hearing and one in person public hearing.

13 Q. And you were -- you were present at
14 those -- both of those public hearings; is that
15 correct?

16 A. Correct. I watched the virtual, and I
17 attended the in person.

18 Q. Okay. And do you believe now since this
19 is after all the public hearings and the latest one
20 on the 19th of August, do you believe that the --
21 that the Stipulations and the investigation are
22 complete and address the -- the issues that were
23 raised at that -- at those public hearings?

24 A. Correct, I do.

25 MS. NAPIER: Thank you. I have no

1 further questions.

2 ALJ HICKS: Anything in response,
3 Ms. Bair?

4 MS. BAIR: No. Thank you. I would like
5 to move Staff Exhibits 1 and 2 into evidence.

6 ALJ HICKS: Any objections from any of
7 the parties?

8 MS. PIRIK: No objections.

9 ALJ HICKS: Staff Exhibits 1 and 2 will
10 be admitted into the record.

11 (EXHIBITS ADMITTED INTO EVIDENCE.)

12 ALJ HICKS: Thank you, Mr. Conway. You
13 are free to go.

14 Now circle back, Ms. Pirik.

15 MS. PIRIK: We would like to move for
16 admission of Joint Exhibits 1 and 1A.

17 ALJ HICKS: Any objections to the parties
18 on Exhibits 1 or 1A?

19 MS. MILAM: No objection.

20 MS. BAIR: None.

21 ALJ HICKS: Okay. Then Joint Exhibits 1
22 and 1A will be admitted into the record.

23 (EXHIBITS ADMITTED INTO EVIDENCE.)

24 ALJ HICKS: I believe that completes
25 everything we need, and I will open it up if anyone

1 has anything else before we head out for the day?

2 Take silence as a no.

3 Appreciate everyone coming in. The Board
4 will take the matter under consideration, and we are
5 adjourned.

6 (Thereupon, at 10:18 a.m., the hearing
7 was adjourned.)

8 - - -

9 CERTIFICATE

10 I do hereby certify that the foregoing is
11 a true and correct transcript of the proceedings
12 taken by me in this matter on Wednesday, September 1,
13 2021, and carefully compared with my original
14 stenographic notes.

15
16
17 Karen Sue Gibson, Registered
18 Merit Reporter.

19 (KSG-7146)

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This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 20-1362-EL-BGN

Summary: Transcript in the matter of the Clearview Solar I, LLC hearing held on 09/01/21 electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.