

BEFORE THE OHIO POWER SITING BOARD

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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. :

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PROCEEDINGS

before Mr. Michael L. Williams, Administrative Law  
Judge, at the Ohio Power Siting Board, via Webex,  
called at 1:30 p.m. on Monday, October 4, 2021.

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Monday Afternoon Session,  
October 4, 2021.

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ALJ WILLIAMS: We'll go on the record.

Good afternoon and welcome, everyone. My name is Michael Williams. I am an Administrative Law Judge in the Legal Department of the Ohio Power Siting Board which I will reference as the Board throughout today's proceeding.

I have been assigned by the Board to conduct a workshop in Case No. 21-902-GE-BOR which involves the review of the Ohio Administrative Code Rules in Chapters 4906-1 through 4906-7 which in general involve the Board's authority to regulate the certification and operation of major utility facilities within the state as described in Revised Code Chapter 4906.

Due to the continuing COVID-19 emergency and in order to safely accommodate the public, today's workshop is being held through Webex which enables interested persons to witness the workshop and offer comments on the proposed rule adoption by telephone or video on the internet. I would also note that the event is being aired via YouTube and will be available for future viewing through the

1 Board's website.

2 Before we get started with the workshop,  
3 I would like to address some preliminary issues.  
4 First, if you experience technical difficulties  
5 during the workshop, we have several options. If  
6 your internet connection drops at any point, you can  
7 try to join the Webex by video again, or you can  
8 participate by phone. If those options are  
9 unsuccessful, please call the Board's Legal  
10 Department at (614) 466-6843 for immediate  
11 assistance.

12 Finally, if you merely wish to listen to  
13 the workshop using your phone instead of accessing  
14 via Webex on the internet, you can listen to the  
15 workshop by dialing 1-408-418-9388 and entering  
16 Meeting No. 1793131366 when prompted.

17 More information about the Webex  
18 technical help options can be obtained in the chat  
19 feature which will be available throughout the  
20 workshop. You may click on the chat button at any  
21 time to obtain technical assistance or to ask  
22 procedural questions during the workshop.

23 The chat feature should not be used for  
24 any other purpose such as to offer comments about the  
25 proposed rules that are subject to today's workshop.

1 Please be aware chats are recorded and should not be  
2 considered private. Further, chats are also not part  
3 of the official record in this case.

4 During today's workshop individuals who  
5 have registered to provide comments should speak when  
6 I read their names from the registration list.

7 Individuals who are commenting will be unmuted by a  
8 Board Staff member, Micah Schmidt, when it is time  
9 for their comments. If you are providing comments by  
10 telephone, a Board Staff member will call you at your  
11 phone number when it is your time to comment.

12 Please bear with us as we work to queue  
13 up those that are commenting individually by phone or  
14 otherwise. We ask that you keep your comments to a  
15 reasonable length of time and avoid repetitive  
16 comments.

17 To avoid unnecessary background noise, we  
18 will keep your microphone on mute unless you are  
19 commenting. Again, if you have questions about this  
20 process as the workshop proceeds, please use the chat  
21 function.

22 Micah Schmidt is our web event host who  
23 will be overseeing the event on Webex. We have  
24 additional staff who are helping to facilitate the  
25 workshop and monitoring the chat function.

1           Now, with those preliminary technical  
2 issues out of the way, we will officially start the  
3 record. I know we have been on record, but we'll  
4 open the record for today's proceeding.

5           The Ohio Power Siting Board as scheduled  
6 for hearing at this time and place Case No.  
7 21-902-GE-BOR 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, and I am the  
12 Administrative Law Judge assigned by the Board to  
13 preside over today's workshop. Today's workshop is a  
14 further step in the rulemaking process regarding  
15 whether modifications should occur to the rules at  
16 issue.

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

1           In connection with those meetings, the  
2 Board pledged that it would conduct multiple  
3 workshops as it begins the formal rule evaluation  
4 process. And today's workshop is in follow-up to  
5 that pledge. I did have an additional in-person  
6 workshop this morning and there is another virtual  
7 workshop session set for Friday morning.

8           As described in the September 2021 entry  
9 that scheduled today's workshop, the Board is  
10 interested in comments as to all of the rules  
11 described in the case but there is an emphasis on  
12 issues that involve the process for considering  
13 certificate applications for electric generation  
14 facilities, electric transmission facilities, and gas  
15 pipelines including the potential for implementing a  
16 new rule that would be specific to electric  
17 generation facilities associated with solar panels.

18           I also note that the scheduling entry at  
19 pages 2 and 3 identified 13 topics to assist  
20 stakeholders in preparing comments. That list is  
21 certainly not intended to be exhaustive and the Board  
22 welcomes all comments as to the issue being  
23 considered.

24           Now, following today's workshop, Board  
25 Staff will review the comments received and determine

1 recommended changes to the rules. After Staff's  
2 review, the Board will open this case for formal  
3 written comments to be filed later in this docket.  
4 Once the written comment period is concluded, the  
5 Board will consider the adoption of rule changes or  
6 additions within the Ohio Administrative Code.

7 I want to stress that today's workshop is  
8 your initial opportunity to provide feedback on the  
9 consideration of the proposed rules. Also nothing  
10 said today will be considered binding on any of the  
11 interested stakeholders. Binding recommendations  
12 will be part of the formal written comment proceeding  
13 that will follow today's workshop. I would also  
14 emphasize that today's workshop is not intended to  
15 discuss any case or pending proceeding currently  
16 before the Board.

17 This workshop is being transcribed by a  
18 court reporter from Armstrong & Okey. If you plan to  
19 testify, please speak clearly so that the court  
20 reporter can accurately reflect your comments on the  
21 record.

22 Also, if you have a prepared written  
23 statement, it would be helpful to provide a copy of  
24 that to the court reporter as well which you can do  
25 by e-mailing it to the Ohio Power Siting Board at



1 contactopsb@puco.ohio.gov.

2 Now, normally in the context of an  
3 in-person workshop as we did this morning, I would  
4 simply open up the floor for comments, ask that you  
5 come forward and give your name and address and begin  
6 speaking, but for this virtual session we will call  
7 the people who are presenting in the order that they  
8 preregistered in accordance with the instructions  
9 from the September 3, 2021, entry, though I do note  
10 we have some changes to the preregistration list that  
11 was published in the docket in this case.

12 And I will just go ahead and I guess  
13 briefly highlight those at the outset. I have our  
14 fourth witness, Sarah Conley-Ballew, is not  
15 presenting today and fifth witness, Miranda Leppla,  
16 is not presenting today. Our sixth and seventh  
17 witnesses, Jason Rafeld and Jamie Mears, have asked  
18 to be reversed in order, so Mr. Rafeld will go sixth,  
19 and Jamie Mears will go seventh. Hector  
20 Garcia-Santana testified live at the morning's  
21 workshop, so he will not be presenting. And Jonathan  
22 Wygonski may or may not be presenting last on today's  
23 agenda. So those are the changes. We will certainly  
24 go through those individually as we proceed.

25 So with that we will call our first

1     testifying witness, DeAndra Navratil.

2                   MR. SCHMIDT: You've been promoted. If  
3 you can enable your audio and video.

4                   MS. NAVRATIL: Thank you. We do not have  
5 any comment today.

6                   ALJ WILLIAMS: Thank you, Ms. Navratil.  
7 Our second commenter is Amy Kurt.

8                   MR. SCHMIDT: You've been promoted. If  
9 you can enable your audio and video.

10                   ALJ WILLIAMS: Ms. Kurt, I show you as  
11 being on mute still.

12                   MS. KURT: Oh, how about now?

13                   ALJ WILLIAMS: I hear you --

14                   MS. KURT: All right.

15                   ALJ WILLIAMS: -- loud and clear. Thank  
16 you very much.

17                   MS. KURT: Let me see if I can get my  
18 video here too. There we go.

19                   ALJ WILLIAMS: There you are. We got  
20 you. Please identify yourself and where you are from  
21 and begin your comments, please.

22                   MS. KURT: Sure. My name is Amy Kurt,  
23 and I am the Senior Manager of Regional Government  
24 Affairs for EDP Renewables North America. We are the  
25 largest owner and operator of wind farms in Ohio and

1 the fourth largest owner and operator of wind farms  
2 in the country. We have four wind farms in Ohio.  
3 They are in Paulding and Hardin County. And we have  
4 an operation and maintenance office that hosts most  
5 of our staff in Ohio in Payne, Ohio.

6 We are really proud to have brought  
7 incredible economic development opportunities to  
8 northwestern Ohio. Our project has contributed more  
9 than \$8 million in tax payments through a pilot  
10 program that have helped local schools, roads, fire  
11 districts, police departments, townships, and  
12 counties in many ways. We've contributed more than  
13 \$20 million to individual landowners who are leasing  
14 their lands to us to host our infrastructure on their  
15 property. We've created more than 500 construction  
16 jobs and more than 50 permanent jobs to manage,  
17 maintain, and operate our facilities.

18 I have a few kind of general broad-based  
19 comments for the Board to consider today, and then I  
20 would like to just echo our support for the  
21 association with whom we are members, the MAREC, the  
22 Mid-Atlantic Renewable Energy Coalition, as well as  
23 ACP, the American Clean Power Association. We'll  
24 both be submitting joint written comments, and we  
25 support the very -- more detailed responses that they

1 provided in those written comments as well.

2 But, generally, I would like to just say  
3 that we really appreciate the Board throwing -- or  
4 putting out these overarching questions for industry  
5 and others to consider, and we very strongly  
6 encourage the Board to provide an equal or even  
7 deeper level of opportunity to review and consider  
8 more detailed proposals that are put forth.

9 I think that -- that our industry and  
10 renewable energy projects take many years to develop,  
11 many years to construct, and are in operation for  
12 decades, and major changes whether in law or in rule  
13 can have dyer impacts on our ability to do business  
14 in the State of Ohio

15 So we would encourage the OPSB to put  
16 forward their proposals and allow for time for our  
17 industry to react and to consider what you've put  
18 forth, and we look forward to work with the OPSB  
19 Staff as they move forward with all of the ideas that  
20 are being considered today.

21 As you know, we've -- we've dealt with a  
22 lot of change in Ohio that has made doing business in  
23 this state challenging. In particular on the wind  
24 side when the legislature enacted extremely stringent  
25 setback requirements, it essentially put a stop to

1 most of our industry's business. EDP Renewables was  
2 lucky to have squeaked out one more project under the  
3 new setback regime in a community that is very  
4 supportive and very familiar with wind because they  
5 had experienced other wind farms in the past, and we  
6 think that those factors contributed to broader  
7 community acceptance of our project because the  
8 broader community was able to see the broader  
9 benefits that were brought to schools, to the county,  
10 and all the various acting entities that were able to  
11 benefit from our wind farm. So we would encourage  
12 the OPSB Staff to consider those types of changes,  
13 whether they are setbacks or lighting or vegetation  
14 management.

15 I think it's question letter T to the  
16 solar industry and the drastic impacts that those  
17 types of requirements could have on the ability for  
18 the solar energy industry to move forward and for us  
19 to move forward building solar projects in the state  
20 of Ohio.

21 I will highlight just a couple of other  
22 of the lettered questions. I believe it's letter L  
23 that talks about transmission. Transmission is  
24 essential to the growth of our business of the  
25 renewable energy industry in Ohio on many levels, but

1 a piece of that transmission story is the generator  
2 lead line that allow us to interconnect our projects  
3 to the existing grid, and we think that those  
4 transmission lines are different than more  
5 broad-based transmission development in the state.

6 Oftentimes the lines that we build to  
7 connect our projects to the grid are much shorter and  
8 can be in a variety of voltages, but we very rarely,  
9 if ever, would rely on eminent domain to build those  
10 lines. So the public interests criteria for the  
11 generator we feel should be distinct than just any  
12 other transmission line that's being built that may  
13 be looking to rely on eminent domain.

14 All of our projects have had complete  
15 landowner support and buy-in as we lease lands for  
16 those generator lead lines, those transmission lines,  
17 and, therefore, the public interests criteria may not  
18 need to be as stringent for other transmission  
19 buildout.

20 The other question that I will highlight  
21 is letter Q and there are a couple of other ones, I  
22 think it's P, that may involve some of the other  
23 studies that have to do with project development. So  
24 I think Q talks about the environmental studies or  
25 the aviation regulations. Those are essential

1 studies that we should undertake and essential  
2 coordination that must be undertaken between our  
3 companies and other state agencies or other federal  
4 agencies, for example, the Federal Aviation  
5 Administration, FAA, and we appreciate the current  
6 regime at the Ohio Power Siting Board that allows  
7 developers to start that coordination at the  
8 beginning of the Power Siting Board application  
9 review process and allow us to complete those reviews  
10 and to receive those permits throughout the Power  
11 Siting Board process.

12 I believe it's the current regulation for  
13 wind farms where we have to turn in our FAA permits  
14 prior to construction, but we don't necessarily need  
15 those in hands when -- in hand when we are submitting  
16 our application. That timing flexibility is  
17 essential because agency coordination can take many  
18 months, as it should, as you are working through the  
19 details of your project.

20 The FAA permits can take many months,  
21 oftentimes up to a year to receive from the Federal  
22 Government, and we need the flexibility to be able to  
23 turn in those permits prior to construction and not  
24 have every single permit and every single agency  
25 coordination completely tied up prior to or when we

1 go to submit an application with the Power Siting  
2 Board.

3           And then I will highlight letter T again.  
4 This proposes some very detailed questions to the  
5 solar industry about -- and R as well, so drainage,  
6 irrigation, stormwater runoff. Sorry. Let me hit on  
7 R first. These are all important things to building  
8 a successful solar project and we would be happy to  
9 provide further information to the Power Siting Board  
10 about our plans, for example, to mitigate our impact  
11 to field drainage.

12           But again, I would encourage the Power  
13 Siting Board to allow for flexibility to turn those  
14 plans in prior to construction. Stormwater runoff  
15 management plans, we absolutely do those. That's a  
16 part of our NPDES permits but those things come a lot  
17 further along in the development stage of your  
18 project when you have your final engineering and you  
19 have all of your final detailed scopes provided, and  
20 we would appreciate the flexibility from the Ohio  
21 Power Siting Board to provide those plans and permits  
22 later on in the application process.

23           Additionally, with field drain tile, we  
24 know that solar projects will run into drain tile,  
25 and we think it extremely important that the Power



1 Siting Board provide flexibility to developers to not  
2 just repair the existing drain tile that is in the  
3 solar field today but to actually come up with a new  
4 strategy for field drain tile and to provide that  
5 plan to the Power Siting Board, the landowner, and  
6 the local community to show what we will do to  
7 mitigate impacts to drain tile and allow us to  
8 actually relocate drain tile around our facilities  
9 and ensure that the overall impact to drain tile and  
10 drainage in the community is -- is reduced or is the  
11 same as it was prior to our project coming in.

12           Okay. And then, lastly, I will wrap up  
13 my comments with it, T is a loaded question. There  
14 is a lot in there and I would encourage the Power  
15 Siting Board staff to tread lightly. Any major  
16 changes to setbacks, to landscape, to lighting, to  
17 perimeter fencing, to noise, to vegetation  
18 management, these -- these types of regulations can  
19 be project killers.

20           You may not think that a very slight  
21 change to a setback would be a big deal, but with all  
22 of the different pieces that come together when you  
23 are developing a project, one small change to the  
24 regulations can have a very, very substantial impact  
25 to our ability to build a project economically. And

1 I would encourage the Staff to work closely with  
2 industry and with communities on coming up with  
3 regulations that can allow us to move projects  
4 forward in the state of Ohio unlike what the  
5 legislature did with setbacks for the wind energy  
6 industry.

7 So with that I would again express my  
8 appreciation for accepting comments, particularly on  
9 the web and virtually, as it is difficult for many of  
10 us to travel, and we really appreciate you opening  
11 this opportunity up to take comments in so many  
12 different ways at so many different times.

13 And so I will end my comments there.  
14 Thank you so much.

15 ALJ WILLIAMS: Ms. Kurt, if you would  
16 hang on for just a second. Okay. I still have you.

17 I have one question or point of  
18 clarification and one comment on my own. So in terms  
19 of the separating generator lead lines from  
20 transmission lines generally, would you propose a  
21 definition for generator lead lines? Would that be  
22 based on length of the line or how would you define  
23 that?

24 MS. KURT: It's hard to -- thank you for  
25 your question, Mr. Williams. It's hard to

1 differentiate the lengths because we've had some  
2 projects where the gen lead line is 500 feet, and  
3 we've had other projects where the generator lead  
4 line is 2 miles, but I think for us that the  
5 differentiating factor is we get full landowner -- we  
6 acquire all of our land from -- from landowners  
7 through negotiated leases that are -- that require  
8 full landowner buy-in.

9 ALJ WILLIAMS: So the definition you  
10 would propose would be based on control of the land  
11 rights.

12 MS. KURT: I think so. And I will caveat  
13 that one -- one piece further is I believe, and I  
14 will have to double-check, but we -- we may have come  
15 before the Power Siting Board in the past with a  
16 project where we might not have had all of the land  
17 leased when we applied for our certificate, but we  
18 had all of the land leased by the time we were  
19 providing our certificate.

20 So I don't think that you should require  
21 all of the land to be leased at the initiation, but I  
22 do think that the difference is that we are not  
23 asking you for eminent domain authority.

24 ALJ WILLIAMS: Okay. And that segue is  
25 nice into my comment to the extent there are

1 industry-specific mechanics that -- as a for example,  
2 obtaining the FAA permission involves this level of  
3 lead time and this level of detailed information  
4 regarding specific siting; again, as a for example,  
5 the more information you can share with the Board  
6 regarding those specifics and those mechanics at  
7 the -- at the comment period, the more helpful it  
8 will be. So if there are issues that you are aware  
9 of that FAA permission now takes, you know, 14 months  
10 and has to be very site specific when it used to take  
11 4 months to get a general, those sorts of issues, it  
12 would certainly be helpful to the Board in the  
13 comment phase.

14 MS. KURT: Sure. I appreciate that.  
15 It's tricky because it's ever changing, right? So  
16 one project you might have an FAA permit in 9 months,  
17 and other projects it might take 14 months. You  
18 just -- you don't necessarily know at the outset so  
19 that's again one of the reasons why we appreciate the  
20 flexibility in not having to provide every single  
21 permit from every single external party or external  
22 agency at the beginning of the process but to be able  
23 to provide those before construction.

24 ALJ WILLIAMS: Okay. Thank you for your  
25 comments.

1 MS. KURT: Thank you.

2 ALJ WILLIAMS: You're welcome.

3 Our next presenter is Kaley Bangston.

4 MR. SCHMIDT: You've been promoted. If  
5 you can enable your audio and video.

6 MS. BANGSTON: Hello. Can you hear me?

7 ALJ WILLIAMS: Ms. Bangston, we hear you  
8 loud and clear.

9 MS. BANGSTON: Fantastic. My video is  
10 not, but I will proceed.

11 So thank you so much. My name is Kaley  
12 Bangston. I am Senior Manager of Government and  
13 Regulatory Affairs for Invenergy Renewables. Thanks  
14 for the opportunity to provide a few comments. I am  
15 not going to address each of the questions posed in  
16 the docket but instead wanted to provide a few  
17 general statements. We will plan on providing more  
18 specific comments once the draft rules have been  
19 circulated.

20 Like I mentioned before, I work for  
21 Invenergy. We are a leading renewable energy  
22 development company with almost 30,000 megawatts of  
23 projects developed globally. We are very proud to  
24 have been developing projects and partnering with  
25 communities in Ohio for over 10 years and at this

1 point are exclusively focused on solar development in  
2 Ohio. Most recently in the past few years we have  
3 completed the development, are -- are now in  
4 operation of a project in Hardin County. We have  
5 three other solar projects that are already permitted  
6 by OPSB and have thoroughly enjoyed -- excuse me. We  
7 are working on the process of permitting a few other  
8 late stage projects in other counties. We have  
9 greatly enjoyed partnering with the communities  
10 across Ohio and have really enjoyed the opportunity  
11 and for those communities allowing us to become, you  
12 know, members of the community.

13 So given our experience, I just really  
14 wanted to take a few minutes today to say thank you  
15 to the stakeholders and to OPSB for the opportunity  
16 to participate in this workshop and the opportunity  
17 to review the rules once the draft rules are out for  
18 comment.

19 Today Invenergy has appreciated their  
20 respectful working relationship with OPSB Staff and  
21 the Board in following OPSB Staff's, you know,  
22 existing what we believe is an extremely robust  
23 permitting process. As a company, we are always  
24 happy to field questions from Staff or Board members,  
25 from the local communities, landowners, other key

1 stakeholders throughout the process. We believe that  
2 successful projects all begin with significant  
3 upfront discussion with local communities for us to  
4 provide information and education and also for us to  
5 receive feedback from those communities.

6 We believe that the current process  
7 establishes a really strong foundation for projects  
8 to move forward successfully in the development  
9 process into construction and operation. I also just  
10 want to add quickly or offer quickly that we believe  
11 OPSB's environmental review established in the  
12 current rules is extremely robust and is as all  
13 encompassing as we have seen in any state process.

14 So those are just my kind of quick  
15 remarks. I just wanted to say thanks for the  
16 opportunity to engage, and we look forward to  
17 participating in these workshops, further discussion,  
18 and review of the rules once they are circulated.

19 Thank you.

20 ALJ WILLIAMS: Thank you, Ms. Bangston.  
21 Thanks for your appearance today.

22 Our next presenter is Jason Rafeld.

23 MR. SCHMIDT: You've been promoted. If  
24 you can enable your audio and video.

25 ALJ WILLIAMS: Good afternoon,

1 Mr. Rafeld.

2 MR. RAFELD: Good afternoon,

3 Mr. Williams. Thank you.

4 ALJ WILLIAMS: Well, please proceed.

5 MR. RAFELD: Thank you very much.

6 Mr. Williams, OPSB Staff, and esteemed participants,  
7 thank you for the opportunity to address you on these  
8 important issues today. My name is Jason Rafeld, and  
9 I serve as the Executor Director of the Utility Scale  
10 Solar Energy Coalition of Ohio. Our organization  
11 represents the majority of large scale solar  
12 development in Ohio with 26 members primarily made up  
13 of developers.

14 I am here today to offer informal  
15 comments on the rules regarding solar energy  
16 development. Our organization intends to file  
17 written comments on this workshop at a later date.

18 As a state, we're exceptionally fortunate  
19 to have the opportunity to consider rules that will  
20 impact so many projects, businesses, communities, and  
21 individual families across our state. The solar  
22 development happening now has already brought an  
23 overwhelming array of benefits to a broad spectrum of  
24 Ohioans and Ohio businesses and there is more to  
25 come.



1           As a state, we are also fortunate to have  
2 a body such as the OPSB that can act as a  
3 professionally staffed clearinghouse of large energy  
4 projects and other important infrastructure. Our  
5 organization has supported the OPSB in many venues  
6 and will continue to do so.

7           Consistency in regulation and  
8 development, reliability, and a reasonable process  
9 are all benefits of having the OPSB. These benefits  
10 bring businesses -- bring business and drive  
11 opportunity and expansion throughout Ohio.

12           As asked by Mr. Williams, USSEC will  
13 offer general comments today on the questions posed  
14 in the order. As mentioned above, and more detailed  
15 written comments will be filed at a later time.

16           So to get right -- started here, question  
17 I, should electric and gas facilities rules be  
18 combined? Our comment is in a word no. The  
19 components of each application are vastly different  
20 and having a requirement separated provides  
21 applicants with a clear set of instructions specific  
22 to each type of project.

23           Either way the OPSB chooses to do this,  
24 the requirements should be set out in unambiguous  
25 terms about which requirements are for which

1 application.

2 Question J, what additional information,  
3 if any, should be included in a proposed project  
4 summary? USSEC believes the current rule is  
5 sufficient and does a good job of providing an  
6 at-a-glance understanding of the project without  
7 overwhelming with too much detail. However, if the  
8 Board preferred more information in the summary, a  
9 boundary map, the URL to the project web page, if  
10 any, and a point of contact for the project could be  
11 included.

12 Question K, what additional information,  
13 if any, should be included in the project description  
14 and project schedules that are currently required by  
15 the OAC? Comment, USSEC believes the current rule is  
16 sufficient and provides the OPSB with all the  
17 information you need to evaluate projects.

18 Designs currently submitted for solar  
19 farms show all of the components with a high degree  
20 of precision and finality. Preliminary layouts are  
21 intended by the applicants to remain substantially  
22 similar to the final design required to be submitted  
23 prior to construction. However, due to ongoing  
24 technological innovations, continued engineering and  
25 survey work, public feedback, and communications

1 during the certification process, the precise  
2 location of these features may be subject to change  
3 within the defined project area.

4           Importantly, utility-scale solar  
5 applications present preliminary site designs that  
6 fully depict the maximum extent of a proposed  
7 facility. This ensures that Staff and other  
8 stakeholders have a clear understanding of the  
9 maximum potential impact at the time of its  
10 preliminary design.

11           Question L in regard to a proposed  
12 electric transmission or gas pipeline, USSEC has no  
13 comment here. It just does appear to be for  
14 transmissional requirements specific to solar.

15           Question M, in regard to project siting,  
16 what information should an applicant file to support  
17 its consideration of public involvement as to the  
18 site or route selection process? This question  
19 appears to be geared largely towards transmission  
20 route selection. However, site selection for solar  
21 farms is largely dictated by its need of flat,  
22 previously disturbed land, proximity to transmission  
23 lines, clean interconnect to the grid, and the  
24 ability to lease land.

25           As you know, Ohio is a competitive state

1 for generation. As such, choices regarding site  
2 selection are highly competitive and often  
3 confidential until an applicant has enough  
4 information to reliably share project details with  
5 the public.

6 Additionally, and maybe most importantly,  
7 after extensive negotiations on Senate Bill 52, the  
8 legislature chose to express their desire for public  
9 involvement by adding a new requirement whereby  
10 developers must hold a public meeting to share their  
11 proposed project including type, size, nameplate  
12 capacity, and a map of geographic boundaries.

13 Developers must notice the county  
14 commissioners of each county and the township  
15 trustees of each township in which the project is  
16 located at least 90 days and not more than 300 days  
17 prior to applying for a certificate. This new  
18 legislative requirement strikes a balance between  
19 informing the public as soon as possible while  
20 respecting the iterative nature of the development  
21 process at this early stage.

22 Utility-scale solar applicants must  
23 undergo a lengthy investment, investigation,  
24 research, engineering, legal, and evaluation process  
25 by PJM before they even know if the potential project

1 is viable.

2 Public involvement prior to determination  
3 as to whether or not a project is possible from a  
4 technical perspective risks misinforming and  
5 misleading the local community; however, public  
6 involvement should begin as soon as is reasonable.  
7 Initial designs are commonly changed and updated due  
8 to local community involvement. As a result, USSEC  
9 believes the current rule is sufficient.

10 Question N, for all applications what  
11 information should an applicant file in the public  
12 docket in regard to public interaction and complaint  
13 resolution surrounding significant pre-construction  
14 and pre-operation project developments? USSEC is  
15 supportive of having significant activities related  
16 to public interaction and complaint resolution filed  
17 within the applicant's public docket. USSEC also  
18 sees no problem with providing high level public  
19 engagement and complaint resolution data at  
20 predetermined intervals such as during the compliance  
21 review and prior to public hearing.

22 I would note that we feel strongly that  
23 personal -- personal identifiable information should  
24 be protected as we have had instances where  
25 individuals were threatened from having their -- for

1 example, their home address released to the public  
2 and people encouraged to show up at that individual's  
3 home.

4 USSEC welcomes the opportunity to work  
5 with Board Staff to develop rules for reporting  
6 activities that are considered significant and what  
7 information should be included as part of that filing  
8 to assist the Board with their determination while  
9 still maintaining individual safety and competitive  
10 spirit.

11 Question O, consistent with Revised Code  
12 4906.221 and 4906.222, what information should a wind  
13 or solar facility applicant file regarding its  
14 decommissioning plans? USSEC supports transparency  
15 and consistency in developing sound decommissioning  
16 plans which provide assurances to the public, the  
17 OPSB, and USSEC members regarding expectations for  
18 the final stage of life for solar-generating  
19 facilities. Therefore, USSEC proposes that all new  
20 age solar-generation projects include clear and  
21 consistent standard stipulation language related to  
22 decommissioning requirements.

23 USSEC believes that the consistent use of  
24 decommissioning language will provide greater  
25 transparency to all stakeholders, ensure that the

1 OPSB Staff receives consistent detail from all  
2 developers, facilitate efficient planning, and allow  
3 streamlined implementation. We support the language  
4 on this subject in Senate Bill 52.

5 Question P, what information should an  
6 applicant file in regard to communications with local  
7 government contacts within a project area? Senate  
8 Bill 52 requires projects not otherwise grandfathered  
9 to hold a public meeting in each county where the  
10 project is located. Following this meeting the  
11 county commissioners may choose to restrict a project  
12 in a number of ways.

13 The practical effect of this provision is  
14 that applicant prior to proceeding to the OPSB will  
15 be required to have extensive and well documented  
16 interaction with local government.

17 Additionally, negotiation of critical  
18 issues such as road use agreements and pilot  
19 agreements require significant communication with  
20 local officials. All communications with local  
21 public officials are public record and are subject to  
22 open meetings requirements. For these reasons USSEC  
23 does not believe any additions are necessary.

24 Question Q, what information should an  
25 applicant file in support of its compliance with

1 environmental and aviation regulations? USSEC  
2 believes that the current regulations require the  
3 submission of more than adequate information about  
4 compliance with environmental and aviation  
5 requirements. Thus, nothing additional is required.

6 Question R, what information should an  
7 applicant file in regard to its planned management of  
8 noxious weeds, irrigation system mitigation, field  
9 drainage system mitigation, and stormwater runoff  
10 management? Noxious weeds, USSEC is open to a  
11 requirement that applicants submit a detailed plan  
12 for management of noxious weeds. Plans could include  
13 grazing, pollinator habitat, mowing, spraying, and  
14 seeding and planting to control and minimize noxious  
15 weed growth.

16 Irrigation system mitigation, if  
17 irrigation is present within the project area,  
18 applicants could be required to submit a plan to  
19 avoid damage to irrigation practices in the area and  
20 to repair any impacted irrigation systems in a timely  
21 manner.

22 Field drainage system mitigation, USSEC  
23 recommends that the applicant submit a plan both to  
24 reasonably identify potential field drainage systems  
25 and repair or replace any damaged drain systems in a



1 timely manner. The applicant should avoid, where  
2 possible, or minimize, to the extent practicable, any  
3 damage to functioning field tile drainage systems and  
4 soils resulting from the construction, operation, or  
5 maintenance of the facility. Damaged field tile  
6 systems should be promptly repaired or rerouted to at  
7 least original conditions or moderate equivalent at  
8 the applicant's expense.

9           However, if the affected landowner does  
10 agree to not having the damaged field tile system  
11 repaired, they may do so only if the field tile  
12 systems of adjacent landowners remain unaffected by  
13 the non-repair of the landowner's field tile system.

14           Stormwater runoff, the nature of solar  
15 farms is largely passive, and construction generally  
16 maintains permeable soil and vegetative cover. As a  
17 result, there should be little concern regarding an  
18 increase in stormwater runoff. However, if the Board  
19 desires more information on this, applicant could be  
20 required to provide professional studies on the  
21 possibility of changes to stormwater runoff that  
22 would affect neighboring lands.

23           If the Board desired, USSEC would support  
24 a requirement for general permit authorization for  
25 stormwater discharges construction associated with

1 construction activities from the Ohio EPA prior to  
2 construction.

3 Question S, what information should an  
4 applicant file in regard to its mitigation of  
5 communication system impacts? USSEC and its members  
6 are unaware of any impact photovoltaic solar  
7 installations have on communication systems. I  
8 believe this is largely geared towards wind  
9 development.

10 Question T, the Board is considering  
11 implementing a rule to address solar facilities.  
12 General areas for consideration include setbacks,  
13 landscape, design, perimeter fencing, and operational  
14 noise, what requirements should exist as to these  
15 issues.

16 Setbacks, USSEC remains open to  
17 discussion on any topic -- any topic in this  
18 workshop. However, during Senate Bill 52 the General  
19 Assembly chose not to include any specific setback  
20 language for solar. As such, we believe it may be  
21 outside the jurisdiction of the Board to add specific  
22 setback language in a rule.

23 Additionally, setbacks are generally  
24 decided through contractual agreements such as  
25 stipulations, lease agreements, and good neighbor

1 agreements on a case-by-case basis. That being said  
2 setbacks really are a matter of viewshed that really  
3 impact the immediate adjacent landowner and are  
4 different for every individual parcel and situation.  
5 As such, they should remain flexible to allow for the  
6 variety of situations presented in solar development.

7 On landscape, USSEC would support  
8 applicant to submit a landscape plan in consultation  
9 with a landscape architect licensed by the Ohio  
10 Landscape Architects Board.

11 On fencing, USSEC is open to a  
12 requirement that all projects use woven wire  
13 agricultural fence on wooden poles or some suitable  
14 alternative that complies with the National Electric  
15 Code rather than barbed wire.

16 On operational noise, solar farms produce  
17 very little operational noise and even less that  
18 could possibly be heard outside the project area.  
19 Developers also provide information regarding noise  
20 levels through a number of engineering studies. As  
21 such, USSEC believes creating a special rule is  
22 unnecessary.

23 And, finally, the Board is reviewing  
24 its -- question U, the Board is reviewing its fee  
25 procedures and consideration, implementing a monthly

1 rather than completely upfront payment mechanism.  
2 What information should the Board be considering  
3 regarding this issue? USSEC supports the current fee  
4 procedure of submitting the entire application fee  
5 upfront. An upfront fee is simply more streamlined  
6 and may create a barrier for entry for projects not  
7 sufficiently capitalized to complete responsible  
8 development. Monthly fees would also require  
9 additional billing and accounting procedures within  
10 the OPSB that could add to the already complex  
11 application analysis of the applications.

12 Thank you for the opportunity to comment  
13 on these important rules. This concludes my comments  
14 on behalf of the Utility Scale Solar Energy Coalition  
15 of Ohio.

16 ALJ WILLIAMS: Mr. Rafeld, thank you for  
17 your time this afternoon. I would, I guess, propose  
18 the same comment I had to Ms. Kurt earlier which is  
19 to the extent the Board considers requiring  
20 additional information at the outset of an  
21 application, obviously the Board is going to be  
22 dependent on industry to provide detailed comments as  
23 to what forms of additional information can  
24 reasonably be ripe as part of an application, what  
25 forms are more appropriately further down the design

1 phase, so I would just implore you to consider those  
2 details as you submit comments in this case.

3 MR. RAFELD: Thank you. We will do so.  
4 Appreciate the comment so much.

5 ALJ WILLIAMS: Thank you, Mr. Rafeld.

6 Our next presenter is Jamie Mears.

7 MR. SCHMIDT: You've been promoted. If  
8 you can enable your audio and video.

9 MS. MEARS: Hi. Can you hear me?

10 ALJ WILLIAMS: Yes, Ms. Mears.

11 MS. MEARS: Excellent. Thank you very  
12 much. I am going to get my camera set up here.

13 ALJ WILLIAMS: Okay.

14 MS. MEARS: Perfect. Good afternoon,  
15 Mr. Williams and members of the OPSB. My name Jamie  
16 Mears, and I am a project developer with Orsted  
17 Onshore North America. Thank you for the opportunity  
18 to offer comments to OPSB's five-year rulemaking  
19 process.

20 Orsted is a global utility-scale  
21 renewable energy company with over 1-1/2 gigawatts of  
22 operational wind and solar capacity in the U.S. We  
23 are committed to responsible development that  
24 generates clean, affordable electricity and helps  
25 diversify local economies while supporting local

1 development.

2           Recently our company made a commitment to  
3 all future renewable projects will have a net  
4 positive impact on local biodiversity. This means  
5 that we plan to practically plant native and  
6 pollinator-friendly vegetation that will support the  
7 maintenance of healthy ecosystems in a project  
8 community.

9           We are also deeply committed to not only  
10 serving as experienced, knowledgeable developers but  
11 also trusted partners in the communities in which we  
12 work. We have partnered with and supported local  
13 community organizations, STEM curricular development  
14 in local school districts, and local sports teams in  
15 the past and ongoing projects.

16           Early and ongoing engagement with the  
17 members of our project communities is a core element  
18 of our development philosophy at Orsted. At Orsted  
19 we are generally supportive of the current rule in  
20 the areas in which OPSB is seeking input. Orsted is  
21 aligned with the comments Jason previously shared  
22 that will be submitted by USSEC of which we are a  
23 member.

24           We look forward to working with the OPSB,  
25 local officials, community members, and other key

1 stakeholders throughout the process to provide  
2 industry input and feedback on the benefits,  
3 drawbacks, and potential impacts of OPSB rules and  
4 decisions related to energy development in Ohio.

5 We support the rulemaking process that  
6 provides clear guidance for energy development while  
7 also maintaining flexibility consider -- to consider  
8 unique aspects of each project on a case-by-case  
9 basis.

10 Thank you again for the opportunity to  
11 offer our comments during today's workshop. We look  
12 forward to serving as an industry partner and engaged  
13 participant throughout this process.

14 ALJ WILLIAMS: Ms. Mears, thank you for  
15 your time and comments this afternoon. Have a good  
16 afternoon.

17 MS. MEARS: Appreciate it.

18 ALJ WILLIAMS: Our next commenter is  
19 Douglas Herling.

20 MR. SCHMIDT: You've been promoted. If  
21 you can enable your audio and video.

22 ALJ WILLIAMS: Good afternoon,  
23 Mr. Herling.

24 MR. HERLING: Good afternoon, your Honor.

25 ALJ WILLIAMS: Please proceed when you

1 are ready.

2 MR. HERLING: Great. Thank you -- thank  
3 you for the opportunity to provide input on these  
4 rules today. Again, my name is Doug Herling, Vice  
5 President of Open Road Renewables. In this role I  
6 have been charged with leading the development of  
7 utility-scale solar projects in Ohio for the last  
8 five years.

9 From this advantage point I have had a  
10 front row seat to OPSB's fair and balanced review  
11 process of renewable energy projects, and I've  
12 witnessed the ample opportunity for input in this  
13 process. The process has certainly evolved  
14 considerably from our first solar facility  
15 application in 2017 through five others to today.  
16 And we appreciate these -- these efforts that we are  
17 undergoing now to provide greater clarity regarding  
18 Staff's expectations for future application reviews.

19 Previous commenters have already covered  
20 many important aspects of the process, and I  
21 certainly echo Jason Rafeld's remarks along with my  
22 other colleagues. But I would like to provide some  
23 additional inputs, specifically regarding three  
24 aspects of the process.

25 With regard to communication



1 infrastructure, Open Road believes that with respect  
2 to solar facilities the current regulations do -- do  
3 require the submission of more than adequate  
4 information about communication system impacts. The  
5 Board's existing rules require confidential  
6 information on this subject, and specifically the  
7 rules require the applicant to evaluate and describe  
8 potential for the facility to -- to interfere with  
9 radio and T.V. reception, radar systems, microwave  
10 communication, on and on.

11           And given the low profile of solar and  
12 the production of only routine levels of  
13 electromagnetic forces which are ubiquitous in modern  
14 society, utility-scale solar facilities have  
15 essentially no potential to create any such  
16 interference in the locations where we are typically  
17 proposing these projects.

18           Some of my other colleagues have touched  
19 on these next two points, but I don't think I am  
20 being too -- too duplicative here. But I did want to  
21 comment on final engineering and manufacture of  
22 information specifically. When OPSB receives an  
23 application from a developer, that application is for  
24 a proposed utility-scale solar generation facility.  
25 Proposed is the key operative here. The application

1 contains a massive amount of data generated by field  
2 studies, desktop analysis, prelim engineering,  
3 transmission studies, and more.

4           However, from the time this work begins,  
5 typically 9 to 12 months prior to that application  
6 submittal all the way to certification, the project  
7 meets requirements and is approved by the Siting  
8 Board in another 9 to 12 months, that's  
9 one-and-a-half to two years that may have elapsed  
10 since the project really kind of began working on  
11 that application. And the time can be twice that if  
12 the case is contested.

13           So major investment in final engineering  
14 and procurement would then begin in earnest once the  
15 certificate is in hand and not appealable.  
16 Finalizing engineering and procurement decisions  
17 earlier is often impossible due to product evolution  
18 and manufacture lead time requirements. We  
19 understand the OPSB's desire to gather as much  
20 information as early as possible.

21           That said emphasis on providing specific  
22 manufacturers or even models, key facility components  
23 at the application stage is unnecessary given the  
24 similarities in component design, function, and  
25 operation. With generic or illustrative information,

1 the Staff can still feel confident that project  
2 impacts are actually accounted for and that the  
3 guardrails are in place to ensure a minimally  
4 impactful project here during construction and  
5 decommissioning of the project.

6 In a similar vein, over the last five  
7 years I've witnessed a marked shift from quote  
8 certificates to true certificate compliance with OPSB  
9 rules. Archeological phase I, the field work and  
10 reporting preferably occurred pre-construction and  
11 was informed by final design. Conducting an  
12 archeological phase I prior to certification or prior  
13 to application filing even puts an unnecessary burden  
14 on the project and especially on participating  
15 landowners.

16 The field season for archeology is  
17 unpredictable, often quite short even when a crop  
18 comes off early in October, like for many folks this  
19 year, field work usually must wait until all project  
20 acreage is in surveyable condition. This typically  
21 requires farmers to disk their fields multiple times  
22 in order to provide surface -- surface visibility for  
23 field work. For many farmers in Ohio it's fair to  
24 note no till farming practices first came -- sets  
25 them back years in terms of soil health, carbon

1 content, and erosion control.

2 While we've not systematically gathered  
3 data on this, we believe the archeological field work  
4 is generally going to find very few important or high  
5 value resources considering the very large areas,  
6 often hundreds of thousands of acres that have been  
7 systematically surveyed. It is not surprising that  
8 most of these areas have been previously disturbed  
9 for hundreds of years.

10 There is a better way. But a phase I  
11 work plan and the Ohio Historic Preservation Office  
12 approval of the work plan represents a rigorous  
13 desktop research program and NGS modeling efforts to  
14 identify high probability areas for archeological  
15 sites paired with a programmatic agreement, OPSB has  
16 the information and assurances necessary to review  
17 the solar project application.

18 Work plan -- a work plan dictates how the  
19 work will be done and the programmatic agreement, or  
20 PA, spells out how the project will work with OPO,  
21 insight is found in the phase I-B investigation. It  
22 cites can be readily avoided with community setbacks  
23 and impacts mitigated through established memorandum  
24 of understanding process with OPO.

25 Again, I thank you for the opportunity to

1 provide comment today. Look forward to taking part  
2 in the ongoing rulemaking process once the rules are  
3 available for review. Thank you again. Have a good  
4 day.

5 ALJ WILLIAMS: Thank you, Mr. Herling. I  
6 appreciate your time.

7 Our next presenter is Shanelle Montana.

8 MR. SCHMIDT: You've been promoted. If  
9 you can enable your audio and video.

10 MS. MONTANA: Hello. Good afternoon.

11 ALJ WILLIAMS: We can hear you and see  
12 you loud and clear.

13 MS. MONTANA: Great. My name is Shanelle  
14 Montana, and I am the Director of Development for  
15 Lightsource BP. Thank you, Mr. Williams and OPSB,  
16 for opening this opportunity for comment on the  
17 rulemaking.

18 A lot of my colleagues have said many of  
19 what I originally was going to speak about, so I will  
20 keep this fairly brief. But one thing that keeps  
21 resonating when reviewing this rulemaking and the  
22 questions asked is the fact that Ohio isn't in a  
23 bubble. Ohio is a marketplace for renewable energy  
24 and other energy generation that is indeed regional.

25 And one of the things that I wanted to

1 discuss today is the fact that the timeline is quite  
2 long, and when we are looking at a potential  
3 investment location, we are looking at a number of  
4 factors, and we are comparing them not only to other  
5 sites in Ohio but to sites in Indiana, cites to  
6 Pennsylvania where our customers are oftentimes very  
7 similar.

8           This long development time often has a  
9 very tight budget as well, and those budgets are  
10 getting tighter and tighter as the renewable energy  
11 industry, particularly the solar industry, is growing  
12 and becoming much more competitive with new entrants  
13 into the marketplace and a demand that is continuing  
14 to increase.

15           As you are going through the rulemaking  
16 process, I think it's important to really look at the  
17 clarity and certainty that's being provided to the  
18 development community so that we can indeed construct  
19 these projects in the most efficient and effective  
20 way possible and also, you know, really being  
21 regulatory headaches not only in timing for your  
22 Staff but also for us, and we can make sure that we  
23 are maintaining the studies and information that is  
24 being requested.

25           As my colleague before mentioned, these

1 timelines can be quite long, and so the information  
2 we're presenting when we are actually submitting the  
3 application, you know, could be a year prior to when  
4 we are reviewing it and in a hearing process. And a  
5 lot can change in engineering or other pieces of the  
6 project and so really having those expectations  
7 upfront gives us that opportunity to craft the best  
8 project that we can.

9 Changing regulatory standards and moving  
10 goal posts halfway provide that uncertainty to  
11 developers and to the project that really not only  
12 can increase costs for the project which then  
13 eventually go down to ratepayers, but it also just  
14 creates longer headaches and timelines both for  
15 developers and OPSB Staff, and the streamlining of  
16 all of these regulations in the process in making  
17 sure things are clear and concise upfront, I think,  
18 will help to alleviate that headache for both  
19 parties.

20 As we look forward, again, I am not going  
21 to get into the details, many of my colleagues have  
22 done that quite well, and I know a number of written  
23 comments are coming in, but I think taking that broad  
24 regional lens is very important. This is a very  
25 competitive marketplace and regulation is not bad.

1 Nobody is going to say that, but it needs to be done  
2 on a fair and balanced way recognizing that these  
3 projects are competing in a region. They are  
4 competing not only nationally but regionally, and if  
5 Ohio is going to maintain a very highly regulated  
6 state which, as it has been pointed out today, Ohio  
7 is exceptionally regulated with energy generation,  
8 you know, I think there needs to be an understanding  
9 of the impact that will make on the marketplace and  
10 then the further economic development it will have in  
11 Ohio and what these projects have the potential to do  
12 for economic development.

13 We need to strike a fair and balanced  
14 approach to the rulemaking so that all parties can  
15 make the best decisions for their projects, and we  
16 can continue to see the type of economic development  
17 that we've seen thus far with renewable energy.

18 Thank you so much, Mr. Williams, and to  
19 all of your Staff.

20 ALJ WILLIAMS: Thank you for your time,  
21 Ms. Montana. We will take your comments under  
22 advisement.

23 Our next presenter is Elizabeth Harsh.

24 MR. SCHMIDT: You've been promoted. If  
25 you can enable your audio and video.



1 ALJ WILLIAMS: Ms. Harsh?

2 MS. HARSH: There we are.

3 ALJ WILLIAMS: All right. I hear you.

4 MS. HARSH: And it may not cooperate with  
5 me to get my camera going. I apologize. Is that a  
6 problem?

7 ALJ WILLIAMS: It is not a problem for a  
8 workshop of this nature so please proceed just via  
9 audio if you are comfortable.

10 MS. HARSH: I apologize for that. I  
11 thought I had everything set. But good afternoon.

12 ALJ WILLIAMS: Good afternoon.

13 MS. HARSH: I would like to thank the  
14 Ohio Power Siting Board Staff and Administrative Law  
15 Judge Mr. Williams for this opportunity to  
16 participate in the OPSB rule workshop. My name is  
17 Elizabeth Harsh. And I am the Executive Director of  
18 the Ohio Cattlemen's Association and also part of a  
19 family farm in Delaware County.

20 My comments are not specific to questions  
21 but rather more general statements. The Ohio  
22 Cattlemen's Association is a membership organization  
23 that represents the business interest important to  
24 farm families throughout Ohio that raise cattle. It  
25 serves as the board of the state's beef cattle

1 business. OCA's mission is to maintain profitability  
2 and growth of Ohio's beef industry while providing  
3 consumers with safe and wholesome beef. Ohio's  
4 cattle farmers raise approximately 307,000 beef cows  
5 with a total value of cattle and calves at  
6 1.45 billion. Perhaps even more important,  
7 agricultural is the state's No. 1 industry  
8 contributing nearly 124 billion annually to the Ohio  
9 economy with over 40 percent of the sales from  
10 livestock and poultry farms.

11 Some of the economic contributions of our  
12 individual industry in Ohio are as follows: We have  
13 many farmers participating in utility-scale solar  
14 projects and many who have been working and planning  
15 on these projects for years. A farmer's property and  
16 farming assets are a critical part of their financial  
17 stability, retirement, and estate planning. Our  
18 farmers are feeding the world, and now many are  
19 supplying the energy for our communities, family, and  
20 businesses.

21 The Ohio Cattlemen's Association, along  
22 with the Ohio Farm Bureau and Ohio's beef, dairy,  
23 pork, and poultry farmers, strongly oppose Senate  
24 Bill 52 and strongly support the personal property  
25 rights of our farmers.

1           Many farmers often lease portions of the  
2 land to solar and wind developers using these  
3 payments to supplement income which helps farmers  
4 with the year-to-year turbulence in the agricultural  
5 commodity markets. The stable incomes enable farmers  
6 to better plan for equipment purchases, expansion of  
7 operations, and keep their land in agricultural use  
8 as opposed to leasing land to commercial or  
9 residential developers.

10           Utility-scale solar development is  
11 feeding into the economic viability of our farm  
12 families in rural communities. The tax and pilot  
13 payments to the counties, townships, and schools is  
14 significant. We trust the rigorous OPSB process and  
15 know that the current process allows for public  
16 involvement and input, ability to make changes to the  
17 project footprint based on feedback, and involves  
18 dozens of studies, reports, and technical analysis.

19           I ask that you not add any additional  
20 regulations that were not addressed in Senate Bill  
21 52. Despite our opposition the legislature spent a  
22 good deal of time and deliberation to settle on the  
23 components of Senate Bill 52. The legislature also  
24 very clearly grandfathered in all current active  
25 projects.

1 I thank you for this opportunity to  
2 participate today, and we look forward to remaining  
3 engaged to ensure that farmer and landowner rights  
4 are protected. Thank you.

5 ALJ WILLIAMS: Ms. Harsh, thank you for  
6 your appearance and comments here today.

7 Our last potential commenter is John  
8 Wygonski. Mr. Wygonski, I know you indicated you  
9 were tentative so if you would come on with us and  
10 let us know if you intend to make comments.

11 MR. SCHMIDT: You've been promoted. If  
12 you can enable your audio and video.

13 MR. WYGONESKI: Hi. Thank you, your  
14 Honor. I do not have any comments to add at this  
15 time but thank you for reserving that spot for me.

16 ALJ WILLIAMS: Okay, Mr. Wygonski. Thank  
17 you for coming on and clarifying that.

18 So with that I don't have anybody else  
19 preregistered to testify here today. In closing I do  
20 want to emphasize that the Board appreciates all  
21 those who took the time to present or to watch today.

22 The Board's consideration of these rules  
23 is a large undertaking and impacts many stakeholders  
24 within the industry and within the general public.  
25 The Board values the input that it receives in this

1 pursuit.

2 As for next steps, I want to remind  
3 everyone, first of all, we do have our third and  
4 final virtual workshop this Friday morning at 9:30.  
5 Registration details are available on the OPSB  
6 website. After that, I want to remind everyone that  
7 the next step in this case will be to open the case  
8 for further formal comments pursuant to an upcoming  
9 entry. I would ask everyone to please continue to  
10 follow the docket, Case No. 21-902-GE-BRO, in this  
11 case as to the opening of that comment period. The  
12 Board encourages all to participate further in  
13 consideration of the process through the formal  
14 comment phase of the case.

15 With that I will conclude today's  
16 workshop, and we are adjourned. Thank you, everyone.

17 (Thereupon, at 2:32 p.m., the hearing was  
18 adjourned.)

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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-7160)

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

**Commission of Ohio Docketing Information System on**

**10/18/2021 10:06:25 AM**

**in**

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

Summary: Transcript Afternoon 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.