

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of **Union Ridge**)
Solar, LLC for a Certificate of Environmental)
Compatibility and Public Need for a Solar Facility)
Located in Licking County, Ohio.)
Case No. 20-1757-EL-BGN

SUPPLEMENTAL DIRECT TESTIMONY OF

KELLY PACIFICO

on behalf of

Union Ridge Solar, LLC

September 13, 2021

1 **Q-1. On whose behalf are you offering this supplemental testimony?**

2 **A-1.** I am offering this supplemental testimony on behalf of the Applicant, Union Ridge Solar,
3 LLC (“Union Ridge”).

4 **Q-2. What is the purpose of your testimony?**

5 **A-2.** The purpose of my supplemental testimony is to summarize certain enhancements to the
6 plan for minimizing visual impacts of the Project, as set forth in more detail in the
7 Supplemental Direct Testimony of Gordon Perkins, and to describe the process that led to
8 the Joint Stipulation and Recommendation (“Stipulation”), which was filed to the docket
9 on September 13, 2021 and is being offered in this proceeding as Joint Exhibit 1. I will
10 sponsor the admission of the Stipulation into evidence in this case, along with the
11 Applicant’s exhibits listed in the Stipulation, which include the Application and all exhibits
12 thereto, the Applicant’s responses to data requests from the Ohio Power Siting Board’s
13 (“Board”) Staff, certificates of service, proofs of publication, and correspondence. This
14 testimony will explain the background of the Stipulation and why I believe it should be
15 adopted by the Board. In addition, my testimony will confirm that the Stipulation complies
16 with the Board’s three-part test for evaluating stipulations.

17 **Q-3. Since the filing of your Direct Testimony on September 2, 2021, has Union Ridge**
18 **made any additional adjustments to address potential Staff, Intervenor, or public**
19 **concerns? If so, please summarize them.**

20 **A-3.** Yes. Union Ridge made several adjustments and commitments to address potential
21 concerns after the Local Public Hearing on August 31, 2021, which were further refined
22 after the filing of my Direct Testimony on September 2, 2021. These items were
23 summarized in my Direct Testimony and in this supplemental testimony, I will provide

1 additional details. These adjustments were undertaken in consultation with EDR visual
2 impact consultant Gordon Perkins, who is also filing supplemental direct testimony with
3 additional details on these adjustments.

4 First, Union Ridge has committed to lowering the height of the photovoltaic (PV)
5 panels used in the arrays comprising the Project from a maximum of 15' at full tilt to 10'
6 at full tilt. This 33% reduction in height is being undertaken by Union Ridge to address
7 concerns raised by local residents about the potential visual impact of the Project in certain
8 sensitive areas.

9 Second, Union Ridge has committed to install and designed an earthen berm along
10 the area of Covington Lane in the York Gate Estates neighborhood to provide additional
11 visual screening from the Project. Gordon Perkins' Supplemental Testimony includes
12 "before and after" visual simulations showing the area before the inclusion of the berm and
13 after the construction of a 5' earthen berm with nursery stock and vegetation atop it.

14 Finally, and relatedly, Union Ridge has agreed to utilize customized and enhanced
15 vegetative screening modules, particularly in areas with greater nearby residential presence
16 such as Lake Drive SW and Watkins Road SW.

17 **Q-4. Have you reviewed the Stipulation?**

18 **A-4.** Yes.

19 **Q-5. Why do you believe the Board should approve the Stipulation?**

20 **A-5.** The Stipulation meets the criteria for Board approval of stipulations. The parties to this
21 case are Staff, Union Ridge, and the Intervenors, which are the Ohio Farm Bureau
22 Federation ("OFBF"), the Licking County Engineer, the Licking County Planning
23 Commission, the Licking County Soil & Water Conservation District, the Harrison

1 Township Board of Trustees, and the Board of County Commissions of Licking County.

2 The parties have agreed to Staff's initial recommended conditions, with minor changes, as
3 set forth in the Stipulation and summarized below:

4 (1) Condition 4: An addition was made to reflect Union Ridge's commitment that the
5 PV module height shall not exceed 10 feet.

6 (2) Condition 9: Union Ridge proposed the addition of the italicized language below.

7 The proposed addition is consistent with language to which Staff and other solar
8 projects have previously stipulated and clarifies Staff's intent with this condition.

9 See, e.g., Arche Solar Joint Stipulation, Case No. 20-979-EL-BGN; Yellowbud

10 Solar Joint Stipulation, Case No. 20-972-EL-BGN; Big Plain Solar Joint

11 Stipulation, Case No. 19-18323-EL-BGN; Hecate Energy Highland Joint

12 Stipulation, Case No. 20-1288-EL-BGN; Powell Creek Solar Joint Stipulation,

13 Case No. 20-1084-EL-BGN.

14 *To the extent permitted by R.C. 4906.13(B), [t]he certificate authority*
15 *provided in this case shall not exempt the facility from any other*
16 *applicable and lawful local, state, or federal rules or regulations nor be*
17 *used to affect the exercise of discretion of any other local, state, or*
18 *federal permitting or licensing authority with regard to areas subject to*
19 *their supervision or control.*
20

21 (3) Condition 14: An addition was made to reflect Union Ridge's commitment to
22 present an option in its landscape and lighting plan to utilize an earthen berm for
23 additional visual screening at the southeast Project boundary along the northern
24 portion of the York Gate Estates development. Union Ridge made this commitment
25 as requested by residents and the Homeowners' Association of the York Gate
26 Estates neighborhood to further reduce visual impacts of the Project in that location.

1 (4) Condition 17: A correction of the typographical error in use of the word “modem”
2 instead of the intended word “modern” was proposed.

3 (5) Condition 18: To address the Licking County Engineer’s request for more
4 specificity in the Applicant’s commitments with regard to drainage issues, the
5 parties conducted discussions and propose replacement of Condition 18 as
6 contained in the Staff Report, pertaining to drainage, with the following language:

7 The Applicant shall ensure that nearby parcels are protected from
8 unwanted drainage problems due to construction and operation of the
9 Project. The Applicant shall ensure this by either 1) documenting
10 benchmark conditions of surface and subsurface drainage systems prior
11 to construction, including the location of laterals, mains, grassed
12 waterways, and county maintenance/repair ditches, including (a)
13 making efforts to conduct a perimeter dig utilizing a tile search trench
14 and consult with owners of all parcels adjacent to the property, the
15 county soil and water conservation district, and the county to request
16 drainage system information over those parcels, and (b) consulting with
17 the county engineer for tile located in a county maintenance/repair ditch;
18 2) locating and replacing all project field tile drainage systems; or 3) in
19 addition to prompt repair as required under Condition 17, agreeing to
20 compensate parcel owners in agricultural areas affected by damage to
21 crops or other agricultural activities caused by damage to functioning
22 field tile drainage systems and soils resulting from the construction,
23 operation, and/or maintenance of the facility.
24

25 (6) Condition 22: An addition was proposed to address and reflect Union Ridge’s
26 agreement to the Licking County Engineer’s request that the Project agree to design
27 and construct the facility’s post-construction stormwater controls in accordance
28 with the Licking County Soil Erosion & Stormwater Regulations.

29 (7) Condition 28: An addition was proposed to add Harrison Township to the list of
30 entities with which Union Ridge will coordinate with regard to construction-related
31 transportation permits.

1 The Stipulation presented in this case represents the product of serious discussions
2 between the parties. Because there was general agreement with the Staff Report, it was
3 possible to reach agreement through several telephone and Zoom discussions among Staff,
4 Union Ridge, and the Intervenors and their respective attorneys.

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

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

11 **Q-6. Does the Stipulation include additional conditions that were not contained in the Staff**
12 **Report?**

13 **A-6.** No, the Stipulation only includes revisions of conditions that were already in the Staff
14 Report.

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

16 **A-7.** Yes. In my opinion, the Stipulation provides for clarity and some additional commitments
17 from Union Ridge to address local government official's requests in the proposed
18 modifications to Conditions 4, 9, 14, 17, 18, 22, and 28 in the Staff Report, and, therefore
19 serves the public interest. In addition, avoidance of a more lengthy contested hearing also
20 serves the public interest. The parties believe that all of the provisions in the Stipulation
21 are in harmony with regulatory principles and practice. More broadly the Stipulation
22 ensures that the Project will represent the minimum adverse environmental impact for both

1 construction and operation, considering the state of available technology, and the nature
2 and economics of the various alternatives, as well as other pertinent considerations.

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

10 **Q-8. Do you have any further comments?**

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

16 **Q-9. Does this conclude your supplemental direct testimony?**

17
18 **A-9.** Yes, it does. However, I reserve the right to offer additional supplemental testimony if
19 necessary.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Testimony was served upon the parties of record listed below this 13th day of September 2021.



Dylan F. Borchers

Matthew D. Stewart, Esq.
Assistant Prosecuting Attorney
20 South Second Street, Fourth Floor
Newark, OH 43055
mstewart@lcounty.com

Counsel for Intervenors Licking County Planning Commission; Harrison Township Board of Trustees; Jared Knerr, Engineer of Licking County, Ohio; and Licking County Soil & Water Conservation District

Carolyn J. Carnes, Esq.
Assistant Prosecuting Attorney
20 South Second Street, Fourth Floor
Newark, OH 43055
ccarnes@lcounty.com

Counsel for Intervenor Board of County Commissioners, Licking County, Ohio

Chad A. Endsley, Esq.
Leah F. Curtis, Esq.
Amy M. Milam, Esq.
Ohio Farm Bureau Federation
280 North High Street, P.O. 182383
Columbus, OH 43218-2383
cendsley@ofbf.org
lcurtis@ofbf.org
amilam@ofbf.org

Counsel for Intervenor Ohio Farm Bureau Federation

Kyle Kern, Esq.
Assistant Attorney General
Ohio Attorney General's Office, Public Utilities Section
30 East Broad Street, 16th Floor
Columbus, OH 43215
kyle.kern@ohioattorneygeneral.gov

Counsel for Staff of the Ohio Power Siting Board

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Summary: Text Supplemental Direct Testimony of Kelly Pacifico on behalf of Union Ridge Solar, LLC electronically filed by Teresa Orahoad on behalf of Dylan F. Borchers