

BEFORE THE OHIO POWER SITING BOARD

- - -

In the Matter of the Ohio :
Power Siting Board's :
Review of Ohio Adm. Code : Case No. 21-902-GE-BRO
Chapters 4906-1, 4906-2, :
4906-3, 4906-4, 4906-5, :
4906-6, and 4906-7. :

- - -

PROCEEDINGS

before Mr. Michael L. Williams, Administrative Law
Judge, at the Ohio Power Siting Board, 180 East Broad
Street, Room 11-C, Columbus, Ohio, called at 10:00
a.m. on Monday, October 4, 2021.

- - -

ARMSTRONG & OKEY, INC.
222 East Town Street, Second Floor
Columbus, Ohio 43215-5201
(614) 224-9481

- - -

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

- - -

WITNESS	PAGE
Melissa Thompson	6
Terrence O'Donnell	8
Hector Garcia-Santana	23
Devan Flahive	34
Mike Pullins	39
Jane Sweet	49

- - -

1 Monday Morning Session,
 2 October 4, 2021.

3 - - -

4 ALJ WILLIAMS: Good morning and welcome,
 5 everyone. The Ohio Power Siting Board has scheduled
 6 for hearing at this time and place Case No.
 7 21-902-GE-BRO which is captioned in the Matter of the
 8 Ohio Power Siting Board's Review of Ohio
 9 Administrative Code Chapters 4906-1, 4906-2, 4906-3,
 10 4906-4, 4906-5, 4906-6, and 4906-7.

11 My name is Michael Williams. Is that
 12 better?

13 My name is Michael Williams, and I'm the
 14 ALJ assigned by the Board to preside over today's
 15 workshop. Today's workshop is a further step in the
 16 rulemaking process regarding whether modifications
 17 should occur to the rules at issue.

18 As we begin today's workshop, a bit of
 19 history is helpful. The Board began the informal
 20 evaluation of the rule at issue beginning in March of
 21 2020. The Board conducted three stakeholder
 22 engagement meetings on March 11 of 2020, March 12 of
 23 2020, and May 12 of 2020 to gather information as to
 24 what changes to the rules may be beneficial to the
 25 public as well as major utility facilities that

1 operate or seek to operate in the state.

2 In connection with those meetings, the
3 Board pledged that it would conduct multiple
4 workshops as it begins the formal rule evaluation
5 process, and today's workshop is in follow-up to that
6 pledge. I will note there are two additional
7 workshops scheduled. There is a virtual workshop
8 scheduled for this afternoon and another one
9 scheduled for Friday afternoon.

10 I see a hand in the air.

11 UNIDENTIFIED SPEAKER: Yes. I would like
12 to request we turn up your volume.

13 ALJ WILLIAMS: Is that helpful?

14 UNIDENTIFIED SPEAKER: No.

15 ALJ WILLIAMS: All right. I will
16 continue to project. There was a request made that I
17 turn the volume up so hopefully that's helpful.

18 As described in the entry of September 3
19 of 2021 that scheduled today's workshop, the Board is
20 interested in comments as to all of the rules
21 described in the case but there is an emphasis on
22 issues that involve the process for considering
23 certificate applications for electric generation
24 facilities, electric transmission facilities, and gas
25 pipelines including the potential for implementing a

1 new rule that will be specific to electric generation
2 facilities associated with solar panels.

3 I also note that the scheduling entry at
4 pages 3 and 4 identified 13 topics to assist
5 stakeholders in preparing comments. That list is
6 certainly not intended to be exhaustive and the Board
7 welcomes all comments as to the issues being
8 considered.

9 Following today's workshop, the Board
10 Staff will review the comments received and determine
11 recommended changes to the rules. After Staff's
12 review, the Board will open this case for formal
13 comments to be filed later in this docket. Once the
14 written comment period is concluded, the Board will
15 consider the adoption of rule changes or additions
16 within the OAC.

17 I want to stress that today's workshop is
18 your initial opportunity to provide feedback on the
19 consideration of the proposed rules. Also nothing
20 said today will be considered binding on any of the
21 interested stakeholders.

22 Finally, the recommendations will be part
23 of the formal written comment proceeding that will
24 follow today's workshop.

25 I would also emphasize that today's

1 workshop is not intended to discuss any case or
2 pending proceeding currently before the Board.

3 This workshop is being transcribed by a
4 court reporter from Armstrong & Okey. If you plan to
5 testify, please speak clearly so that the court
6 reporter can accurately reflect your comments on the
7 record.

8 Also if you have a prepared statement, it
9 would be helpful to provide a copy of that to the
10 court reporter as well which you can do by e-mailing
11 to the OPSB at contactopsb@puco.ohio.gov.

12 Are there any preliminary questions
13 before we begin?

14 All right. I will invite the first
15 commenter to please approach the microphone there and
16 begin. There is no advanced sign-up sheet so come as
17 you are prepared to speak. You are welcome to take
18 your mask off when you are testifying.

19 Would you please state your name and
20 address as you begin your presentation.

21 MS. THOMPSON: Good morning, your Honor

22 ALJ WILLIAMS: Good morning.

23 MS. THOMPSON: My name is Melissa
24 Thompson, and I am with Columbia Gas of Ohio.

25 Columbia Gas has three comments for

1 consideration at today's workshop. The first affects
2 the entire Ohio Administrative Code Section 4906.
3 Specifically Columbia's proposing that the Board
4 Staff consider removing the requirement for a utility
5 to provide an alternative route in the standard
6 application.

7 If this requirement were removed and made
8 optional for a utility, the utility would then file
9 an application for its preferred route. If the Board
10 declined to accept that preferred route, the utility
11 would then prepare another application for a
12 different route.

13 The second suggestion for -- that
14 Columbia Gas has for the Board Staff to consider is
15 adding a definition for adjacent to its rules.
16 Specifically this is referenced in Ohio
17 Administrative Code 4906-3-09(A)(1) and (A)(2), among
18 other places, where the Applicant must serve the
19 initial and second notice to each owner of a property
20 crossed and/or adjacent to the preferred and
21 alternate routes for transmission lines.

22 Ideally adjacent would be limited to a
23 radius around a transmission line or transmission
24 facility such as 50 feet or 100 feet or another
25 distance as determined by the Board Staff. The key

1 is defining how far adjacent landowners are
2 considered in relation to the transmission facility.

3 Finally, Columbia recommends that the
4 Board Staff consider adding a procedure by which
5 Intervenors can participate in accelerated
6 applications, specifically to provide Intervenors the
7 right to file comments in an application. This would
8 fill a gap in the rules where it is unclear as to the
9 participation of Intervenors in the accelerated
10 application process.

11 Thank you for the consideration. And
12 we'll take any additional questions if you have any.

13 ALJ WILLIAMS: Yeah. Regarding your last
14 point then, would the Intervenor participation be
15 limited then to comments?

16 MS. THOMPSON: That is what Columbia is
17 proposing for the Board to consider.

18 ALJ WILLIAMS: Thank you, Ms. Thompson.
19 Thank you for your appearance today.

20 MS. THOMPSON: Thank you, your Honor.

21 ALJ WILLIAMS: Our next commenter.

22 Please.

23 MR. O'DONNELL: Good morning, your Honor.

24 ALJ WILLIAMS: Good morning.

25 MR. O'DONNELL: My name is Terrence

1 O'Donnell with the law firm of Dickinson Wright, and
2 I wanted to provide some comments on behalf of
3 American Clean Power and MAREC Action. MAREC stands
4 for the Mid-Atlantic Renewal Coalition; and American
5 Clean Power, as I note in the opening remark here in
6 my testimony, which I will provide a copy of,
7 American Clean Power is the voice of clean -- the
8 clean power industry powering America's future
9 uniting the power of wind, solar, storage, and
10 transmission companies and their allied industries.

11 MAREC Action is a nonprofit member
12 organization to advance the opportunities for
13 renewable energy development in Ohio and the broader
14 PJM region.

15 ALJ WILLIAMS: Thank you, Mr. O'Donnell.
16 Please proceed.

17 MR. O'DONNELL: Thank you, your Honor.
18 So the Board requested comments, as you noted in your
19 opening, regarding 13 prompts related to the ongoing
20 review of the Administrative Rules, and MAREC Action
21 and ACP have provided some fairly detailed written
22 remarks, which I will just sort of summarize, but
23 we'll try to address each of the 13 comments from an
24 industry perspective.

25 As a preliminary matter, we urge the

1 Board to ensure that Ohio remains an accessible and
2 competitive marketplace for renewable energy. We
3 believe that the existing state regulatory structure,
4 and now the addition of Senate Bill 52's upfront
5 local process for the siting of wind and solar
6 projects, strikes a balance that should be respected
7 in any new rules that might be put forward. And we
8 do not believe that the Board should adopt a new --
9 any new regulatory restrictions that add unnecessary
10 costs and uncertainty to the development process,
11 especially at a time when we are seeing demand for
12 renewable energy from Ohio's employer community reach
13 an all-time high.

14 That's just sort of a general comment.
15 We get into the specifics here. I'll start with
16 letter I which I think was the first prompt of the 13
17 provided by the entry. And this relates to combining
18 applications and rules for transmission facilities
19 and gas pipelines.

20 And the bottom line in our comment here
21 is simply that if the Board desires to combine these
22 two Administrative Code Chapters, we would ask that
23 they clearly delineate which requirements are common
24 to both types of applications and which only apply to
25 electric and gas and which only apply to generation

1 facilities. The rules should provide that specificity
2 if the sections are going to be combined.

3 Under item J, what additional information
4 should be included in a proposed project summary, we
5 just note here that often -- I don't know that it's
6 necessarily required by the rules, but often many
7 projects voluntarily provide a high level summary
8 sort of akin to an executive summary describing the
9 application for a wind or solar project. We know
10 those applications are extensive, so those executive
11 summaries are meant to be high level and provide sort
12 of a user-friendly summation of the contents of the
13 application.

14 Requiring this current best practice in
15 the Administrative Rules could advance particularly
16 Senate Bill 52's goal of increasing public awareness
17 and local involvement with projects so industry would
18 be open to some sort of codification of that
19 practice.

20 Item K talks about what additional
21 information should be included in project schedules
22 and descriptions. I guess I would just refer to the
23 remarks we just made in J.

24 With respect to L, what information
25 should an applicant provide in relation to the public

1 interests and necessity of an electric transmission
2 line or gas pipeline, we would say that while this
3 prompt appears to focus on the impact of electric
4 transmission lines and gas pipelines, it's important
5 to note that in applications for wind and solar
6 generation projects, those projects often include
7 short transmission lines and sometimes that
8 application for that very short transmission line to
9 tie a project to the grid is a part of the generation
10 application; sometimes it's a separate application.

11 For solar projects these related
12 transmission lines are typically shorter than
13 2 miles. There are not many impacted residents.
14 Wind projects similarly include these applications.
15 Sometimes the line might be a little longer than a
16 solar project. Notably, while some applications for
17 large transmission projects seek these certificates
18 as part of a process to get towards eminent domain,
19 that is not the case for these wind and solar
20 projects.

21 So we understand ensuring meaningful
22 notices is -- provided to impact -- impacted
23 stakeholders is essential to the public outreach
24 process but would request that if there are going to
25 be changes to the Administrative Code with respect to

1 the transmission lines generally, that there be an
2 understanding there is sort of a difference between a
3 large transmission line that might run across the
4 whole state and a very short line that just connects
5 to the -- to the grid.

6 Item M in regard to power siting, what
7 information should an applicant file to support its
8 consideration of public involvement as to the site or
9 route selection process? We note here that
10 developers explain the site process and describe what
11 brought them to a particular location. For future
12 solar and wind projects Senate Bill 52 helps codify
13 this practice as developers will now be required to
14 engage with local officials before even filing an
15 application. This often takes place and will take
16 place upon the developer getting some feedback from
17 PJM about viability of a project in the first place.

18 So accordingly, the rules could invite
19 developers to describe their engagement and
20 communication efforts with community members and
21 elected officials as part of that application
22 process. We know that that local engagement is
23 taking place. So if the rule invited project
24 developers to specify what that engagement has been,
25 that's probably something the industry could work

1 with.

2 We would request that when -- when
3 documenting any such outreach efforts, applicants not
4 be required to provide or disclose personally
5 identifiable information of community members and
6 officials, particularly, you know, private sector
7 folks that they may have met with. But our members
8 do make it a priority to do this engagement and can
9 include such information in their application if that
10 is what the rule requests.

11 ALJ WILLIAMS: Because the list is going
12 to be extensive here --

13 MR. O'DONNELL: Yes, sir.

14 ALJ WILLIAMS: -- you had asked for
15 redaction or privacy in regard to the developer's
16 communications with public officials?

17 MR. O'DONNELL: Potentially. Public
18 officials might be different than private sector
19 officials. I think the way the prompt read, and
20 there is another question that's related to this,
21 that, you know, talked about consideration of public
22 involvement. So if you were meeting with the county
23 commissioners, that's going to be at a public
24 meeting. It's going to be noticed. I don't know
25 that that would require redaction. We can talk about

1 that.

2 If we are meeting with private
3 individuals who just sort of live nearby a project or
4 have a certain role in the community that we want to
5 educate with them, there we would -- we would not
6 want to give personally identifiable information
7 about who we've been meeting with.

8 ALJ WILLIAMS: Okay. Thank you.

9 MR. O'DONNELL: Item N talks about
10 complaint resolution pre-construction and
11 pre-operation. The comment there sort of speaks for
12 itself.

13 I'll jump to O which talks about what
14 information should a wind or solar facility applicant
15 file regarding decommissioning. Here we note that
16 Senate Bill 52 provides additional clarity regarding
17 decommissioning plans, and the final plan and bond
18 must be approved prior to construction.

19 I wanted to note here, your Honor, in
20 addition, when reviewing decommissioning plans and
21 the bond that's required to be filed, we believe the
22 rule should recognize that at times projects will
23 have separate phases perhaps and separate performance
24 bonds for different types of facilities. The example
25 we note here would be a project that might be

1 permanent with solar plus storage, so solar plus a
2 battery.

3 ALJ WILLIAMS: Right.

4 MR. O'DONNELL: And we would like the --
5 to request that a rule around a project like that
6 would allow the flexibility that if the storage
7 weren't being built at the front end, if the storage
8 were to come later, that the bond wouldn't be posted
9 until that particular facility, storage facility, was
10 underway or was going to move ahead. So just because
11 the project was permitted for solar plus storage, if
12 you are just going to start building the solar, the
13 bond should be decommissioning the solar not the --
14 not the storage until the developer actually decides
15 to go ahead with that.

16 Item P talks about what information
17 should an applicant file regarding communications
18 with local government contacts? Your Honor, that may
19 go more to your question and we do talk about
20 personally identifiable information here. Again, if
21 it's in a public forum, public setting, that's
22 probably different. But as a general matter, I think
23 that the industry certainly opened up informing the
24 Board about what conversations and contacts it's had
25 at the local level before filing an application. I

1 think Senate Bill 52 kind of pushes in that direction
2 anyway.

3 Item Q, I will dig in for a moment on
4 what information should an applicant file in support
5 of its compliance with environmental and aviation
6 regulations? Obviously applicants do a lot of this
7 today. We note here applicants should document and
8 do document coordination efforts with applicable
9 federal and state agencies regarding their project.

10 We note that different project sites and
11 facility types may entail different regulatory
12 compliance features, so it's sort of -- it's hard to
13 answer just in a general way what information should
14 be provided because it may sort of be on a
15 project-by-project basis. There may be circumstances
16 that would dictate, you know, different information
17 being provided. But as to environmental impacts, the
18 industry does believe that the rules should make
19 clear that post-operation if -- if mitigation
20 measures are required, that the rules allow the range
21 of mitigation measures to be considered.

22 As an example, if there are wildlife
23 impacts or other impacts from a project, perhaps
24 avoiding wetland impacts during specific seasons or
25 limiting clearing during specified dates and times or

1 monitoring wildlife impact, there's a range of
2 mitigation measures available to projects; and we
3 would ask that curtailment, and this is particularly
4 if you are thinking in a wind context, actually
5 curtailing a project and shutting off wind turbines
6 is sort of a last resort and should be done only when
7 other mitigation measures have proven inadequate.

8 So there is kind of a spectrum of
9 environmental mitigation measures that can be imposed
10 and we just as an industry believe that curtailment
11 is kind of the last resort. We would encourage the
12 Board to look at intermediate steps that would be
13 taken before curtailment.

14 Also a note here on timing, this is
15 really important, the rules we believe should provide
16 flexibility regarding when applicants need to provide
17 certain permits acquired from state and federal
18 agencies for their projects. Current rules provide
19 that certain permits be submitted prior to
20 construction. However, applicants, we believe,
21 should not be directed to provide all those required
22 permits when submitting the application.

23 So you kind of have different time frames
24 here. You have time of application submission, and
25 then you have time of going to construction.

1 Industry really values and finds important the
2 ability to get certain permits before construction,
3 even if they are not in hand at the time that the
4 applicant files the application itself. Consistent
5 with current practice we do believe applicants should
6 be able to document coordination with state and
7 federal agencies regarding the status of these
8 permits, again, with the proviso these permits are
9 provided before any construction would begin.

10 ALJ WILLIAMS: Yeah. Along those lines I
11 think the question or the bullet point is intended to
12 get at is industry able to differentiate what
13 additional measures or more concrete information
14 could be provided consistent with filing the
15 application as opposed to what information would
16 necessarily come in during the development of the
17 more detailed aspects of the project.

18 So I would invite either today or part of
19 your comment process some specificity regarding how
20 the application might be further developed or further
21 bolstered in regard to that issue.

22 MR. O'DONNELL: Understood. Thank you,
23 your Honor.

24 Item L, what information should an
25 applicant file in regard to plan management of

1 noxious weeds, irrigation, field drainage, and
2 stormwater runoff? We note applicants ordinarily
3 prepare and file a plan for the management of weeds.
4 The plan can obviously be shared with OPSB.
5 Developers coordinate with stakeholders to assess
6 irrigation systems and field drainage in project
7 areas to be able to develop plans to the extent
8 practical, of course, to avoid impacting these
9 systems. Recognizing that most existing drain tile
10 maps may not provide precise GPS locations of drain
11 tile, it's often not possible to completely avoid
12 impacts.

13 With an understanding of potential
14 impacts to these systems and in collaboration with
15 landowners, the developers can formulate mitigation
16 plans to avoid, reroute, replace, and repair tile as
17 needed. That happens today. And, of course, maps
18 and associated plans could certainly be provided to
19 OPSB.

20 In addition, a designated expert can
21 address items like stormwater runoff and impact on
22 neighboring parcels in the form of a report or
23 analysis that could also be provided.

24 Similar response on item S about
25 communication systems.

1 Item T notes here the Board is
2 considering implementing a rule to address solar
3 facilities including setbacks, landscaping and
4 lighting design, fencing, and operational noise. On
5 this question, we sort of note here that we stand
6 ready to engage with the Board and other stakeholders
7 regarding any such new rule.

8 These topics raise profound policy
9 questions, some of which were discussed during the
10 legislative deliberations during Senate Bill 52. And
11 the industry, ACP, and MAREC would urge caution and
12 close industry collaboration as the Board
13 contemplates Administrative Rules on these topics
14 that would have major implications for the viability
15 of large scale solar energy in Ohio.

16 So happy to discuss those in more detail
17 but this rule would be, you know, very, very
18 important to the solar industry as it does implicate,
19 you know, potentially even their ability to do
20 business in Ohio.

21 And then the last item here is U talks
22 about the Board and its fee procedures. And I think
23 the only note we made here we look forward to
24 discussing this and maybe understanding some of the
25 implications with the Staff. I think there's been

1 openness to revising fee procedures from an
2 upfront -- fully upfront payment mechanism which you
3 need to understand how it would work and what
4 potential existing challenges that the rule might be
5 trying to solve.

6 ALJ WILLIAMS: Thank you for your
7 presentation. And again, I just invite as you walk
8 away here to really focus on what additional
9 information can be ripened as part of the application
10 process. I know historically there has been an
11 application and a lot of project development during
12 the review of the application process. You know, the
13 Board is focused on how to get some more of that
14 information on the front end as part of the actual
15 filing of the application.

16 MR. O'DONNELL: Understood. Thank you,
17 your Honor.

18 ALJ WILLIAMS: Thank you, Mr. O'Donnell.
19 We are going to take just a 2-minute
20 break. We are changing out some battery and
21 technology. I did find the volume button here.

22 We are off the record.

23 (Discussion off the record.)

24 ALJ WILLIAMS: All right. We are back on
25 the record. We just attended to changing out a

1 battery in a camera.

2 Our next presenter.

3 MR. GARCIA-SANTANA: Good morning, your
4 Honor. My name is Hector Garcia-Santana. I am
5 employed by American Electric Power as a senior
6 counsel, and I am appearing here primarily regarding
7 transmission issues related to the request for the
8 workshop.

9 I would like to start by saying that we
10 are generally supportive with the concept of
11 simplifying the rules and making the process more
12 effective and more streamlined and that that's going
13 to be in the interest of Ohio residents, property
14 owners, businesses seeking to expand or locate their
15 operations in Ohio.

16 I'm taking the opportunity to address the
17 points right now because one of the main points that
18 I would like to emphasize today has to do with the
19 interconnection of independent power producers which
20 is the presentation that was just indicated. And in
21 that regard it is absolutely imperative that
22 applications for new interconnection of independent
23 power producers involve the transmission owners that
24 are being interconnected to very early in the
25 process.

1 It would be appropriate for making it
2 necessary to notify the system, the transmission
3 owner, in which -- to which the independent power
4 producer wants to interconnect at the time that the
5 applications to the OPSB are made so that the utility
6 transmission owner can participate in that process,
7 monitor it, make sure that there is a clear
8 understanding of what are the requirements for the
9 interconnection, what are the facilities that are
10 going to be necessary.

11 This is particularly true in a -- in a
12 type of interconnection, in PJM it's called option to
13 build, in which the -- the interconnection client,
14 the independent power producer, has the option to
15 build some of their facilities, and they're
16 eventually going to be transferred to the
17 transmission owner, to the utilities. It is very
18 important that there be coordination, and it would be
19 an easy way to resolve that to make sure that the
20 utilities are notified as part of the commencement of
21 those processes for independent power producers.

22 That being indicated, if I can take it
23 from the -- from the top, regarding the question of
24 the combination of the gas rules, the electric
25 transmission rules, we would like to -- to highlight

1 that the metrics for the gas pipelines actually has
2 better -- a better framework than the electric ones
3 as to distances. For example, projects that are less
4 than 2 miles are construction audit applications,
5 between 2 and 5 miles are letters of certifications,
6 and then greater than 5 miles are full applications.
7 And that would enhance the ability to develop
8 transmission that is required in Ohio if those were
9 to be matched from the gas metrics to the electric
10 metrics.

11 But beyond that, one area in which Ohio
12 is lagging as compared to other jurisdictions is the
13 relative inability to construct ordinary extensions
14 of existing infrastructure. Particularly rebuilds
15 that would be routine in other states require
16 significantly more process in order to be sited in
17 Ohio.

18 And that creates additional work for the
19 OPSB and for the transmission owners that could be --
20 those resources could be better devoted to the
21 projects that need the most attention, for example,
22 greenfield applications on projects that have more
23 significant impacts than the routine, ordinary
24 extension ones.

25 So we would encourage, for example, an

1 expansion of what they call the HH rule, the like for
2 like. Right now, the rules are rather restrictive in
3 the way they are being constructed as to what is a
4 like for like replacement. And with an aging system
5 like what is present in Ohio, that creates a
6 particular problem because new construction, you
7 know, rebuilding of facilities usually uses
8 state-of-the-art or modern structures instead of
9 structures like the ones that were installed
10 sometimes even 100 years ago. So from that point of
11 view we encourage a greater use of ordinary
12 extensions in Ohio.

13 Two additional points on this, currently
14 there is no standard to provide approval for small
15 amendments to full applications after they have been
16 approved but before they are constructed. And we
17 suggest that a process similar to the LON or CN, the
18 construction audits or the letter of notification
19 process be used for that so that it's easier to
20 update projects as they are getting closer to the
21 time of construction.

22 In general, the applications right now
23 for the Ohio Power Siting Board require a level of
24 specificity that would be better addressed in terms
25 of construction practicalities that sometimes cannot

1 be known as early as is necessary for an orderly
2 development of the transmission system.

3 Let me provide an example. It's entirely
4 possible that a project is needed, and it's known in
5 the general situation, the general location where
6 it's going to be located, but it's not known what are
7 the specifics of where some particular soil situation
8 that's going to be present until the process for
9 construction gets very close to start.

10 By that point it's -- it is very late in
11 the process as to making the application to the OPSB
12 and that creates quite a bit of pressure in the
13 schedule for -- for projects. So we recommend that
14 the information that be provided to the OPSB be of a
15 broader scope, like, for example, corridor, this is
16 something that it's very common in other states, that
17 would be appropriate to the size of the line and the
18 voltage of the line. So in some cases 250 feet on
19 each side of the estimated centerline is appropriate.
20 Sometimes you need more. Sometimes it's not
21 necessary to have as much.

22 But providing this information upfront
23 and then letting the transmission developer do the
24 specifics of construction within that corridor would
25 significantly enhance the ability of the transmission

1 developers not only to respond to situations that are
2 found on the ground once construction is very close
3 to occur but also to address concerns from the
4 public, property owners, the community which right
5 now because of the restrictions within the rules, the
6 utilities find themselves in a situation in which
7 creating small adjustments to projects has either the
8 potential to delay schedules or increase costs;
9 whereas, if there was a corridor, those adjustments
10 could be much -- could be done much more effectively.

11 In that regard there is also an
12 observation that there's a 90-day rule for public
13 input right now that AEP suggests that be made
14 significantly more flexible. 90 days, it's a very
15 short period of time for us to be able to collect the
16 type of input that we can address if we are able to
17 engage with the public on a significantly earlier
18 time frame. So we would suggest eliminating that
19 restriction and allowing for those workshops and
20 public interaction and outreach to occur much earlier
21 in the process.

22 AEP would note that several of the items
23 in the request for comments refer to providing
24 additional information applications, and the
25 applications in Ohio are actually quite detailed and

1 quite extensive. So from that point of view, we
2 don't believe that additional information would be
3 warranted or useful. If anything, our recommendation
4 is that the information be provided earlier in the
5 development process of projects. Would necessarily
6 require that some details of implementation may not
7 be known at the time.

8 One of those examples would be effects on
9 communications, short-wave radio and that type of --
10 of impact which sometimes are not even known until
11 after the project is in service. So it would not be
12 appropriate for an expansion of information about
13 those types of impacts or requirements prior to the
14 time that they are known, and it would not be
15 appropriate to include them as part of the
16 applications.

17 One last observation in that same type of
18 situation. The question that asked about irrigation
19 systems, field drainage systems, that again is
20 something that on the field requires very specific
21 attention, sometimes varies from property owner to
22 property owner, even in the same site -- the type of
23 circumstances in the soil, and the activities in the
24 field can vary significantly in a small space. So it
25 would not be appropriate to make that part of the

1 application process. Those are details that are
2 better left for implementation and construction.

3 So from that point of view, this
4 generally fits into the request that we advance which
5 is that the rules should be simplified and made more
6 effective and this would be in the interest of the
7 public.

8 With that that summarizes our -- our
9 notes and we will provide written comments.

10 ALJ WILLIAMS: Thank you. Just one point
11 of clarification.

12 MR. GARCIA-SANTANA: Yes, please.

13 ALJ WILLIAMS: You indicated Ohio's
14 standards are more robust than some of the other
15 standards that AEP encounters. What areas, if you
16 are able to indicate here more specifically, would
17 AEP recommend be made less restrictive in order to
18 better align Ohio with other states that AEP works
19 within?

20 MR. GARCIA-SANTANA: Certainly, your
21 Honor. There are two that are the most prominent.
22 One is the absence of a corridor in Ohio as to where
23 to do specific centerline construction once projects
24 are already known to be necessary in a particular
25 area, but it is not known at the time of the

1 application where that centerline exactly should be.
2 It is a very common practice and it is a very
3 effective practice to have a corridor, a space within
4 which the utility provides information about the
5 conditions in which the -- the facilities are going
6 to be constructed but within which the utility once
7 construction is very close to occur can make small
8 adjustments, you know, sometimes 10 feet, sometimes
9 100 feet in order to be able to respond to conditions
10 in the ground and to requests from the public,
11 property owners that may not be known at the time of
12 the application, and that should not delay the
13 general process in the life of a project of which the
14 applications are made to the OPSB.

15 If we have a corridor, the application
16 can be done much earlier and that would be to the
17 benefit of the public and it would reduce costs and
18 facilitate responding to requirements for
19 construction, things that, for example, we find in
20 the ground.

21 The second of those would be the
22 treatment of ordinary extensions in Ohio. Just to
23 provide the example of neighboring West Virginia,
24 which is kind of like in the middle of the pack of
25 their regulation of transmission siting, there is

1 extensive opportunity for construction of facilities
2 that are routine and for the rebuilding of facilities
3 that have exhausted their use for life and either
4 need to be upgraded because they no longer satisfy
5 safety requirements or electrical requirements or
6 operational requirements.

7 The transmission system has lasted a very
8 long time which is to its credit. Some facilities
9 that when they were constructed were expected to last
10 between 45 and 50 years, some of them are approaching
11 100 and have served well. But the system is aging,
12 and the rebuilding of those facilities, very often
13 it's going to be in -- in either existing
14 right-of-way or very close to and parallel to
15 existing right-of-way.

16 The impacts are relatively minimal and
17 routine, but it would be to the great benefit of the
18 public to be able to construct those facilities
19 without having to obtain approval for them so that
20 the resources of the OPSB and of the utilities for
21 applications can be focused on the projects that
22 require the most attention which, for example,
23 something that -- that involved greenfield.

24 More permissible, if I may, more
25 attractive framework, particularly for customers that

1 are seeking to expand or relocate their businesses
2 to -- to the midwest, in Indiana the requirements for
3 siting are fairly minimal. It's left to the
4 engineering judgment of the -- of the utilities, and
5 the utilities, if I may, take the responsibility very
6 seriously. There is quite a bit of work that is done
7 in connection with outreach and siting that goes
8 beyond what's required in -- in the rules and this is
9 true not only in Indiana and Ohio but elsewhere.

10 But by the same token, having the
11 flexibility to construct ordinary extensions of
12 existing systems would significantly alleviate and
13 simplify the development of the infrastructure that's
14 required in Ohio.

15 ALJ WILLIAMS: Thank you very much. The
16 Board would certainly welcome detailed comments
17 regarding the impact and how that might be mitigated
18 as well as regarding the comparative treatment in
19 other states that might be useful in terms of
20 consideration of those modifications.

21 Thank you for your presentation.

22 MR. GARCIA-SANTANA: Thank you, your
23 Honor.

24 ALJ WILLIAMS: Can we go off the record?

25 (Discussion off the record.)

1 ALJ WILLIAMS: We are back on the record.

2 MS. FLAHIVE: Good morning, Judge.

3 ALJ WILLIAMS: Good morning. Welcome.

4 MS. FLAHIVE: My name is Devan Flahive.

5 I'm with the law firm Porter, Wright, Morris & Arthur
6 at 41 South High Street, Suite 2900, Columbus, Ohio
7 43215. I am counsel for FirstEnergy and American
8 Transmission System, Incorporated, which I may refer
9 to as ATSI.

10 Understanding that there is a collateral
11 backdrop relative to the Board's transmission report,
12 the General Assembly, my remarks this morning on
13 behalf of ATSI are confined to the existing rules and
14 our input on suggestions with respect to just the
15 rules review portion, so I will keep it confined
16 subjectwise.

17 Moving on to the concepts we would like
18 to raise this morning, to echo Mr. Garcia-Santana's
19 remarks on behalf of AEP, ATSI proposes certificating
20 a transmission corridor as opposed to the centerline.
21 Benefits would include diminishing instances where
22 amendments would have to be filed, particularly when
23 route adjustments are for the purpose of
24 accommodating requests of property owners, and so
25 ATSI would already presumably have required --

1 acquired the right-of-way needed to make the
2 adjustment.

3 Dovetailing from that is another more or
4 less streamlining suggestion for the siting approval
5 process with respect to an accommodation for normal
6 course extensions and maintenance. Some examples
7 would be ordinary course, switch replacements which
8 may just due to the specifications of the technology
9 require a taller pole as well as replacing a limited
10 number of poles from wood to steel or vice versa, or
11 perhaps poles that are particularly damaged by
12 woodpeckers, that sort of thing.

13 If there would be a way to kind of carve
14 out a category for those types of projects, that
15 would circumvent even an accelerated application
16 process to further reduce costs to the utility for
17 regulatory compliance.

18 As Mr. Garcia-Santana also alluded to --
19 thank you -- there are coordination and timing
20 challenges for the new generation interconnection
21 transmission facilities. Because there's no really
22 right or wrong way necessarily to package those
23 approvals, sometimes the generation is sited
24 separately from, say, the switchyard, the line loop,
25 and the gen-ties. Sometimes they are all in one

1 package. And as Mr. Garcia-Santana also alluded to,
2 it's important for the utility to stay apprised of
3 the project's approval process like before the Board
4 in the event that there's not a joint filing.

5 So, generally, what we've discussed is in
6 the event that there is not a joint filing for the
7 transmission portion, perhaps adding a certification
8 requirement about the coordination between the
9 project company and the utility for the construction
10 and, you know, completion of those facilities needed
11 to tie the generation facility into the grid.

12 More -- more granularly as far as some
13 clarification for the application requirements --

14 ALJ WILLIAMS: Can I just go back to that
15 last point?

16 MS. FLAHIVE: Absolutely.

17 ALJ WILLIAMS: Because I don't want to
18 lose this in my notes. I understand the request for
19 better coordination between the project and the
20 utility, transmission line owner. Is that something
21 that needs to be addressed in a rule, or is that
22 something that can be addressed in certificates of
23 conditions or otherwise by the Board?

24 MS. FLAHIVE: I would say at this point
25 it's ambiguous as far as whether the Board

1 contemplates a joint filing for the transmission
2 facility's portion of the project. And to the extent
3 there would be a way to clarify that process or even
4 carve out an exemption for transmission facilities
5 that meet that limited scope in terms of, you know,
6 just gen-tie, switchyard, line loop to the grid in
7 order to better facilitate given all the different,
8 you know, schedules that are at issue, compliance,
9 you know, from the utility on the project company
10 side as far as their documentation and agreement with
11 PJM. So to the extent an exemption would be
12 entertained, that might be another possible route.

13 ALJ WILLIAMS: Okay. Thank you.

14 MS. FLAHIVE: As far as the filing
15 requirements themselves, ATSI suggests having more
16 clarification about the distinction between required
17 studies for the alternate route as opposed to the
18 preferred route. Customarily given the invasiveness
19 of, for example, phase I archeological surveys, the
20 practice has been to -- to confine those types of
21 boots on the ground reviews to just the preferred
22 route. To the extent the rules could clarify
23 specifically what desktop studies would be required
24 for the alternate route just so we're -- we're not in
25 a position to surmise, that may be helpful.

1 Additionally, along the same lines, the
2 construction start date piece of it is tough because,
3 again, with scheduling coordination, perhaps there
4 could be a specific window for the construction start
5 date if we say, you know, year-end quarter, specify
6 that in the rules so we -- ATSI doesn't feel concern
7 that we need to file a construction start notice
8 given perhaps a slight deviation from what was
9 included in the application itself.

10 ATSI does also support AEP's suggestion
11 of aligning the metrics requirements more closely
12 between electric power transmission lines and gas
13 pipelines in terms of length, understanding that
14 obviously the aboveground power lines are quite
15 different from an underground gas pipeline. There
16 still might be a way to merge the analyses more than
17 they are right now for the different categories of
18 projects.

19 In closing ATSI appreciates the
20 opportunity to provide this input and supports a rule
21 review process that remains core to the statutory
22 requirements of the Power Siting Board's rules as
23 they exist today.

24 ALJ WILLIAMS: Thank you, Ms. Flahive.
25 The same comment I gave to Mr. Garcia-Santana which

1 is the more detail you can provide relative to the
2 current encumbrances and how other states might be
3 treating the issues would certainly be beneficial to
4 the Board's consideration.

5 MS. FLAHIVE: Absolutely, your Honor.
6 Thank you.

7 ALJ WILLIAMS: Thank you.
8 Please.

9 MR. PULLINS: Your Honor, thank you for
10 the opportunity to participate in this workshop. My
11 name is Mike Pullins from Champaign County. I am
12 here today as a landowner, a farmer, and a community
13 member. My wife Cathy, my sons Matt and Kent own
14 1,500 acres. All of that was purchased except
15 75 acres were inherited. And also I'm retired from
16 the Ohio Farm Bureau after a 33-year career.
17 Together with my wife and sons, we represent a
18 combined 140 years of farm experience.

19 And I wish to share some of my background
20 and our farm operation to legitimize my comments
21 today. We are participants in the Clearview solar
22 project in Champaign County. I was also a landowner
23 and participant in the Buckeye wind project, one of
24 the very first renewable energy projects in Ohio,
25 and, therefore, have had 10 years and more of

1 experience interacting with the Power Siting Board,
2 and it's been a good experience.

3 I'm also president of a financial
4 services firm that focuses on the ag community. I
5 have a BS in ag, a Master's Degree in business. My
6 wife has a Master's in education and 35 years'
7 experience. My one son has a Master's in engineering
8 and works for General Electric Aviation. My other
9 son has a Master's in business, is a certified public
10 accountant, and is an executive for one of the five
11 largest banks in the United States.

12 I share this and acknowledge that our
13 farm family is not typical. But, on the other hand,
14 we are not solely unique. Farmers and farm
15 communities have a lot of training, resources,
16 experience to make decisions about the most important
17 asset that they have and that's their land which is
18 their retirement. It may have been built over many
19 generations and whatever the rules in process here
20 should not interfere with the ability of a farmer to
21 make a decision in the best interests of their
22 business and of their farmland.

23 I would like to compliment the Power
24 Siting Board, and again from my experience, on their
25 past professionalism and avoidance of the political

1 issues that surround this whole thing. I compliment
2 the Staff and you on your ability to understand and
3 focus on the technical issues that do impact these
4 projects and to dismiss the outrageous claims and
5 accusations by the uninformed and politically
6 motivated that travel the circuit and internet
7 presenting fearmongery, misinformation without
8 accountability.

9 I'm reminded of a recent misguided
10 testimony that -- and one that I participated in that
11 said that solar projects generate heat raising the
12 temperature in the local community. Totally
13 outrageous and false. I implore the Power Siting
14 Board to maintain your objectivity and consider to
15 focus on the real issues while requiring a level of
16 information that reflects the real impact to the
17 community and the grid.

18 The requirement, therefore, should be
19 clear and differentiate the specific project, i.e.,
20 the risks and level of risks are quite different
21 between wind, solar, transmission, pipelines, and so
22 on. Even project to project within solar can be
23 very, very different and the flexibility needed to
24 address that.

25 It's important that these rules remain

1 reasonable and are balanced and do not conflict with
2 Senate Bill 52. If the legislature and numerous
3 stakeholder meetings one-on-one, I personally
4 testified as part of that activity, decided not to
5 make statutory changes to things such as setbacks and
6 landscaping, then I believe no changes in these areas
7 are required, and our current process should stand.

8 There is recognition and understanding
9 the Power Siting Board has a robust process in place
10 to meet the individual needs of the project and the
11 community. Solar projects are in many different
12 counties, different topography, soil, population
13 density. There is not even within solar a one size
14 fits all for siting utility-scale solar projects.

15 The real point is differentiation, solar,
16 is that it is a temporary facility. Well, yes, it's
17 35 to 50 years. It leaves the land at the end of the
18 project in even better condition. The soil till, the
19 productivity is better than when the solar project
20 started; and, therefore, some of the requirements
21 need to reflect that temporary situation.

22 We have a robust process now. It takes a
23 year sometimes, with Buckeye wind maybe 8 or 10
24 years, with public input, dozens of studies, and
25 thoughtful design. Solar should not have a more

1 stringent permitting process than other sources of
2 energy. Even development on the farm, for example,
3 the permit process for siting a livestock operation,
4 there's a process similar, probably not as robust as
5 siting, and again, that livestock facility would be a
6 temporary facility.

7 It's important to have landowners and
8 farmers maintain control of their land. Their land
9 is their primary retirement, estate planning tool.
10 Farmers are unique in this regard.

11 I share with you some comments on the
12 Conservation Reserve Program. The USDA has a program
13 where they pay farmers to set aside for a longer
14 term, so 15 or more years, land for grassland
15 establishment and development. In the U.S. that's
16 25 million acres, in Ohio it's about 300,000 acres,
17 and my own county's nearly 4,000 acres that is taken
18 out of production and put into grassland at -- to
19 benefit the community and our nation in total.

20 The USDA -- and I have some land en --
21 enrolled and just reenrolled some of my land in the
22 CRP. Pays \$200 per acre or more per year to enroll
23 this land and protect it. On the other hand, we
24 accomplish this, essentially the same thing, with the
25 solar facility taking a thousand acres and putting it

1 into grassland where the taxpayer doesn't have to
2 pay. In fact, the taxpayers receive revenue from the
3 project. And so if it's a good thing for the USDA to
4 pay farmers, it's certainly a good thing for the
5 community where they receive a return.

6 Specifically, I would like to address
7 some of the rules and process. In some cases, for
8 example, the Clearview project, I think that some of
9 the archeological requirements are excessive and not
10 in line with the risks --

11 ALJ WILLIAMS: I am going to just stop
12 briefly here. It's imperative that we not discuss
13 specifics of any case. I understand your account is
14 based on your familiarity with a project.

15 MR. PULLINS: Exactly.

16 ALJ WILLIAMS: But I want to back away
17 from referencing specific cases.

18 MR. PULLINS: I understand that, and my
19 comments are certainly applicable to the broader
20 issues here for solar cases and projects in Ohio.

21 ALJ WILLIAMS: Understood.

22 MR. PULLINS: And the point being that is
23 one area where solar projects in the siting,
24 topography, et cetera, are unique, and the
25 archeological requirement should reflect that where

1 it is at the top of a watershed where there are no
2 streams. Our native inhabitants over thousands of
3 years mainly lived near streams and so where you
4 don't find -- and projects are -- that are not near
5 streams there is much less risk of an issue.

6 Also, the actual impact on any
7 archeological, other than a substation or something
8 like that, where a solar project is driving posts and
9 those posts are removed, the impact on any
10 archeological site is minimal, and I am not saying
11 that there should be no archeological, but it should
12 be at a level that's indicated by and the risks of
13 the topography and much that is known today where
14 there were native settlements and so on, and those
15 cases should certainly be taken care of.

16 Screening, while appropriate, need not be
17 excessive. One comment said that screening should
18 enhance the area. Well, I am not sure what that
19 means. That's a personal term and a judgment. And
20 certainly in relation to the normal cropping
21 landscape and viewshed, that can be very different,
22 and while it may be representative of that region and
23 that 200 years ago, it's not representative today.
24 And so I think there needs to be some more
25 flexibility in the screening area.

1 The one area that I think needs more
2 attention is drainage, and one of our other people
3 today mentioned drainage. And my family also has
4 been in the farm drainage business for 75 years. My
5 father started the business. My brother and nephews
6 operate that in the area in Champaign County and for
7 100 to 200 miles surrounding that.

8 And the point being that there too a
9 solar project is unique. Once constructed it is very
10 difficult to install or even repair existing
11 drainage. So it needs to have more focus upfront by
12 the developer, by the landowners too who are very
13 concerned about the drainage and the productivity of
14 their soil.

15 The important thing that I don't think
16 communities understand, or the Power Siting Board, is
17 that the real risk on the drainage issue to neighbors
18 is upstream, not downstream. It's upstream where a
19 tile that's draining an area upstream from the solar
20 project, if that is damaged, it will cause water
21 accumulation, poor drainage, and lots of issues
22 upstream.

23 Solar projects with a grassland base will
24 increase water infiltration in the project area. It
25 actually reduces run -- storm runoff into the areas

1 and communities downstream. And so it's the focus
2 needs to be upstream, not downstream. And it
3 benefits those people who are downstream with this,
4 and the grassland will infiltrate much faster than in
5 the spring a field out there that just got planted,
6 was tilled up, the soil is loose, and so on. That's
7 when you get storm runoff and not when you have
8 grass. That's the whole purpose of the Conservation
9 Reserve Program is to reduce storm runoff, filtration
10 areas, and so on. So drainage expertise and input is
11 important there to the Power Siting Board rules and
12 regulations.

13 With that I would conclude my remarks,
14 and I appreciate the opportunity from others, but if
15 you have further questions and so on, would be very
16 pleased to share my thoughts or detail with the Staff
17 of the Power Siting Board. Thank you.

18 ALJ WILLIAMS: Thank you, Mr. Pullins.
19 Just to clarify, it sounded as though a fair bit of
20 your comments were aimed at protecting the status quo
21 of the rules as they exist. You did spend some time
22 talking about drainage concerns and considerations.
23 Are there rule deficits that you see that would
24 better address those, or is it more a matter of the
25 way the Board approaches its review process?

1 MR. PULLINS: I think it's more the way
2 they approach the review process. I'm not sure that
3 all projects evaluate the drainage impacts. Drainage
4 is hidden and, yes, there are difficulties in
5 identifying what drainage is already there, avoiding
6 it, avoid damage to the underground drainage, but
7 that needs to be done.

8 I would suggest it's much more of an
9 important issue than the archeological that's not
10 going to change there and especially in ground that's
11 been tilled and farmed for 200 years. We're not
12 going to change the 12-inch profile there, top
13 profile there, and whatever is there is going to be
14 there when the project is over. It's temporary.

15 But drainage, if you damage tile, it can
16 impact all of the tile upstream and damage that so
17 that at the end of the project it all has to be
18 replaced. And perhaps some more expertise and
19 understanding in the drainage area would be helpful
20 to the process.

21 ALJ WILLIAMS: Okay. Thank you very
22 much.

23 We are going to go off the record here
24 for a minute.

25 (Discussion off the record.)

1 ALJ WILLIAMS: We are back on the record.
2 Good morning and welcome.

3 MS. SWEET: Thank you. Thank you, your
4 Honor, for the opportunity to participate in the Ohio
5 Power Siting Board review workshop. My name is Jane
6 Sweet, and my brother and I are fourth generation
7 farm owners in Greene County, and I thought it was
8 important to share the interests of a long-term
9 landowner because utility-scale solar does not happen
10 without willing landowners.

11 And for most farm families, our land is
12 our source of our livelihood and of our debt. And
13 when you talk to many farmers about stock investment,
14 they usually speak in terms of Holstein and Jersey
15 Hereford beef, your cows, your lambs, your chickens.
16 But we also have other investments, and it's a very
17 important note, solar project participants retain
18 ownership of the land.

19 And my family and I are working with
20 Kingwood solar in Greene County and have committed
21 part of our land to the project. This was a family
22 decision and we are proud to be able to use our land
23 to generate clean energy.

24 Many believe that solar is a crop of the
25 future and one of the many paths for farmers for

1 diversification. And Ohio State Extension research
2 shows the steady decline in western Ohio cropland and
3 cash rent values. Solar farms on privately-owned
4 land is one way to preserve our farms, maintain
5 production, and increase value for future
6 generations.

7 Right now, farmers need to think
8 differently and plan for changes in our industry.
9 Adapting to the innovation that fuels our economy is
10 key. Today's agriculture requires crop
11 diversification, sustainable farming practice, and
12 forward-thinking ideas. The sustainable practice of
13 allowing the land to lie fallow is a regenerative
14 technique. The solar farm will provide a pollinator
15 habitat planting within the arrays and reduce carbon
16 emissions. And by allowing the soil to lie fallow,
17 rainwater runoff will filter into our aquifer with
18 greatly reduced amounts of fertilizer, herbicides,
19 and pesticides, all goals of the H2O Ohio Water
20 Initiative.

21 The solar array infrastructure has an eye
22 on the future of energy. The arrays can be removed
23 and recycled returning land to agricultural
24 production in the future. The solar lease company is
25 committed to restoring the land at the end of the

1 project at its expense. And we believe this project
2 is preferable to selling our land for permanent
3 nonagricultural use. Septic systems and parking lots
4 are not easily recycled.

5 Solar power is low lying, emission free,
6 and once construction is done, it makes a quiet
7 neighbor. I know community members voiced concerns,
8 and I want to address this from my perspective. In
9 the last 20 years since 2001, in the townships
10 surrounding the proposed solar project, a large
11 number of farms have changed hands. Death and taxes
12 caused farm owners to sell off individual building
13 lots, entire farms, or farm parcels through auction,
14 land developer, or privately. Now, acres of houses
15 stand where crops once grew.

16 And I didn't have any say in what my
17 neighbors did, and I trusted that they would develop
18 their land in a way that was right for their family
19 and our community. I also want to correct a frequent
20 misstatement about Kingwood solar power usage.

21 ALJ WILLIAMS: Again, I am just going to
22 stop for a minute there. I know Kingwood's case is
23 pending before the Board, so I would ask that you
24 keep your comments independent of cases that are
25 pending before the Board, please.

1 MS. SWEET: Okay. Okay. But our
2 neighbors are saying things that the power usage
3 would be going to the east coast; whereas, in fact,
4 the actual electricity generated would be consumed in
5 and around our county by those serviced by the
6 incumbent utility and other utilities connected to
7 the transmission system.

8 I also participated in the Senate Bill 52
9 hearings both in the House and Senate. The
10 legislature listened to solar advocates and those
11 opposed to solar development. The bill added
12 significant changes to how solar is developed in
13 Ohio.

14 And that said, with the significant
15 debate and consideration put forth, I am concerned
16 about now adding requirements to solar siting that
17 were not agreed to by the legislature, the governor,
18 or the stockholders.

19 For instance, Senate Bill 52 discussed
20 setbacks and I -- and the legislature passed the bill
21 with no setbacks included. I would hope that we
22 would be able to respect the compromise reached in
23 Senate Bill 52 and the legislative intent to not
24 include arbitrarily prescribed setbacks. While they
25 may be necessary for these projects and are routinely

1 delineated through stipulations, the OPSB should
2 provide flexibility on a parcel-by-parcel basis that
3 allows participating and nonparticipating landowners
4 to establish reasonable setbacks where needed.

5 Vegetative screening plans can help with viewshed and
6 other concerns as well.

7 And it was the intent of the legislature
8 to grandfather in projects. New requirements to
9 projects that are far into the siting process would
10 be in conflict with the Senate Bill 52 agreement.

11 And the solar company that I am working with has
12 hosted community meetings, has a website, Facebook
13 page, and has made their team available to the
14 community. We will begin installing natural
15 screening, pollinator habits, and many other features
16 that go above and beyond industry standards.

17 Our solar project has character. It's
18 not a regular rectangular block of unsightly panels.
19 It curves along the farm roads and through the woods.
20 And there are many open pass -- there are many
21 pathways and open spaces for the deer and other
22 wildlife to roam without restriction or interference.
23 It could be a show piece for future -- and a future
24 tour destination to demonstrate how technology and
25 advanced structures and nature can work together in

1 harmony.

2 This clean solar energy project will add
3 \$1-1/2 million to our local schools and governments
4 annually benefiting local families, schools,
5 townships, and the county. It will also provide a
6 stable source of revenue for years to come by
7 creating many construction jobs and other long-term
8 employment opportunities.

9 The next generation of farmers should
10 have opportunities, not obstacles, and I thank you
11 for this opportunity to participate in this workshop.

12 ALJ WILLIAMS: Ms. Sweet, thank you.
13 Same question or line of questioning I asked
14 Mr. Pullins. My sense is that you are in favor of
15 status quo in regards to the Board's consideration of
16 the rules; is that an accurate representation?

17 MS. SWEET: Yes.

18 ALJ WILLIAMS: And would there be any
19 rules that you feel are overly prescriptive and that
20 you would feel should be revisited in regard to
21 possibly paring back the rule?

22 MS. SWEET: I guess one thing I am
23 concerned about are changes that are proposed that
24 could be made that would affect the project that are
25 probably not reasonable or necessary to have. I am

1 concerned about having higher standards than
2 something like fracking. You know, I think there is
3 not a lot of oversight about what fracking can do to
4 our water source. I am very concerned about our
5 aquifers and what all we do in protecting our land.

6 ALJ WILLIAMS: Nothing specific in terms
7 of the rule -- you would see a rule that needs to be
8 pared back?

9 MS. SWEET: At this time, no.

10 ALJ WILLIAMS: Okay. Thank you very
11 much.

12 Anybody else want to come forward and
13 provide comments?

14 Okay. I don't see anybody else who wants
15 to present today. So in closing I do want to
16 emphasize the Board appreciates everyone who took the
17 time to attend today and to present as well as those
18 who are watching virtually.

19 The Board's consideration of these rules
20 is a large undertaking that impacts many
21 stakeholders. The Board values the input that it
22 receives in this pursuit.

23 As for next steps, I would remind
24 everyone that the Board will open up this case for
25 further formal comments pursuant to an upcoming

1 entry. Please continue to follow this case on the
2 docket at Case 21-902-GE-BRO and that will -- when
3 the entry is published, it invites comments. You
4 will find it there.

5 We would certainly encourage -- the Board
6 would encourage the public to participate through the
7 consideration of the comment phase of this case.

8 With that this concludes this morning's
9 workshop. We will adjourn this morning, and we'll
10 convene virtually again this afternoon and Friday
11 morning as well.

12 Thank you, everyone.

13 (Thereupon, at 11:26 a.m., the hearing
14 was adjourned.)

15 - - -
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Monday, October 4, 2021, and carefully compared with my original stenographic notes.

Karen Sue Gibson, Registered
Merit Reporter.

(KSG-7160a)

- - -

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

10/18/2021 10:01:57 AM

in

Case No(s). 21-0902-GE-BRO

Summary: Transcript Morning Session October 4th 2021

In the Matter of the Ohio Power Siting Board's Review of Ohio Adm. Code Chapters 4906-1, 4906-2, 4906-3, 4906-4, 4906-5, 4906-6, and 4906-7. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.